How Hours of Service Violations Can Shape a Truck Accident Claim

When a semi-truck crash happens near the end of a long shift, one of the first questions is whether the driver had stayed inside the federal hours-of-service limits. Fatigue leaves little physical trace at a crash scene, which is why the answer tends to come from records instead of the road itself. A truck accident attorney reviewing one of these cases 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. A 30-minute break is required after truckaccidentlawyer.wiki 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 regulations also include 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 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 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. The FMCSA explains that an ELD synchronizes with the vehicle engine to record driving time automatically, and Congress mandated the ELD rule as part of MAP-21. Electronic logs are harder to falsify than paper logs, yet the log alone is seldom the whole story. Experienced truck crash attorneys 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, 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 actually was and when it moved. If those sources disagree with the logs, the mismatch itself becomes evidence.

Why the trucking company matters

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 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 plans that reward speed can point to claims against the company itself, such as negligent supervision, alongside 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 made it more likely 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. This is one reason an 18-wheeler crash lawyer will often send 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

Each 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.