Driver Fatigue and Hours of Service Rules in Tractor-Trailer Crash Claims

When a tractor-trailer crash happens late in a long run, 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 lawyer reviewing one of these cases usually starts by comparing the driver's logs atlanta truck accident lawyer against every other record of the trip.

How the federal hours-of-service rules work

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 found in 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. 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, and a 34-hour restart starts the count over.

The regulations also include 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 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 finish within 14 hours. Whether an exception applies is a question of fact, 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) rather than paper logs. 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, 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 careful review lines the ELD data up against 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. Telematics and GPS data, toll transponder records, weigh station records 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. 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, regardless of what the log says. Delivery 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 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 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 tractor-trailer crash attorney 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. A preservation letter does not prove what existed, but it puts the company ***atlanta truck accident lawyer*** on notice, and destroying evidence after notice can lead to spoliation sanctions in many courts.

Deadlines and shared fault

Each 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 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.