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

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 looking at one of these claims will usually compare the driver's logs with 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 found in 49 CFR Parts 390-399. The core limits for property-carrying drivers are simple to state ***truck accident lawyers*** on paper. A driver may 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 starts the count over.

The rules also contain 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 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 usually holds 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) rather than paper logs. 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 truck crash attorneys know that edits, unassigned driving time and malfunction reports deserve 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 actually was and when it moved. When those records disagree with the log, the gap itself becomes evidence.

Why the trucking company matters

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 prohibits 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 point to 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 does explain why a truck crash attorney puts the logs near the front of the line.

Preserving the evidence early

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 truck accident 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 puts the company on notice, and destroying evidence after notice can lead to spoliation sanctions in many courts.

Filing deadlines and comparative fault

Each state sets its own statute of limitations for injury and wrongful death claims, and the periods vary by state. Most states also use comparative negligence, which can reduce a recovery by the injured person's share of fault. This is general information and not legal advice, and no article can predict truckaccidentlawyers.wiki how a particular claim will turn out.