What a Truck Accident Lawyer Checks in a Driver's Logs

After a tractor-trailer crash on a long-haul route, one of the first questions is whether the driver had stayed inside the federal hours-of-service limits. Fatigue leaves little physical trace at a crash scene, which is why the answer tends to come from records instead of the road itself. A tractor-trailer crash lawyer 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, a section 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 https://atlantatruckaccidentlawyers.wiki/checking-a-firms-truck-practice/ 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 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 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 record driving time automatically, 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 18-wheeler accident lawyers treat edits, unassigned driving time and malfunction reports as worth 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, such as bills of lading, dispatch records, expense receipts, fleet management messages and payroll records. GPS and telematics data, toll transponder records, weigh station records 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.

When the company shares responsibility

The duties in Part 395 reach beyond 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 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 increased the likelihood that the driver would be found to have precipitated the crash. No study decides an individual case, but it does explain why a commercial truck accident lawyer puts the logs near the front of the line.

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 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. 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.

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 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.