

# How Hours-of-Service Logs Build Strong Alabama Truck Accident Cases

## Experienced Alabama Truck Accident Attorneys Are Ready to Fight for You

When a tired truck driver causes a crash in Alabama, the question of how long that driver was behind the wheel before the collision is one of the first and most important questions investigators ask after a [truck accident](#). Fortunately, there's an easy way to find that information – through the driver's [hours-of-service \(HOS\) records](#). Required by federal law, these detailed records can be a powerful tool in any Alabama truck accident claim or lawsuit.

What information is included in HOS records? How can truck accident injury victims access them? And how can they make a truck injury claim stronger? [Dean Waite & Associates, LLC](#), explains what injury victims need to know. Our knowledge is based on years of handling complex truck accident claims in Mobile and throughout the surrounding region. Our attorneys know where to look and how to use the records to hold carriers accountable.

## What Are Hours-of-Service Regulations?

The Federal Motor Carrier Safety Administration (FMCSA) enforces hours-of-service (HOS) regulations under [49 CFR Part 395](#). These rules set hard limits on how long commercial truck drivers can operate a vehicle before they must stop and rest. For property-carrying commercial motor vehicles (CMVs), the core limits are:

- ❑ **11-hour driving limit** – A driver may not operate a CMV for more than 11 hours after taking 10 consecutive hours off duty.
- ❑ **14-hour on-duty window** – No driving is permitted beyond the 14th consecutive hour after the driver came on duty, even if they have not yet reached the 11-hour driving maximum.
- ❑ **30-minute rest break** – After 8 consecutive hours of driving time, the driver must take at least 30 minutes off duty before continuing.
- ❑ **60/70-hour weekly cap** – A driver may not exceed 60 hours on duty in any 7 consecutive days, or 70 hours in any 8 consecutive days.
- ❑ **34-hour restart** – Drivers who have reached their weekly limit may reset their hours with at least 34 consecutive hours off duty.

These rules exist because the research on driver fatigue is unambiguous. An exhausted driver behind the wheel of an 80,000-pound tractor-trailer is not just tired – reaction time, judgment, and attention fail. Everyone on the road pays the price. HOS regulations are the federal government's response to exactly that risk.

## What Are the Penalties for Violating Hours of Service Regulations?

A driver found to be in violation of HOS rules at a roadside inspection faces an immediate out-of-service (OOS) order. The truck stops where it is. The driver cannot move it until completing the required off-duty time. FMCSA defines critical HOS violations as driving more than 3 hours beyond the 11-hour limit, driving after the 14-hour window has expired, or operating after exceeding the weekly 60/70-hour cap. Each triggers an automatic OOS order. For an injury victim, an OOS order issued near the time of a crash is significant evidence that the driver was operating in conditions the federal government had already flagged as dangerous.

Carriers that allow HOS violations to continue over time expose themselves to a separate risk: punitive damages. In Alabama, punitive damages are available when a defendant's conduct is found to be wanton or reckless. A trucking company that knew its drivers were regularly violating HOS limits, failed to correct the problem, and then deployed one of those drivers on a route that resulted in a serious crash has a credibility problem in front of a jury. The pattern of violations matters. It is the difference between a driver making a mistake and a company that treated federal safety limits as a suggestion.

Violating these limits carries serious consequences for carriers and drivers. Civil penalties for violations can be substantial. Major HOS violations generate 7 Compliance, Safety, Accountability (CSA) points each. Enough violations can trigger a federal safety audit. In a personal injury case, they become direct evidence of negligence.

### **What Are ELD Records and Why That Data Matters?**

Since December 2017, most commercial drivers required to maintain records of duty status must use an Electronic Logging Device (ELD). The [ELD mandate](#) was codified under the Commercial Motor Vehicle Safety Enhancement Act and is now embedded in 49 CFR Part 395. ELDs replaced paper logbooks for the vast majority of commercial carriers, and the data they capture is far more reliable and harder to falsify.

An ELD connects directly to the vehicle's engine. It records automatically, without depending on the driver to manually enter data. The device captures engine hours, vehicle movement, miles driven, location at each duty status change, and the driver's full duty cycle. Every time the engine turns on and off, the ELD notes it. Every time the vehicle moves, the ELD tracks it.

This automated record is what makes ELD data so valuable in litigation. Paper logs could be altered after the fact. ELDs do not offer that flexibility – the engine data either matches the logged duty status or it does not. When they conflict, that conflict is evidence. ELD data lets an attorney reconstruct what the driver was doing before a crash. How long had the driver been on duty? Had the 11-hour limit been violated? Had the carrier's dispatch system made compliance structurally impossible? The data answers those questions. What the driver or carrier claims happened does not.

### **How Long Do Truck Drivers and Trucking Companies Have to Keep HOS Logs?**

Federal regulations set specific retention periods for HOS records. Under [49 CFR § 395.8\(k\)](#), carriers must keep driver records of duty status for a minimum of six months. Supporting documents – receipts, bills of lading, dispatch records, and other materials that verify the accuracy of a log – must be retained for the same six-month period. Inspection reports have a longer shelf life: carriers must maintain driver vehicle inspection reports for at least 12 months under [49 CFR § 396.11\(c\)](#). These minimum periods apply even when no claim has been filed. Once a carrier receives a preservation demand, those periods become irrelevant – the carrier must retain all records until the dispute is resolved.

Six months is not a long time in the context of a serious truck accident case. Medical treatment continues. Surgery may be required. The injured person may spend weeks or months in a hospital or rehabilitation facility before they are in any position to think clearly about a legal claim. By the time many injury victims consult an attorney, the six-month minimum retention period for ELD data has already passed or is nearly over. A carrier under no legal obligation to hold records beyond the minimum period has no incentive to do so – especially if those records show a violation that contributed to the crash.

This is why contacting an attorney immediately after a serious truck accident in Alabama is not just advisable – it is critical for the evidence. An attorney can issue a preservation letter within days of the crash, before any retention deadline becomes relevant. That letter puts the carrier on notice that all records related to the driver, the vehicle, the route, and the dispatch system must be preserved. It covers ELD data, paper logs, electronic communication between dispatch and the driver, maintenance records, and any other records that could bear on the claim. Acting before the six-month clock runs out is often the difference between a strong case and one built on incomplete evidence.

### **How Do HOS Log Violations Establish Driver Fatigue in a Claim?**

An HOS violation does not automatically prove that fatigue caused a crash. What it does is establish that the driver was operating in conditions the federal government has determined create unacceptable fatigue risk. Two legal concepts connect an HOS violation to a negligence claim: negligence per se and the eggshell plaintiff doctrine.

In Alabama, violation of a safety statute may constitute evidence of negligence and, in some circumstances, support a negligence per se claim. HOS regulations under 49 CFR Part 395 exist specifically to prevent fatigue-related crashes. A driver who operates beyond the 11-hour limit when a collision occurs has violated a safety regulation designed to prevent exactly that kind of crash. Alabama courts have long recognized that violation of a safety statute may serve as evidence of negligence.

Beyond negligence, an experienced attorney develops the fatigue theory through multiple lines of evidence. The ELD data shows how long the driver had been on duty. Expert testimony from a specialist explains the scientific relationship between hours awake and the reduction in

reaction time and diminished decision-making skills. Medical evidence may show the driver's condition at the time of the crash. Trucking companies often push back on fatigue claims – arguing the driver felt fine or other factors caused the crash. An experienced attorney knows how to answer each argument with evidence preserved by the ELD.

### **The Difference Between Paper Logs and Electronic Records**

Many people assume log records accurately reflect what happened. Experienced attorneys know better, particularly when carriers were still using paper logs before the ELD mandate or operate under one of the limited exemptions.

Paper logs have a well-documented history of manipulation in the trucking industry. Drivers on tight deadlines would sometimes keep two sets of logs – one for roadside inspections, one that reflected actual hours. Carriers under pressure from shippers would look the other way. These practices are sometimes called “double-logging” or “falsification,” and they have contributed to fatal crashes across the country for decades.

ELD records are significantly harder to falsify. Because the device connects to the engine control module, the engine data provides a check against whatever duty status the driver logs. An attorney who knows what to look for can identify anomalies. Locations that don't match the route. Gaps in driving time with no documented stops. Driving time logged as personal conveyance when the cargo manifest shows a delivery occurred at that time. For carriers still using paper logs, an attorney can identify inconsistencies between what was logged and what fuel receipts, toll records, and weigh station records show.

### **How Do Attorneys Use HOS Data to Build a Case?**

First, a lawyer sends a preservation letter, demanding that the trucking company retain all records immediately after a crash. A preservation letter puts the carrier on formal notice. Destroying the data after that notice constitutes spoliation of evidence, which is against the law. Alabama courts take spoliation seriously. A carrier that destroys records after that notice faces adverse inference instructions at trial. The jury may be told to assume the destroyed records were unfavorable to the carrier.

Once the records are secured, building a fatigue case from HOS data involves several specific steps. An attorney will analyze the driver's duty log for the days and weeks before the crash, not just the day of the collision. Chronic HOS violations tell a different story than a single mistake. A driver who repeatedly pushes past the 11-hour limit, skips breaks, and logs off-duty time that doesn't match location data isn't making errors. That is a systemic failure the carrier knew or should have known about.

Expert witnesses play a critical role at this stage. A human factors specialist can explain what 14 hours behind the wheel does to a driver's reaction time and judgment. A forensic accident reconstructionist can connect the driver's slowed reaction to the physical evidence at the crash

scene. A trucking industry expert can testify about whether the carrier's dispatch practices made HOS compliance structurally impossible for drivers on that route.

### **Can I Sue a Trucking Company for an HOS Violation in Alabama?**

Yes. An HOS violation creates grounds to sue both the driver and the carrier. In Alabama, trucking companies face liability under two distinct theories. The first is respondeat superior (vicarious liability) – the carrier is responsible for what its driver does while working. The second is direct negligence: the carrier failed to enforce compliance or ignored violations it knew about.

The distinction matters because carriers often attempt to distance themselves from a fatigued driver's crash by arguing the driver acted alone. Direct negligence claims pierce that defense. Dispatch records showing impossible schedules, or personnel files showing ignored violations, make the carrier a primary litigation target – not just a secondary one.

Alabama's contributory negligence rule adds urgency to this analysis. Under Alabama law, a plaintiff found even 1 percent at fault may be barred from recovering anything. Trucking company defense teams know this and look for any evidence that the injured person contributed to the crash. A thorough HOS case showing systemic violations and carrier negligence makes it much harder for the defense to shift blame onto the victim.

### **What Happens If the Trucking Company Destroys or Loses the Records?**

Carriers must retain ELD data under federal regulations, but retention periods have limits – as little as six months for some records. In a serious crash case, evidence that exists today may be gone before litigation begins if a preservation demand is not issued immediately. Some carriers destroy records before a lawsuit is filed. Others allow routine data deletion cycles to run without interruption, accomplishing the same result.

When a trucking company destroys or loses records after receiving a preservation demand, Alabama courts treat that as spoliation of evidence. The consequence is an adverse inference instruction: the jury is told it may assume the missing records contained information unfavorable to the carrier. In a case where the driver's HOS data might show a clear violation, that instruction can be decisive. The defense cannot un-ring that bell by arguing the records might have shown something else.

Courts have also imposed sanctions ranging from monetary penalties to striking defenses in cases involving egregious spoliation. When a carrier's destruction of records appears deliberate rather than inadvertent, the judge has broad discretion to remedy the prejudice to the injured party. An attorney who acts immediately – sending preservation letters, subpoenaing records, filing for emergency discovery – protects the client's case regardless of what the carrier does afterward.

### **How Long Do You Have to File a Truck Accident Lawsuit in Alabama?**

Under [Alabama Code § 6-2-38\(l\)](#), the statute of limitations for a personal injury lawsuit is two years from the date of the crash. Wrongful death claims follow the same two-year period, running from the date of death rather than the date of the injury. Missing that deadline almost always ends the case – Alabama courts rarely allow claims filed after the limitations period to proceed.

Two years may sound like enough time, but it is not as much as it seems in a truck accident case. Building a strong HOS case requires records that may only exist for six months. Witnesses' recollections fade. Trucking companies reorganize, merge, or go out of business. Physical evidence at the crash scene disappears. Every week that passes without an attorney on the case is a week the carrier's team uses to their advantage. Their investigators are often on the scene within hours of a serious crash. Injured victims who wait months to seek legal help are already at a disadvantage.

Acting quickly does not mean filing a lawsuit immediately. It means getting an attorney involved while the evidence is still available and the preservation demand can still do its job. An attorney can investigate the case, secure records, and consult with experts – all within the two-year window. Waiting until that window is nearly closed removes options and increases pressure at exactly the wrong moment.

### **How Can an Experienced Alabama Truck Accident Attorney Help?**

If a commercial truck driver seriously injured you or a family member in Alabama, the driver's hours-of-service records and ELD data may be the most important evidence in your case. That data needs to be preserved right away. Otherwise, the trucking company might destroy such records, especially if they clearly show that the truck driver was asleep at the wheel or on the road long after they should have taken a mandatory rest break.

Our Alabama truck accident lawyers at [Dean Waite & Associates, LLC](#) have years of experience handling such complex legal cases. As a result, we understand the importance of HOS records and how they can help build a stronger legal case.

Our law firm has a clear track record of success. We have recovered over \$150 million for Alabama injury victims, including a [\\$4.75 million settlement](#) in a case involving an 18-wheeler driver who had been awake for more than 24 hours before the collision.

You shouldn't have to fight that battle alone while you're still trying to heal. The firm will come to you, whether that's the Mobile office, your home, or your hospital room. The case review is at no charge, and you won't owe anything unless Dean Waite recovers for you. [Contact us online](#) or call 24/7 to get started today.