Driver Fatigue and Hours of Service Rules in Truck Accident Claims

After a tractor-trailer crash on a long-haul route, an early question 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 tractor-trailer crash lawyer reviewing one of these cases usually starts by comparing the driver's logs against 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 found in 49 CFR Parts ***truck accident law firm attorneys*** 390-399. For property-carrying drivers, the core limits are simple to state. A driver may 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. 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 rules also contain 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 finish 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 automatically record driving time, and Congress mandated the ELD rule as part of MAP-21. Electronic logs are harder to falsify than paper logs, yet the log alone is seldom the whole story. Experienced truck accident attorneys 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. 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. When those records disagree with the log, the mismatch itself becomes evidence.

Responsibility beyond the driver

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, regardless of what the log says. Dispatch schedules that cannot be met legally and pay structures that reward speed can support 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 explains why a semi-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 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. A preservation 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 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.