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, 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.

What the federal hours-of-service rules require

The Federal Motor Carrier Safety Administration (FMCSA) sets the hours-of-service rules in 49 CFR Part 395, one part of the Federal *atlanta truck accident lawyer* Motor Carrier Safety Regulations found in 49 CFR Parts 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. 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, although a 34-hour restart begins a new period.

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 finish within 14 hours. Whether any exception *atlanta truck crash* fits is a factual question, 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. According to the FMCSA, an ELD synchronizes with the vehicle engine to record driving time automatically, and Congress mandated the ELD rule through MAP-21. An electronic log is harder to falsify than a paper one, but a log alone is rarely 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 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. A trucking company may not require or permit a driver to exceed the limits, and 49 CFR 392.3 bars 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 structures that reward speed can support claims against the company itself, including 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 does explain why a truck crash attorney puts the logs near the front of the line.

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 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

Every 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 article is general information, not legal advice, and no article can predict how a particular claim will turn out.