How Long a Truck Accident Claim Takes, Stage by Stage

A truck accident claim moves through stages that can take months or years. Some deadlines belong to the trucking company, such as how long it has to keep certain records, while others belong to the injured person, such as the statute of limitations. A truck accident attorney can explain where a given claim sits in this sequence, though no two claims follow the same path.

The first hours and days

Medical care comes first, and the records created that day often become important evidence. Police write a crash report, which usually identifies the vehicles, the drivers and their insurers along with the officer's observations. Under 49 CFR 382.303, the employer must test its surviving driver for alcohol and controlled substances after certain crashes, including any crash involving a death. If the alcohol test is not given within 2 hours, the reason must be documented, and attempts stop after 8 hours. Attempts at the controlled substances test stop after 32 hours.

The first weeks

Federal rules set minimum retention periods for many trucking records, and some of them are short. Driver vehicle inspection reports must be kept for 3 months under 49 CFR 396.11, and records of duty status and supporting documents for 6 months under 49 CFR 395.8. Maintenance records are kept for 1 year under 49 CFR 396.3, and the accident register covers 3 years under 49 CFR 390.15. That is why a truck accident lawyer often sends a preservation letter early. A retention period is a floor for routine recordkeeping, and it does not settle whether records must be kept once a claim is foreseeable.

Treatment and investigation

While the injured person treats, the claim is investigated. Investigators may inspect the truck, download the engine control module (ECM) and electronic logging device (ELD) data, and interview witnesses. An accident reconstructionist may be retained to analyze scene measurements and the electronic data. Many claims are not valued until the injured person reaches maximum medical improvement, meaning the point when doctors can describe the long-term outlook. A commercial truck accident lawyer then puts together a demand package containing medical records and bills, plus wage loss documents.

Lawsuit and discovery

The insurer may accept the demand, reject it or make a counteroffer. If negotiations stall, the next step is usually a lawsuit, which has to be filed **georgia truck accident lawyer** before the statute of limitations expires. Every state sets its own deadline. Many states allow two or three years for personal injury claims, while claims against government bodies may require written notice much sooner. An 18-wheeler accident attorney tracks the filing deadline from the start.

Once suit is filed, the case moves into discovery: written interrogatories, requests for documents such as the driver qualification file and dispatch records, and depositions of the driver, company safety personnel and other witnesses. Many courts order mediation before trial, and most cases resolve by settlement rather than verdict. If a **atlanta truck accident lawyer** case is tried, an appeal can add more time.

When the claim resolves

A settlement usually requires signing a release. Before funds are distributed, liens from health plans, Medicare or Medicaid may need to be resolved, and a contingency fee agreement governs the lawyer's fee and expenses. A truck accident attorney typically provides a written closing statement showing how the money was divided. This is general information and not legal advice, and no article can predict how long a given claim will take.