

If you handle truck crash cases long enough, you stop treating them like oversized car accidents. The physics are different, the regulations are dense, and the evidence lives in places most drivers never think about. Nowhere is that truer than with hours-of-service, the federal rules that try to keep fatigued truckers off the road. When a big rig drifts across a centerline at 3 a.m., the question that matters is often simple: was the driver operating legally under the Federal Motor Carrier Safety Administration's hours-of-service limits? The answer decides fault, drives settlement value, and sometimes exposes a chain of corporate decisions that put profit ahead of safety.

I have spent depositions combing through electronic logging device data, fuel receipts, and Qualcomm pings from trucks that covered more ground than any rested human should. I have listened to drivers explain how they were told to "do what you have to do," then handed a paper log that conveniently stopped at the legal maximum. The rules are not academic. When they are broken, people die.

[*personal injury claim lawyer*](#)

What hours-of-service actually requires

The FMCSA rules limit how long most interstate commercial drivers can drive and be on duty before they must rest. The framework may look straightforward, but its nuances matter.

The 11-hour driving limit. A property-carrying driver may drive up to 11 hours only after 10 consecutive hours off duty. That is a hard cap. A driver can be on duty for longer, but cannot drive beyond 11 hours until they have had that 10-hour break.

The 14-hour window. Once a driver starts the day, a 14-hour clock starts. Within those 14 hours, the driver can drive up to 11 hours, but the clock does not pause for meal breaks or fuel stops. When the 14-hour window closes, they must stop driving until they take 10 consecutive hours off duty. A driver can lawfully be on duty for tasks like loading, inspecting, or paperwork, but the moment they put the truck in gear after hour 14, they are out of compliance.

The 30-minute break. If a driver has driven for 8 cumulative hours without at least a 30-minute break, they must take one. Since 2020, that break can be satisfied with any non-driving period of at least 30 minutes, including on-duty not driving. This sounds minor until you look at crash timelines where a driver rolled through the eighth hour with coffee and a candy bar instead of a real pause.

The 60/70-hour limit. Over 7 or 8 consecutive days, a driver cannot exceed 60 or 70 hours on duty, depending on whether the carrier operates 7 days a week. Most large carriers run 70 hours in 8 days. Hitting that ceiling requires a 34-hour restart to reset the weekly clock.

Sleeper-berth and split sleeper provisions. Drivers can split the 10-hour off-duty requirement into two segments if they use the sleeper berth properly, generally one period of at least 7 hours in the sleeper and another of at least 2 hours off duty or in the sleeper. When done correctly, neither period counts against the 14-hour window. When done incorrectly, it often looks like a driver shaving sleep to chase a delivery window.

Short-haul exemptions exist, but they are narrow and frequently misunderstood. Invoking the short-haul rules to justify a long-haul schedule is a common red flag.

These rules live in Title 49 of the Code of Federal Regulations, part 395. They are standard across states for interstate trucking, with some state-level variations for intrastate commerce. Insurance adjusters know them. So do state troopers. When a crash happens, compliance becomes front and center.

Why fatigue matters more than most people realize

There is nothing dramatic about fatigue until a 40-ton vehicle fails to stop. Research puts the impairment from 20 hours awake in the same neighborhood as a 0.08 blood alcohol level. That comparison oversimplifies biology, but it helps juries understand why a driver nodded off on a straight highway with clear weather and low traffic. I have seen fatal rear-end collisions where the at-fault truck left hardly any pre-impact braking marks. That is not distraction alone, that is micro-sleep.

Drivers feel enormous pressure. They get paid by the mile. Shippers penalize late arrivals. Dispatchers juggle load assignments and empty miles. A driver who stops for a 30-minute break loses time to a schedule that does not acknowledge the rule. Charging stations for electric trucks are rare today, but even diesel rigs face long lines at busy distribution centers. The system rewards movement, not compliance.

When the system strains, some drivers push their 14-hour window, skip the 30-minute break, or start earlier than the 10-hour off-duty period allows. A few falsify logs. More often, you see subtle drift: running 20 minutes over, calling a load securement inspection “off duty,” or marking time waiting at a dock as sleeper berth when the driver is sitting upright in a lit warehouse office.

How violations show up in the evidence

A clean electronic log is not the end of the story. In many cases, it is the beginning. ELDs record driving time automatically, but they rely on driver inputs for duty status and sometimes for vehicle selection. They can also be manipulated by carriers who create ghost profiles or delay assignments.

Here is what I look for in a typical 18-wheeler accident case involving possible hours-of-service violations:

- Timeline friction. The ELD says the driver left the yard at 5 a.m., but a weigh station ticket timestamps 4:32 a.m., and a traffic camera captures the rig at a highway ramp at 4:45. When the log and the real world do not align, I scrutinize the whole day’s record.
- Fuel and toll receipts. Fuel purchases show date, time, and location. I have pieced together cross-country trips from nothing but fuel slips and toll records, and they often tell a different story from the logbook.
- Dispatch notes. Digital dispatch platforms leave footprints: load assignments, “ETA?” messages, “please roll” prompts. A “where are you?” text at 2 a.m. in the driver’s home time zone can be the clue that breaks a case open.
- Telematics breadcrumbs. Hard braking events, idle time, GPS pings, and engine hours come from the truck’s ECM or third-party telematics. You do not need every byte. You need enough to show the driver was still moving when the ELD claims sleeper berth.
- Shipper and receiver records. Gate logs, guard shack sign-ins, and bills of lading carry time stamps. I once compared a warehouse camera log to an ELD that showed off-duty for the same period. The jury did not need a lecture on rule 395.8, they needed to see that door opening at 10:07 p.m.

When a bus or delivery truck is involved, the data sources change, but the principle is the same. Fleet apps, route optimization software, even a rideshare partner’s in-app trip history can illuminate whether a driver was pushing past a safe limit. A rideshare accident lawyer might not cite FMCSA rules, but the fatigue analysis remains relevant to causation and damages.

Common fact patterns after a fatigue-related crash

A few patterns come up again and again in catastrophic cases:

Night driving after a long day. The driver starts early, spends hours on duty at a shipper, then pulls onto the highway after sunset. By 2 a.m., the circadian trough hits. These crashes often show no evasive action, a hallmark of sleep.

Rolling through the 30-minute break. Drivers who treat the break as a quick restroom stop continue to accumulate driving time. By hour nine, their cognitive bandwidth is spent. A lane departure or rear-end collision at low to moderate speed follows.

Soft falsification. No grand conspiracy, just a driver shaving a half hour here and there. On paper, he is under 11 hours. In reality, he is at 12 and a half, aided by duty status labels that do not reflect reality.

The long week. A driver starts the eighth day near the 70-hour ceiling, tries to squeeze in one more trip instead of taking a 34-hour restart, and ends up pushing into that gray zone where alertness is fragile. Weekly limit cases take longer to build because you need more data, but they carry weight with juries.

Team drivers gone wrong. Teams legally cover enormous distances. If only one driver is truly resting and the other is shouldering most of the miles, the sleeper-berth math collapses. Cameras and cab audio can show whether the sleeper was actually used.

The legal leverage a violation creates

Proving a violation is not the same as proving causation. But in trucking cases, the rules function as a safety floor. When a truck accident lawyer shows the driver or motor carrier broke those baseline rules, it opens the door to negligence per se in some jurisdictions. At a minimum, it strengthens the argument that fatigue likely contributed.

More important, violations often involve the motor carrier, not just the individual driver. Shippers can argue about independent contractor status all they want. If dispatch encouraged or tolerated over-hours driving, the carrier faces direct liability for negligent supervision or failure to enforce safety policies.

Punitive exposure sometimes rises or falls on the company's knowledge. A pattern of log falsification, an internal memo rewarding "on-time no matter what," or manager-level edits to ELD entries can push a case beyond compensatory damages. I have sat across from safety directors who were meticulous, who pulled drivers from the road for minor violations. Those carriers rarely face punitive risk. The ones who look the other way tend to leave a paper trail.

Practical steps after a suspected fatigue crash

If you represent the injured family or the driver facing a questionable assignment, the first hours matter. Evidence degrades fast, and carriers have more resources.

- Send a preservation letter immediately. Identify ELD raw data, ECM downloads, driver qualification file, dispatch communications, bills of lading, gate logs, fuel and toll records, and any inward- or outward-facing camera footage. Name specific systems and date ranges.
- Seek a rapid ECM/ELD download. Trucking companies sometimes swap trucks quickly. A neutral download preserves speed, throttle, brake usage, and critical events that speak to pre-impact behavior and duty status.
- Move for a protective order early. You need to secure data without triggering corporate cleanup. A court order can keep a motor carrier from "rotating" logs on a short retention cycle.
- Interview third parties. Gate guards, warehouse clerks, fellow drivers at the same terminal, even tow operators often notice a driver's condition. A simple "how did he look?" can be powerful.

- Compare clocks. Time zones and daylight saving changes cause mistakes. Align all sources to UTC or a single time standard before you decide what is inconsistent.

Those steps are the backbone whether you are a personal injury lawyer, a bus accident lawyer, or a pedestrian accident attorney dealing with a box truck that jumped a curb near a loading dock. The playbook shifts with the vehicle, but the preservation mindset stays the same.

The defense you will hear and how to test it

Carriers rarely admit to hours-of-service violations. Common defenses show up with predictable rhythms.

The ELD is clean. The log matches the rule. When you hear that, expect soft falsification. Ask how the driver logged time at the shipper, whether there were any unidentified driving segments, and who has authority to edit logs. Then pull the edit history. The edit history tells stories.

The driver used the split sleeper rule correctly. Sometimes true, often not. Build a full-duty timeline, then test whether both segments meet duration and sequencing requirements. Many drivers claim a split, then misplace the shorter segment inside the 14-hour window.

He was on personal conveyance. Personal conveyance lets a driver move the truck off duty for personal reasons. It does not cover positioning the truck for the next load or advancing toward a shipper. Geofences and dispatch messages make or break this claim.

Short-haul exemption applies. Short-haul rules require a tight operating radius and limits on duty length, plus return to the reporting location. If the driver exceeded the radius, forgot to return, or exceeded the day's limit, the exemption evaporates.

Fatigue did not cause the crash. Maybe a car cut in. Maybe weather was poor. Causation is fact specific. You do not need to prove fatigue was the sole cause, only that it contributed. Telematics can show late braking, steady throttle, or drift consistent with impairment. Witnesses may recall weaving or inconsistent speed. A drunk driving accident lawyer knows how to frame impairment without breath tests. The same logic applies with fatigue, backed by HOS deviations.

The human side of logbook pressure

Drivers are not villains. Most want to get home safe, deliver the load, and keep their job. Many of the worst cases come from structural pressure. A dispatcher assigns a run that cannot be legally completed within hours-of-service, then adds a pickup window that erases any buffer for traffic or weather. A driver raises a concern and hears a shrug. He drives.

I have sat in cabs where drivers explained the trade-offs. If they log waiting time as on-duty, their 14-hour window evaporates at the dock. If they log off-duty while detained, they can't walk away from the trailer, which puts them in a gray area. If they label the time as sleeper berth, they keep the clock alive, but they aren't actually sleeping. The system nudges them toward labels that keep wheels turning. That is not compliance, that is workaround culture.

Motor carriers that solve this pay for detention time, schedule realistic appointments, and recognize that a 30-minute break must exist in the plan. They use route planners that account for HOS limits and empower drivers to say no. If you want fewer wrongful death cases, this is where it starts.

Building damages around fatigue

Once liability takes shape, damages come into focus. Fatigue cases often involve high-energy impacts, which means serious injuries: traumatic brain injuries from rear-end collisions, spinal fractures from underrides, burned survivors when fuel tanks rupture. A catastrophic injury lawyer will anchor life-care planning in the realities of a family whose primary wage earner cannot return to work.

Economic experts can thread in lost earning capacity, especially when the victim was a skilled tradesperson or an independent contractor. For a bicyclist or a pedestrian injured by a heavy truck, the narrative often includes a sudden loss of independence. Jurors respond to the day-to-day changes: a father who can no longer climb stairs to his child's room, a teacher who cannot tolerate fluorescent lights after a concussion, a small business owner whose hands shake too much to handle precise tasks.

In a rear-end collision on an interstate, comparative negligence arguments sometimes surface. The defense might suggest the car cut off the truck or braked suddenly. Reconstructing speed and headway with ECM and dashcam data can neutralize these claims. A rear-end collision attorney knows that following distance and speed selection are the heart of those cases, and fatigue undermines both.

Settlement dynamics when HOS violations are in play

Insurers weigh risk. When you present a clean, documented hours-of-service violation, the settlement conversation changes. Add in a pattern of violations, and the carrier's exposure includes punitive risk, corporate reputation, and the possibility of a nuclear verdict. The reserve rises, and serious talks begin.

That said, not every HOS violation drives value. A 12-minute overage without clear causation may matter less than a strong eyewitness. A well-rested driver who technically missed a 30-minute break might not have been impaired. This is where experience guides judgment. You do not oversell the violation. You tie it to the crash sequence, the human behavior it implies, and the company's policies that let it happen.

I have resolved cases where the defense paid a premium not just for the injury, but for the exposed culture. When a safety director admits in a deposition that dispatchers decide whether to edit logs, the risk calculus tilts. Jurors care about systems, not just isolated mistakes.

How other crash types intersect with fatigue

Not all cases in a personal injury attorney's practice involve big rigs. But the fatigue thread weaves through many crash types.

A head-on collision lawyer often confronts drift across a centerline on a two-lane road after midnight. That is classic fatigue territory. A motorcycle accident lawyer may handle a case where a drowsy delivery truck eased into a rider's lane during a lane change. A bicycle accident attorney can trace a right-hook crash to a driver who has been on duty since before dawn and simply fails to check mirrors. A bus accident lawyer digs into duty rosters and charter schedules with the same skepticism we bring to freight. A rideshare accident lawyer may not invoke FMCSA, but the principle is the same: long hours behind a wheel degrade judgment and reaction time.

Even improper lane change, hit and run, and distracted driving cases sometimes hide fatigue at their core. A driver who flees may be protecting a logbook. A driver who looks like he is texting may simply be zoning out in a micro-sleep. Peel back the layers carefully before you name the cause.

What drivers and carriers can do right now

Real safety gains come from small, enforceable habits. A carrier can set ironclad policies that prohibit dispatch from pressuring over-hours driving and require supervisors to audit log edits weekly. They can integrate HOS-aware planning tools that do not offer impossible routes. They can pay detention and guarantee a 30-minute break window in every shift.

Drivers can treat the 10-hour off-duty period as sacred. Sleep in the sleeper berth when you log sleeper. Use alarms and fatigue management tools without turning them into boxes checked to appease a policy manual. If a load cannot be delivered legally, say so in writing. When a driver makes that record, it protects them and sometimes saves a life.

Plaintiffs' lawyers have a role too. A car crash attorney or auto accident attorney who understands HOS can ask sharper questions, preserve better evidence, and explain the story in a way that aligns with common sense. The adversarial system, at its best, nudges everyone toward safer practice.

A closing note from the trenches

I once handled a case where a delivery truck clipped a sedan on an urban arterial at lunchtime. On paper, it was a modest sideswipe. The driver swore he had been on duty for just five hours. The ELD agreed. But the truck's telematics showed it started moving at 3:58 a.m., and the driver had been at a distribution center before dawn, logged as off-duty. Camera footage caught him yawning uncontrollably at a stoplight ten minutes before impact. The collision left the sedan's driver with a neck injury that spiraled into surgery and chronic pain.

What changed the case was not the surgery or the property damage. It was the clarity that the driver was working while "off duty," and the company's policy that told drivers to mark dock time as sleeper berth if loads were delayed. We resolved the case for a number that let the client rebuild her life. The carrier changed its detention policy within the quarter.

That is how hours-of-service matters. It is not about technicalities or gotchas. It is about aligning reality with the rules we write to keep fatigued drivers from turning ordinary moments into catastrophes. If you suspect fatigue in a trucking crash, insist on the records that tell the real story. Then let the facts do what they do in a courtroom filled with people who understand tired.