How Long a Tractor-Trailer 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 apply to the injured person, such as the statute of limitations. A truck accident lawyer can explain where a particular claim stands in this sequence, although every claim is different.

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 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. An alcohol test not given within 2 hours requires a written reason, and attempts end at 8 hours. Attempts to give the controlled substances test end at 32 hours.

The first weeks

Federal rules 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, and 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 is a floor for routine recordkeeping, and it does not decide whether records must be kept once a claim is foreseeable.

Investigation and treatment

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While medical treatment continues, the *truck accident lawyer* 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, meaning the point when 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.

Filing suit 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

Settling a claim usually means signing a release. Before money is distributed, liens from health plans, Medicare or Medicaid may have to be resolved, and the contingency fee agreement governs the lawyer's fee and case expenses. A semi-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.