Truck Accident Claim Timeline: From the Crash to Settlement

Truck accident claims move through stages that may take months or even 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 attorney can explain where a given claim sits in this sequence, though no two claims follow the same path.

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 employer must test its atlantatruckaccidentlawyers.wiki 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 reason must be documented, and attempts stop after 8 hours. Attempts to give the controlled substances test end at 32 hours.

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. 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 settle whether records must be kept once a claim is foreseeable.

Investigation and treatment

While medical treatment continues, the investigation continues on the legal side. The investigation may include inspecting the truck, downloading the engine control module (ECM) and electronic logging device (ELD) data, and interviewing witnesses. 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, 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 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 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 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.