The Timeline of a Tractor-Trailer 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 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, 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 usually identifies the vehicles, the drivers 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 any crash involving a death. An alcohol test not given within 2 hours requires a written reason, and attempts end at 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 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 the injured person treats, 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. 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 accident lawyer then puts together a demand package 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 https://truckaccidentlawyers.wiki/guides/comparing-truck-accident-attorneys/ sets its own deadline. Many allow two or three years for personal injury, and claims against government bodies can require written notice much sooner. A truck crash lawyer watches 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 truck accident lawyers 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 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 no article can predict how long a given claim will take.