The Timeline of a Semi-Truck Crash Claim

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, although every claim is different.

The first hours and days

Medical care comes first, and the records created 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 surviving driver for alcohol and controlled substances after certain crashes, including every 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.

The first weeks

Federal regulations 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. 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.

The months of treatment and investigation

While medical truckaccidentlawyers.wiki 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. 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 with the medical records and bills along with wage loss documents.

Lawsuit and discovery

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 must be filed before the statute of limitations runs. Every 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. A truck crash lawyer watches 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.

Resolution and payment

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 semi-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.