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

After a tractor-trailer crash on a long-haul route, an early question is whether the driver had stayed inside the federal hours-of-service limits. Fatigue rarely leaves skid marks, which is why the answer **truck accident lawyer** tends to come from records instead of the road itself. A tractor-trailer crash lawyer reviewing one of these cases usually starts by comparing the driver's logs against every other record of the trip.

What the federal hours-of-service rules require

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. The core limits for property-carrying drivers are simple to state on paper. 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. A 30-minute break is required 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, and 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 finish within 14 hours. Whether any exception fits is a factual question, and the trucking company usually holds the records that answer it.

Finding an hours-of-service violation

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 through 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 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. 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. 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. 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, 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 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 truck crash attorney puts the logs near the front of the line.

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 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 gives the company notice, and destroying evidence 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 truckaccidentlawyer.wiki wrongful death claims, and the periods vary by state. Most states also apply comparative negligence, which can reduce a recovery by the injured person's share of fault. This is general information and not legal advice, and no article can predict the result of a particular claim.