Tractor-Trailer Crash Claim Timeline: From the Crash to Settlement

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 truckaccidentlawyer.wiki certain records, while others belong to the injured person, such as the statute of limitations. A truck accident attorney can explain where a given claim sits in this sequence, although every claim is different.

Right after the crash

Emergency care comes first, and the medical records from that day often become important evidence. Police write 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 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 at the controlled substances test stop after 32 hours.

Preserving records in the first weeks

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, 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 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 the injured person treats, the investigation continues on the legal side. 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, 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.

If the claim does not settle

The insurance adjuster may accept, reject or counter the demand. If the claim *truck accident lawyer* 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 allow two or three years for personal injury, 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 require mediation before trial, and most cases resolve by settlement rather than verdict. If a case is tried, an appeal can add more time.

When the claim resolves

A settlement usually requires signing a release. Before money is distributed, liens from health plans, Medicare or Medicaid may have to be resolved, and a contingency fee agreement governs the lawyer's fee and 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.