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 rarely leaves truck accident trial attorney skid marks, which is why the answer tends to come from records instead of the road itself. A truck accident attorney reviewing one of these cases will usually compare the driver's logs with 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 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. A 30-minute break is required after 8 cumulative hours of driving without at least a 30-minute interruption. Over the 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 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 covers drivers who remain inside 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.

Finding an hours-of-service violation

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 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 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, 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 mismatch itself becomes evidence.

Why the trucking company matters

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. Delivery schedules that cannot be met legally and pay structures 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. A study cannot decide an individual case, but it does explain why a truck crash attorney puts the logs near the front of the line.

Preserving the evidence early

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 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 puts the company 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 is general information and not legal advice, and no article can predict how a particular claim will turn out.