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

When a tractor-trailer crash happens late in a long run, an early question 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 lawyer looking at one of these claims usually starts by comparing the driver's logs against 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 that run through 49 CFR Parts 390-399. For property-carrying drivers, the core limits are simple to state. A driver can 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 starts the count over.

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 are released within 14 hours. Whether an exception applies is a question of fact, and the trucking company typically truckaccidentlawyer.wiki has the records that answer it.

How investigators spot hours-of-service violations

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 record driving time *truck accident lawyer* 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 crash attorneys know that edits, unassigned driving time and malfunction reports deserve a close look.

A thorough review compares the ELD data with 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. 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.

Responsibility beyond the driver

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 bars 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 point to 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 explains why a semi-truck accident lawyer treats the logs as a priority.

Preserving the evidence early

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. A preservation letter does not prove what existed, but it puts the company on 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 vary by 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.