

What an aviation accident lawyer inherits: an investigation already under way

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What happens after an aircraft accident, and what does it mean for a claim?

A federal investigation begins on its own. The operator must notify the NTSB immediately by the fastest means available, must preserve the wreckage, recorders and maintenance records until the Board takes custody, and must file a report within ten days. Treaty limits decide what an aviation accident lawyer can argue on international carriage.

What the Board requires the moment an aircraft comes down

The operator calls the nearest Board office; it is not a form filed later.

49 C.F.R. § 830.5

The window runs from the first person boarding meaning to fly until the last has left.

49 C.F.R. § 830.2

Most fractures, severe bleeding or nerve damage, any internal organ, and larger burns.

49 C.F.R. § 830.2

Covers the recorders and the maintenance records, not only the airframe.

49 C.F.R. § 830.10

Filed on the Board's own form; an overdue aircraft still missing gets seven.

49 C.F.R. § 830.15

One broad rule that reaches conduct no specific regulation happens to name.

14 C.F.R. § 91.13(a)

On international carriage the carrier cannot contest that amount, and above it must disprove fault.

Montreal Convention 1999, Article 21, as revised under Article 24

Aviation accident rules, checked 2026-09-11 by second-pass check agent, independent of the author.

Who answers, from the flight deck to the factory

Air crashes rarely have one cause and rarely have one defendant. The operator, the maintenance organization, the component manufacturer, the airframe manufacturer and, where the flight was under air traffic control, the government can all be in the frame, and which of them matters is usually not apparent for months.

One broad rule reaches conduct that no specific regulation happens to name: careless or reckless operation of an aircraft is prohibited outright. It is frequently the hook for conduct that was plainly unsafe but does not violate a numbered requirement.

General aviation and commercial carriage behave differently. A charter, a flight school, a corporate flight department and a scheduled airline carry different obligations and very different insurance, so

the first thing that has to be established is what kind of operation the flight was.

A record created by law, and preserved by law

This is the one category of case where the investigation precedes the claim. An accident, meaning a death, a serious injury or substantial damage between the first person boarding with the intent of flight and the last leaving, is notifiable immediately rather than on a form filed later.

Preservation is a legal duty rather than a courtesy. The wreckage, the recorders and the maintenance records must be kept until the Board takes custody, which is why the physical evidence in an air crash survives in a way it does not on a road.

"Serious injury" has a defined meaning here, and it is worth knowing: over 48 hours in hospital, or one of a listed set including most fractures, severe bleeding or nerve damage, any internal organ injury, and larger burns. Whether an injury meets it decides whether the event is reportable at all.

Why an aviation accident lawyer asks first whether the flight was international

Domestic aviation cover is commercial cover, and it is layered in the way large-exposure industries usually are. Which entity operated, owned, leased and maintained the aircraft decides which towers respond, and those are commonly four different answers.

International carriage is governed by treaty rather than by ordinary negligence. Under the Montreal Convention the carrier cannot contest damages up to a set limit, revised on a five-year cycle and standing at 151,880 SDR since 28 December 2024; above that limit it must disprove fault rather than the passenger prove it.

That structure is unusually favorable to a passenger and unusually time-sensitive, which is the reason an international flight and a domestic one are not the same claim even when the facts look identical.

The maintenance trail, and why it usually outlives everyone's memory

An aircraft carries a written history that a car does not. Every airframe, every engine and every propeller has its own logbook, and the entries in them are made by the mechanic who did the work and signed for it. Component overhauls are recorded against hours and cycles rather than against dates, and inspections run on a schedule the aircraft's own program sets. A directive issued by the regulator against a known defect on that model has to be complied with, and the compliance is itself a logbook entry with a date beside it.

The practical effect is that the question "was this aircraft airworthy that morning" is usually answerable from paper, years later, by somebody who was never near it. That is unusual. It also means the absence of an entry carries weight: an overhaul that cannot be evidenced was, for these purposes, not done.

Ownership is frequently split in a way that widens the picture. The registered owner, the operator flying it, the management company arranging the flights, the maintenance facility that last signed it off and the fixed base operator that fueled it can be five businesses. On a chartered flight, the passengers usually contracted with none of them directly.

The recorded track, whether or not there were recorders

Large transport aircraft carry a flight data recorder and a cockpit voice recorder. Most aircraft in general aviation and much of the charter fleet carry neither, and people assume that means nothing was recorded. Usually something was. Transponder returns and broadcast position data are captured by ground receivers and by cooperative networks that archive them, so a track showing altitude, groundspeed and heading second by second frequently exists for a flight with no black box aboard.

Beside that sit the controller's recorded frequency and the radar data from the facility working the flight, the weather observations for the field at the time, and the briefing the pilot received before departure. Non-volatile memory inside modern avionics, engine monitors and portable navigation units survives most impacts and is routinely downloaded. The emergency locator transmitter, where one activated, times the impact itself.

The eighteen-year wall in front of the manufacturer

Aviation carries a limit nothing else on this site has. Under the General Aviation Revitalization Act, a claim against the manufacturer of a general aviation aircraft, or of a component installed in one, is barred once eighteen years have passed since that aircraft or that part was delivered. It is a statute of repose rather than a limitation period, which means it runs from delivery and not from the day somebody was hurt, and no amount of diligence preserves a claim it has already closed.

The exceptions are narrow and they are where these cases live. The clock restarts against a replacement or rebuilt component from the date that part went on, so a recently overhauled engine or a newly installed avionics unit can be inside the window on an airframe that is decades outside it. Knowingly misrepresenting something material to the certifying authority lifts the bar entirely. The protection also covers only aircraft below a seat threshold and not those flying scheduled service, so an airliner is outside it altogether.

What the Board records, and where it can be read

Every civil aviation accident in the United States is investigated by the National Transportation Safety Board, and the docket it builds is public: the factual reports, the photographs, the interview transcripts, and eventually a finding of probable cause. It is the most complete record that exists of any kind of transport accident in this country.

This site holds no copy of it. A summary written from memory would be worse than sending you to the Board's own query system, which is where the docket for a particular accident lives. What this page can tell you is what the operator was obliged to do the moment the aircraft came down, and that is the block above, cited to the regulation.

Where to go next, including finding an aviation accident lawyer

- Commercial
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Sources

General Aviation Revitalization Act of 1994, Public Law 103-298:

<https://www.govinfo.gov/content/pkg/STATUTE-108/pdf/STATUTE-108-Pg1552.pdf>

49 C.F.R. § 830.5:

<https://www.ecfr.gov/current/title-49/subtitle-B/chapter-VIII/part-830/subpart-B/section-830.5>

49 C.F.R. § 830.2:

<https://www.ecfr.gov/current/title-49/subtitle-B/chapter-VIII/part-830/subpart-A/section-830.2>

49 C.F.R. § 830.10:

<https://www.ecfr.gov/current/title-49/subtitle-B/chapter-VIII/part-830/subpart-B/section-830.10>

49 C.F.R. § 830.15:

<https://www.ecfr.gov/current/title-49/subtitle-B/chapter-VIII/part-830/subpart-D/section-830.15>

14 C.F.R. § 91.13(a):

<https://www.ecfr.gov/current/title-14/chapter-I/subchapter-F/part-91/subpart-A/section-91.13>

Montreal Convention 1999, Article 21, as revised under Article 24:

<https://www.icao.int/news/international-air-travel-liability-limits-set-increase-enhancing-customer-compensation-0>

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