The Timeline of a Semi-Truck Crash Claim

Truck accident claims move through stages that may take months or even 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 a particular claim stands in this sequence, though no two claims follow the same path.

The first days

Emergency care comes first, and the records created that day often become important evidence. The responding officers prepare a crash report, which typically records the drivers, the vehicles and their insurers along with the officer's observations. Under 49 CFR 382.303, the trucking company must test its surviving driver for alcohol and controlled substances after certain crashes, including any truck accident lawyers 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.

The first weeks and the records

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, while 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 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, truckaccidentlawyers.wiki 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. Claims are often not valued until the injured person reaches maximum medical improvement, the point at which doctors can describe the long-term outlook. A commercial truck accident lawyer then puts together a demand package with the medical records and bills along with 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 before the statute of limitations expires. Each state sets its own deadline. Many states allow two or three years for personal injury claims, and claims against government bodies can 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 the case goes to trial, an appeal can add more time.

Settlement and closing

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 should provide a written closing statement showing how the money was divided. This is general information and not legal advice, and it cannot predict how long a particular claim will take.