Hours of Service Violations in Truck Accident 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, which is why the answer tends to come from records instead of the road itself. A truck accident lawyer 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) sets the hours-of-service rules in 49 CFR Part 395, one part 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 may 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. Across a 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 begins a new period.

The rules 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 covers drivers who remain inside 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 investigators spot hours-of-service violations

Most drivers required to keep records of duty status now rely on an electronic logging device (ELD) instead of a paper logbook. According to the FMCSA, 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 truck crash attorneys know that edits, unassigned driving time and malfunction reports deserve a close look.

A careful review compares the ELD data with 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 really was and when it moved. If those sources disagree with the logs, the mismatch itself becomes evidence.

When the company shares responsibility

Part 395 places duties on more than 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. Dispatch schedules that cannot be met legally and pay structures that reward speed can support 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.

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. 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 **Truck Accident Lawyers Wiki** gives the company notice, and destroying evidence after notice can lead to spoliation sanctions in many courts.

Filing deadlines and comparative fault

Each 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 article is general information, not legal advice, and no article can predict the result of a particular claim.