Truck Accident Claim Timeline: From the Crash to Settlement

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 attorney can explain where a given claim sits in this sequence, although every claim is different.

The first days

Medical 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 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 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. That is why a truck accident attorney 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. 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. 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 containing medical records and bills, plus wage loss documents.

Filing suit and discovery

The insurer may accept the demand, reject it or make a counteroffer. If negotiations stall, the next step is usually a lawsuit, which must be filed before the statute of limitations runs. Every 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 order 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 *Truck Accident Lawyer Wiki* 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.