

Hours Of Service Violation Lawyer

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2025-09-21 • © 2025

Understanding Hours of Service Violations: A Comprehensive Legal Guide

When it comes to trucking, the rules governing how long drivers can operate their vehicles are crucial for ensuring safety on our roads. Hours of Service (HOS) regulations, established by the Federal Motor Carrier Safety Administration (FMCSA), dictate the maximum driving hours and required rest periods for commercial [truck](#) drivers. Violations of these regulations can lead to severe consequences, both for the drivers and the trucking companies. This guide will delve into what HOS violations are, the implications of such violations, and how a lawyer can assist in these matters.

What Are Hours of Service Regulations?

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HOS regulations are designed to prevent fatigue-related accidents by limiting the number of hours a driver can be on the road and ensuring they receive adequate rest. The key components of the HOS regulations include:

- **Maximum Driving Time:** Drivers may not drive more than 11 hours after 10 consecutive hours off duty.

- **14-Hour Rule:** A driver cannot drive after being on duty for 14 consecutive hours, even if they have not yet driven for 11 hours.
- **Rest Breaks:** Drivers must take a 30-minute break after 8 hours of driving.
- **Weekly Limits:** Drivers are limited to a maximum of 60 hours on duty in 7 consecutive days or 70 hours in 8 consecutive days, depending on their schedule.

Common HOS Violations

Understanding the common types of HOS violations is essential for both drivers and trucking companies. Some frequent violations include:

- **Driving Beyond Hours:** Exceeding the maximum driving hours permitted.
- **Failure to Log:** Not accurately logging hours of service in the Electronic Logging Device (ELD).
- **Inadequate Rest:** Not taking the required rest breaks or failing to have the mandated off-duty time.
- **Improper ELD Use:** Tampering with or failing to use an ELD as required.

Why HOS Violations Matter

HOS violations are not just regulatory infractions; they have serious implications for the safety of everyone on the road. The reasons these violations matter include:

- **Increased Accident Risk:** Fatigued drivers are more likely to cause accidents, leading to severe injuries or fatalities.
- **Legal Consequences:** Companies and drivers can face hefty fines and penalties for HOS violations.
- **Insurance Implications:** Violations can affect insurance claims and coverage, leading to higher premiums or denied claims.
- **Reputation Damage:** Frequent violations can tarnish the reputation of a trucking company, affecting its business.

Legal Consequences of HOS Violations

When HOS violations occur, both drivers and trucking companies may face legal repercussions. Here's what to expect:

Fines and Penalties

The FMCSA imposes significant fines for HOS violations. These fines can range from hundreds to thousands of dollars, depending on the nature and frequency of the violation. Additionally, states may impose their own penalties, which can vary widely.

Liability in Accidents

If a [truck](#) driver causes an accident while violating HOS regulations, they may be held liable for damages. This liability can extend to the trucking company as well, especially if the company failed to enforce HOS compliance or encouraged unsafe driving practices.

Increased Scrutiny

Frequent violations can lead to increased scrutiny from regulatory agencies, resulting in more frequent inspections and audits for the trucking company. This can disrupt operations and lead to financial losses.

Steps to Take if You Are Involved in an HOS Violation Incident

If you find yourself involved in an incident related to HOS violations, whether as a driver or a victim of an accident, here are actionable steps to consider:

1. Document Everything

Collect and maintain all relevant documentation, including:

- Accident reports
- Driver logs
- Electronic logging device (ELD) records
- Witness statements
- Photographs of the accident scene

2. Seek Medical Attention

If you are injured, prioritize your health by seeking medical attention immediately. Document your injuries and treatments, as this information will be important for any legal proceedings.

3. Contact a Personal Injury Attorney

Engage a qualified personal injury attorney who specializes in [truck](#) accidents and HOS violations. They can help you navigate the complexities of your case, establish liability, and pursue compensation for your injuries.

4. Report the Incident

Notify your employer or the trucking company about the incident. It's crucial to report the violation as soon as possible, as this can impact the investigation and any potential claims.

How a Lawyer Can Help with HOS Violations

Navigating the legal landscape surrounding HOS violations can be complex. Here's how a lawyer can assist:

1. Legal Representation

A lawyer can represent you in court if necessary, ensuring that your rights are protected and that you receive a fair hearing.

2. Case Evaluation

Your attorney can evaluate the specifics of your case, including reviewing logs and accident details, to determine the best course of action.

3. Negotiating Settlements

Lawyers can negotiate with insurance companies on your behalf to secure fair compensation for damages, medical expenses, and lost wages.

4. Understanding State-Specific Nuances

Each state may have different laws regarding HOS violations and personal injury claims. A knowledgeable attorney will be familiar with the regulations in your state and how they affect your case.

State-Specific Considerations

While HOS regulations are federally mandated, individual states may have additional laws or regulations that affect [truck](#) drivers and companies. Here are a few examples:

California

California has strict regulations regarding the trucking industry, including additional rest requirements and limits on driving hours that may be more stringent than federal regulations.

Florida

Florida law allows for punitive damages in cases where gross negligence is proven, which may apply in instances of HOS violations leading to accidents.

Texas

In Texas, commercial drivers may face increased penalties for HOS violations if they are involved in accidents, including potential criminal charges for reckless driving.

Conclusion

Hours of Service violations are serious issues that can have significant legal and personal implications. If you are a [truck](#) driver, it's vital to understand and adhere to HOS regulations to protect yourself and others on the road. If you find yourself involved in an incident related to HOS violations, seeking legal assistance can help you navigate the complexities of your situation and ensure that you receive the compensation you deserve.

For further assistance, consider reaching out to a personal injury attorney who specializes in truck accidents. They can provide you with the guidance and support necessary to handle your case effectively.

FutureStarr Legal Team

About the Author: The FutureStarr Legal Team

With decades of experience in truck accident litigation, our team provides data-driven insights to help victims navigate their claims and secure the compensation they deserve.

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