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 rarely leaves skid marks, which is why the answer tends to come from records instead of the road itself. A tractor-trailer crash 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, one part 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 begins a new period.

The rules also contain exceptions. The sleeper berth provision lets a driver 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 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 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. An electronic log is harder to falsify than a paper one, yet the log alone is seldom the whole story. Experienced truck accident attorneys treat edits, unassigned driving time and malfunction reports as worth a close look.

A thorough 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, 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

Part 395 places duties on more than the driver. A trucking company may not require or permit a driver to exceed the limits, and 49 CFR 392.3 prohibits operating a truck while the driver's alertness is impaired by fatigue, whatever the log shows. Delivery schedules that cannot be met legally and pay plans that reward speed can support claims against the company itself, such as 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 commercial 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. This 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.

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 a recovery by *tractor trailer crash lawyers* the injured 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.