Driver Fatigue and Hours of Service Rules in Truck Accident Claims

When a semi-truck crash happens near the end of a long shift, an early question is whether the driver had stayed inside the federal hours-of-service limits. Fatigue rarely leaves skid marks, so the answer usually comes from records rather than the roadway. A truck accident lawyer looking at one of these claims 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, 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. 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. Over the 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 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 applies to drivers who stay within a 150 air-mile radius and are released within 14 hours. Whether an exception applies is a question of fact, and the trucking company typically has the records that answer it.

How investigators spot hours-of-service violations

Most drivers who must keep records of duty status now use 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, 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 actually was and when it moved. If those sources disagree with the logs, the mismatch itself becomes evidence.

Responsibility beyond the driver

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, 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 made it more likely that the driver would be found to have precipitated the crash. No study decides an individual ***Atlanta Truck Accident Lawyers Wiki*** case, but it explains why a semi-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. 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 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 differ from state to state. Most states also apply 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 the result of a particular claim.