Hours of Service Violations in Truck Accident Claims

When a semi-truck crash happens near the end of a long shift, one of the first questions is whether the driver was within the federal hours-of-service limits. Fatigue leaves little physical trace at a crash scene, so the answer usually comes from records rather than the roadway. A truck accident lawyer reviewing one of these cases will usually compare the driver's logs with every other record of the trip.

How the federal hours-of-service rules work

The Federal Motor Carrier Safety Administration (FMCSA) sets the hours-of-service rules in 49 CFR Part 395, a section of the Federal Motor Carrier Safety Regulations found in 49 CFR Parts 390-399. For property-carrying drivers, the core limits are simple to state. A driver can drive a maximum of 11 hours after 10 consecutive hours off duty. Driving is not allowed beyond the 14th consecutive hour after coming on duty, and off-duty time does not extend that 14-hour window. A 30-minute break is required after 8 cumulative hours of driving without at least a 30-minute interruption. Over the week, a driver may not drive after 60 hours on duty in 7 consecutive days or 70 hours in 8 consecutive days, and a 34-hour restart begins a new period.

The rules also contain exceptions. The sleeper berth provision lets a driver split the 10-hour off-duty period, provided that one period is at least 7 consecutive hours in the sleeper berth and the other is at least 2 hours. Adverse driving conditions can extend the 11-hour and 14-hour limits by up to 2 hours, and the short-haul exception applies to drivers who stay within a 150 air-mile radius and finish within 14 hours. Whether an exception applies is a question of fact, and the trucking company typically has the records that answer it.

Finding an hours-of-service violation

Most drivers who must keep records of duty status now use an electronic logging device (ELD) instead of a paper logbook. The FMCSA explains that an ELD synchronizes with the vehicle engine to record driving time automatically, and Congress mandated the ELD rule as part of MAP-21. Electronic logs are harder to falsify than paper logs, yet the log alone is seldom the whole story. Experienced truck accident attorneys know that edits, unassigned driving time and malfunction reports deserve a close look.

A careful review lines the ELD data up against the supporting documents that 49 CFR 395.11 requires trucking companies to keep, including bills of lading, dispatch records, expense receipts, fleet management messages and payroll records. Telematics and GPS data, toll transponder records, scale tickets and data from the engine control module (ECM) can show where the truck actually was and when it moved. When those records disagree with the log, the gap itself becomes evidence.

When the company shares responsibility

The duties in Part 395 reach beyond the driver. A trucking company may not require or permit a driver to exceed the limits, and 49 CFR 392.3 prohibits operating a truck while the driver's alertness is impaired by fatigue, regardless of what the log says. Delivery schedules that cannot be met legally and pay plans that reward speed can point to claims against the company itself, such as negligent supervision, alongside vicarious liability for the driver's conduct.

Research cited by the Insurance Institute for Highway Safety (IIHS) found that a truck driver's hours-of-service or logbook violations made it more likely that the driver would be found to have precipitated the crash. A study cannot decide an individual case, but it does explain why a truck crash attorney treats the logs as a priority.

Preserving the evidence early

Under 49 CFR 395.8, the minimum retention period for records of duty status and supporting documents is six months. That is one reason an 18-wheeler crash lawyer often sends a preservation letter early, asking the trucking company to keep the ELD data, ECM downloads, dispatch messages and the driver qualification file. A preservation atlantatruckaccidentlawyers.wiki letter does not prove what existed, but it puts the company on notice, and evidence destroyed after notice can lead to spoliation sanctions in many courts.

Filing deadlines and comparative fault

Every state sets its own statute of limitations for injury and wrongful death claims, and the periods differ from state to state. Most states also use comparative negligence, which can reduce a recovery by the injured person's share of fault. This article is general information, not legal advice, and no article can predict how a particular claim will turn out.