The Timeline of a Semi-Truck Crash Claim

Truck accident claims move through stages that may take months or even years. Some deadlines belong to the trucking company, such as how long it has to keep 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, 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 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.

The first weeks and the records

Federal rules 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, 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 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. An accident reconstructionist may be retained to analyze scene measurements 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 truckaccidentlawyer.wiki with the medical records and bills along with 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, and claims against government bodies can 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 order mediation before trial, and most cases end in a settlement rather than a verdict. If the case goes to trial, an appeal can add more time.

Settlement and closing

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 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.