TRUCK CRASH CASES ARE WON OR LOST ON EVIDENCE. MUCH OF IT CAN DISAPPEAR.

TRUCK CRASH EVIDENCE CHECKLIST

(206) 206-6000

AT THE SCENE, IF YOU SAFELY CAN

- ☐ Call 911 and get medical care. Your health comes first.
- ☐ Photograph the truck and trailer: cab doors, company name, USDOT number, plates, trailer number.
- ☐ Photograph the damage, the scene, skid marks, signals, signs, road work and the cargo.
- ☐ Write down the driver's name, license, employer and insurance. The truck company may differ from the trailer owner.
- ☐ Get names and phone numbers of witnesses, including other truck drivers who stopped.
- ☐ Ask the officer for the report number. Note the agency (WSP, county sheriff or city police).
- ☐ Do not give a recorded statement to the trucking company or its insurer before you get advice.
- ☐ Note any nearby businesses or homes with cameras. Their video is often overwritten within days.

WHAT THE TRUCKING COMPANY KEEPS, AND FOR HOW LONG

Federal rules for interstate motor carriers set **minimum** periods for keeping records. After that, a company may lawfully discard them, which is why a written demand to preserve evidence should go out quickly.

Record	Minimum time it must be kept	Federal rule
Driver vehicle inspection reports and repair certifications	3 months from the report	49 CFR 396.11
Hours-of-service logs (ELD records) and supporting documents	6 months from receipt	49 CFR 395.8(k)
Vehicle inspection, repair and maintenance records	1 year, and 6 months after the truck leaves the carrier's control	49 CFR 396.3(c)
Accident register for each crash	3 years from the crash	49 CFR 390.15(b)
Driver qualification file (license, medical card, driving record)	During employment plus 3 years	49 CFR 391.51(c)
Post-crash alcohol and drug tests (when required)	Testing window closes 8 hours (alcohol) and 32 hours (drugs) after the crash	49 CFR 382.303

OTHER EVIDENCE THAT CAN BE LOST

- **Engine and safety system data.** Many trucks record speed, braking and throttle before a crash. Repairs or resale can overwrite it.
- **Dashcam and in-cab video.** Fleet cameras often keep footage only for a short time unless it is saved.
- **GPS and dispatch messages.** Show the route, the schedule pressure and communication with the driver.
- **The truck and trailer.** Brakes, tires, lights and load securement are physical evidence. Ask that they not be repaired or sold before inspection.

Why call a lawyer early? A lawyer can send the carrier a written demand to preserve evidence, request the records above before the minimum periods run, and arrange an inspection of the truck. Oshan & Associates, P.C. offers a free, confidential consultation, and you pay no attorney fee unless we recover. **(206) 206-6000**

General information, not legal advice for a specific case. Oshan & Associates, P.C. | oshanandassociates.com | Licensed in Washington and New York.

FILL THIS IN AT THE SCENE OR AS SOON AS YOU CAN

TRUCK CRASH INFORMATION

(206) 206-6000

THE CRASH

DATE AND TIME

LOCATION (ROAD, MILEPOST, DIRECTION)

WEATHER AND ROAD CONDITIONS

POLICE AGENCY AND REPORT NUMBER

THE TRUCK

TRUCKING COMPANY NAME

USDOT NUMBER (ON THE CAB DOOR)

TRUCK PLATE AND STATE

TRAILER NUMBER AND PLATE

TRAILER OWNER, IF DIFFERENT

CARGO OR LOAD

THE DRIVER

DRIVER NAME

PHONE

COMMERCIAL LICENSE NUMBER AND STATE

INSURANCE COMPANY AND POLICY NUMBER

WITNESSES

NAME AND PHONE

NAME AND PHONE

NAME AND PHONE

NAME AND PHONE

CAMERAS NEARBY

BUSINESS OR HOME WITH A CAMERA

BUSINESS OR HOME WITH A CAMERA

SKETCH OF THE CRASH

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