How Hours of Service Violations Can Shape an 18-Wheeler Crash 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, so the answer usually comes from records rather than the roadway. A truck accident lawyer looking at one of these claims will usually compare the driver's logs with every other record of the trip.

What the federal hours-of-service rules require

The Federal Motor Carrier Safety Administration (FMCSA) sets 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 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 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 finish 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 required to keep records of duty status now rely on an electronic logging device (ELD) instead of a paper logbook. The FMCSA explains that 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 **atlanta truck accident lawyer** 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, scale tickets 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 gap itself becomes evidence.

When the company shares responsibility

The duties in Part 395 reach beyond 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, including 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. No study decides an individual case, but it explains why a truck crash attorney puts the logs near the front of the line.

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 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. The 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 vary by state. Most states also use comparative negligence, which atlantatruckaccidentlawyers.wiki 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.