How Long an 18-Wheeler Crash 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 lawyer can explain where https://truckaccidentlawyer.wiki/topics/claims-lawsuits-and-fees/ a particular claim stands in this sequence, although every claim is different.

Right after the crash

Emergency care comes first, and the medical records from 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 every 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 to give the controlled substances test end at 32 hours.

Preserving records in the first weeks

Federal regulations set minimum retention periods for many trucking records, and some 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, while the accident register covers 3 years under 49 CFR 390.15. For that reason, an 18-wheeler accident lawyer will often send a preservation letter early. A retention period sets a floor for routine recordkeeping, and it does not decide whether records must be kept once a claim is foreseeable.

Investigation and treatment

While medical treatment continues, the claim is investigated. Investigators may inspect the truck, download the engine control module (ECM) and electronic logging device (ELD) data, and interview witnesses. A reconstruction engineer may be retained to analyze the scene 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 truck crash attorney then prepares a demand package with the medical records and bills along with wage loss documents.

Lawsuit and discovery

The insurance adjuster may accept, reject or counter the demand. If negotiations stall, the next step is usually a lawsuit, which must be filed before the statute of limitations runs. Each state sets its own deadline. Many allow two or three years for personal injury, and claims against government bodies can require written notice much sooner. A truck crash lawyer watches the filing deadline from the start.

After filing, the case enters discovery: written interrogatories, requests for documents ***truck accident lawyer*** 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 end in a settlement rather than a verdict. If a case is tried, an appeal can add more time.

Settlement and closing

Settling a claim usually means 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 tractor-trailer crash lawyer should provide a written closing statement showing how the money was divided. This timeline is general information, not legal advice, and it cannot predict how long a particular claim will take.