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, although every claim is different.

The first hours and days

Medical care comes first, and the medical records from 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 every crash involving a death. If the alcohol test is not given within 2 hours, the truck accident lawyer reason must be documented, and attempts stop after 8 hours. Attempts at the controlled substances test stop after 32 hours.

The first weeks and the records

Federal regulations 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 attorney often sends a preservation letter early. A retention period sets a floor for routine recordkeeping, and it does not settle whether records must be kept once a claim is foreseeable.

The months of treatment and investigation

While medical treatment continues, the claim is investigated. The investigation may include inspecting the truck, downloading the engine control module (ECM) and electronic logging device (ELD) data, and interviewing witnesses. commercial truck accident A reconstruction engineer may be retained to analyze the scene 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 truck crash attorney then prepares a demand package with the medical records and bills along with wage loss documents.

If the claim does not settle

The insurer may accept the demand, reject it or make a counteroffer. If the claim does not resolve, 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, while claims against government bodies may require written notice much sooner. An 18-wheeler accident attorney tracks 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 a case is tried, an appeal can add more time.

Resolution and payment

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 it cannot predict how long a particular claim will take.