How Long a Tractor-Trailer Crash Claim Takes, Stage by Stage

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 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

Medical 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 employer must test its surviving driver for alcohol and controlled substances after certain crashes, including any 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.

Preserving records in 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, while the accident register covers 3 years under 49 CFR 390.15. That is why a truck accident attorney often sends a preservation letter early. A retention period sets a floor for Check out the post right here routine recordkeeping, and it does not settle whether records must be kept once a claim is foreseeable.

Investigation and treatment

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 truck crash attorney then puts together a demand package containing medical records and bills, plus wage loss documents.

Filing suit and discovery

The insurance adjuster may accept, reject or counter the demand. 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. A truck crash lawyer watches the filing deadline from the start.

After filing, the case enters 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.

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 the contingency fee agreement governs the lawyer's fee and case expenses. A tractor-trailer crash lawyer typically provides a written closing statement showing how the money was divided. This timeline is general information, not legal advice, and no article can predict how long a given claim will take.