How Hours of Service Violations Can Shape an 18-Wheeler Crash Claim

After a tractor-trailer crash on a long-haul route, one of the first questions is whether the driver was within the federal hours-of-service limits. Fatigue leaves little physical trace at a crash scene, so the answer usually comes from records rather than the roadway. A tractor-trailer crash lawyer 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 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. 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 rules also contain exceptions. The sleeper berth provision lets a driver 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 are released within 14 hours. Whether any exception fits is a factual question, and the trucking company usually holds the records that answer it.

How hours-of-service violations come to light

Most drivers who must keep records of duty status now use an electronic logging device (ELD) instead of a paper logbook. 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. Electronic logs are harder to falsify than paper logs, but a log alone is rarely the whole story. Experienced 18-wheeler accident lawyers 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, weigh station records and data from the engine control module (ECM) can show where the truck really was and when it moved. When those records disagree with the log, 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. 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 *truckaccidentlawyers.wiki* 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. No study decides an individual case, but it does explain 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 a tractor-trailer crash 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. A preservation 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 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.