What a Truck Accident Lawyer Checks in a Driver's Logs

When a semi-truck crash happens near the end of a long shift, an early question 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 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) sets the hours-of-service rules in 49 CFR Part 395, a section of the Federal Motor Carrier Safety Regulations *truck accident lawyers* found in 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. Across a 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 https://truckaccidentlawyers.wiki/directory/metro-atlanta-law-firms/ 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 usually holds the records that answer it.

How hours-of-service violations come to light

Most drivers required to keep records of duty status now rely on an electronic logging device (ELD) rather than paper logs. The FMCSA explains that an ELD synchronizes with the vehicle engine to automatically record driving time, 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 truck crash attorneys know that edits, unassigned driving time and malfunction reports deserve 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. If those sources disagree with the logs, 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. 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, 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. No study decides an individual case, but it does explain why a commercial truck accident lawyer treats the logs as a priority.

Keeping the records from disappearing

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 truck accident 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. 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.

Deadlines and shared 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 apply comparative negligence, which can reduce what an injured person recovers by that person's share of fault. This is general information and not legal advice, and no article can predict how a particular claim will turn out.