Hours of Service Violations in Semi-Truck Crash Claims

When a tractor-trailer crash happens late in a long run, one of the first questions is whether the driver had stayed inside the federal hours-of-service limits. Fatigue rarely leaves skid marks, so the answer usually comes from records rather than the roadway. A truck accident attorney looking at one of these claims 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) writes the hours-of-service rules in 49 CFR Part 395, one part of the Federal Motor Carrier Safety Regulations that run through 49 CFR Parts 390-399. For property-carrying drivers, the core limits are simple to state. A driver may drive a maximum of 11 hours after 10 consecutive hours off duty. The driver may not drive beyond the 14th consecutive hour after coming on duty, and off-duty time does not extend that 14-hour window. The driver must take a 30-minute break 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, although a 34-hour restart starts the count over.

The rules https://atlantatruckaccidentlawyers.wiki/checking-a-firms-truck-practice/ also contain exceptions. Under the sleeper berth provision, a driver can 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 any exception fits is a factual question, and the trucking company usually holds the records that answer it.

How hours-of-service violations come to light

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 through MAP-21. Electronic logs are harder to falsify than paper logs, but a log alone is rarely the whole story. Experienced 18-wheeler accident lawyers treat edits, unassigned driving time and malfunction reports as worth a close look.

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

Responsibility beyond the driver

The duties in Part 395 reach beyond the driver. The rules bar a trucking company from requiring or permitting a driver to exceed the limits, and 49 CFR 392.3 bars operating a truck while the driver's alertness is impaired by fatigue, whatever the log shows. Dispatch schedules that cannot be met legally and pay structures that reward speed can point to claims against the company itself, including negligent supervision, in addition to 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 increased the likelihood that the driver would be found to have precipitated the crash. A study cannot decide an individual case, but it does explain why a semi-truck accident lawyer 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. This is one reason a tractor-trailer crash attorney 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 letter does not prove what existed, but it gives the company notice, and destroying evidence after notice can lead to spoliation sanctions in many courts.

Deadlines and shared fault

Every state sets its own statute of limitations for injury and wrongful death claims, and the periods vary by 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 the result of a particular claim.