Driver Fatigue and Hours of Service Rules in Tractor-Trailer 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, so the answer usually comes from records rather than the roadway. 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. 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. *truck accident lawyer* 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. 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. The sleeper berth provision lets a driver 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 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 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 record driving time automatically, 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 18-wheeler accident lawyers 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. When those records disagree with the log, the mismatch itself becomes evidence.

Responsibility beyond the driver

The duties in Part 395 reach beyond the driver. The rules bar a trucking company from requiring or permitting 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. Dispatch schedules that cannot be met legally and pay plans that reward speed can point to claims against the company itself, such as 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. A study cannot decide an individual case, but it explains why a commercial truck accident lawyer treats the logs as a priority.

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. A preservation letter does not prove what existed, but it gives the company notice, and destroying evidence after notice can lead to spoliation sanctions https://truckaccidentlawyer.wiki/topics/truck-and-other-injury-claims/ in many courts.

Deadlines and shared fault

Every 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 a recovery by the injured person's share of fault. This article is general information, not legal advice, and no article can predict how a particular claim will turn out.