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 periods apply to the trucking company, such as how long it must 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, 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. 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 trucking company 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 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 decide whether records must be kept once a claim is foreseeable.

Treatment and investigation

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 *Truck Accident Lawyer Wiki* retained to analyze the scene 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 prepares a demand package with the medical records and bills along with wage loss documents.

If the claim does not settle

The insurance adjuster may accept, reject or counter the demand. If the claim does not resolve, the next step is usually a lawsuit, which must be filed before the statute of limitations runs. Each 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 require 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 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 truck accident attorney typically provides 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.