How Long a Truck Accident Claim Takes, Stage by Stage

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, 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 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 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

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, 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 decide whether records must be kept once a claim is foreseeable.

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. A reconstruction engineer may be retained to analyze the scene 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 prepares 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. Every state sets its own deadline. Many states allow two or three years for personal injury commercial truck accident claims, 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

Settling a claim usually means signing a release. Before funds are distributed, liens from health plans, Medicare or Medicaid may need to be resolved, and a contingency fee agreement governs the lawyer's fee and expenses. A tractor-trailer crash lawyer should provide 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.