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 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) writes 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. Driving is not allowed 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, 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 investigators spot hours-of-service violations

Most drivers required to keep records of duty status now rely on an electronic logging device (ELD) instead of a paper logbook. According to the FMCSA, 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, but a log alone is rarely the whole story. Experienced truck crash 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, such as 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 truckaccidentlawyer.wiki really was and when it moved. When those records disagree with the log, the gap 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 structures 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 increased the likelihood that the driver would be found to have precipitated the crash. A study cannot decide an individual case, but it explains why a semi-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. 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 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 vary by state. Most states also apply 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.