How Hours of Service Violations Can Shape a Tractor-Trailer Crash Claim

When a tractor-trailer crash happens late in a long run, an early question is whether the driver was within 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 lawyer reviewing one of these cases usually starts by comparing the driver's logs against 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. The core limits for property-carrying drivers are simple to state on paper. 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. 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 *atlanta semi truck accident attorney* begins a new period.

The rules also contain exceptions. The sleeper berth provision lets a driver split the 10-hour off-duty period, as long as 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 typically has the records that answer it.

Finding an hours-of-service violation

Most drivers required to keep records of duty status now rely on an electronic logging device (ELD) rather than paper logs. According to the FMCSA, an ELD synchronizes with the vehicle engine to automatically record driving time, and Congress mandated the ELD rule as part of MAP-21. An electronic log is harder to falsify than a paper one, but a log alone is rarely the whole story. Experienced truck crash attorneys treat edits, unassigned driving time and malfunction reports as worth 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, such as bills of lading, dispatch records, expense receipts, fleet management messages and payroll records. GPS and telematics data, toll transponder records, scale tickets and data from the engine control module (ECM) can show where the truck really was and when it moved. If those sources disagree with the logs, the mismatch itself becomes evidence.

Why the trucking company matters

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 prohibits operating a truck while the driver's alertness is impaired by fatigue, regardless of what the log says. Dispatch schedules that cannot be met legally and pay plans that reward speed can support 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 explains why a semi-truck accident lawyer treats the logs as a priority.

Acting before records are lost

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. The 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 vary by state. Most states also apply comparative negligence, which can reduce a recovery by the injured person's share of fault. This is general information and not legal advice, and no article can predict the result of a particular claim.