How Long an 18-Wheeler Crash Claim Takes, Stage by Stage

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 belong to the injured person, such as the statute of limitations. A truck accident lawyer can explain where a particular claim stands in this sequence, although every claim is different.

The first hours and days

Emergency care comes first, and the records created 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 trucking company 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. **truckaccidentlawyers.wiki** Attempts at the controlled substances **truck accident lawyers** test stop after 32 hours.

The first weeks and the records

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 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 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. Many claims are not valued until the injured person reaches maximum medical improvement, the point at which doctors can describe the long-term outlook. A commercial truck accident lawyer then prepares a demand package containing medical records and bills, plus wage loss documents.

If the claim does not settle

The insurer may accept the demand, reject it or make a counteroffer. If negotiations stall, 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. 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 by settlement rather than verdict. If the case goes to trial, an appeal can add more time.

When the claim resolves

Settling a claim usually means 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 truck accident attorney should provide a written closing statement showing how the money was divided. This timeline is general information, not legal advice, and it cannot predict how long a particular claim will take.