Hours of Service Violations in Semi-Truck Crash Claims

When a semi-truck crash happens near the end of a long shift, 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 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, a section of the Federal Motor Carrier Safety Regulations found in 49 CFR Parts 390-399. The core limits for property-carrying drivers are simple to state on paper. A driver can 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, 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, as long as one period is at least 7 consecutive hours in the sleeper berth and the other is at least 2 https://truckaccidentlawyers.wiki/directory/national-coverage/ 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 are released within 14 hours. Whether any exception fits is a factual question, and the trucking company typically has 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. 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. An electronic log is harder to falsify than a paper one, yet the log alone is seldom the whole story. Experienced truck accident attorneys know that edits, unassigned driving time and malfunction reports deserve 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, 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. 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. Dispatch schedules that cannot be met legally and pay plans that reward speed can support claims against the company itself, including 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 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 truck crash attorney 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. That 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. A preservation letter does not prove what existed, but it gives the company 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 article is general information, not legal advice, and no article can predict the result of a particular claim.