

While all drivers are subject to state and local traffic laws, commercial truck drivers are subject to federal trucking regulations promulgated by the Federal Motor Carrier Safety Administration (FMCSA), an agency of the Department of Transportation. These regulations impose numerous obligations on drivers and trucking companies in order to protect the safety of others. Unfortunately, many drivers and trucking companies intentionally or negligently violate these regulations on a frequent basis.

If you have been injured in a truck accident, evidence that the driver or the trucking company can be compelling evidence supporting your claim. A knowledgeable [truck accident attorney](#) will be able to identify whether a violation of federal trucking regulations contributed to the cause of your accident and how to get the evidence you need.

## Hours of Service Violations

In an effort to prevent drivers from driving while fatigued, one of the most important FMCSA regulations limits the number of hours that drivers can be on duty. FMCSA regulations include the following hours of service limitations:

- **The 14-hour window:** Drivers are limited to 11 hours of driving during any period of 14 consecutive hours. It is important to note that the 14-hour period begins when the driver starts working, not when they start driving. If a driver spends one hour inspecting the truck, securing the load, and fueling the truck, that would be included in the 14-hour window.
- **30-minute breaks:** During the 14-hour window, drivers are entitled to a minimum of one 30-minute break every 8 hours.
- **10-hour breaks:** The 14-hour must be preceded and followed by breaks of 10 consecutive hours. In other words, drivers must be off duty for 10 hours prior to the 14-hour window and for 10 hours following the 14-hour window.
- **Weekly limitations:** Drivers cannot work more than 60 hours in the past 7 days or 70 hours in the past 8 days. These weekly limitations reset when the driver is off duty for 34 or more consecutive hours.

These hours of service restrictions are violated regularly and, as a result, drivers are often not as alert as they need to be. A truck accident attorney will know what evidence you need to prove an hours of service violation.

# Truck Maintenance

Because they drive thousands of miles every year, trucks have intense maintenance needs. While they are built to last for decades, they must be regularly serviced and properly maintained to make sure they are safe for operation at all times.

FMCSA regulations include extensive maintenance requirements to ensure that all trucks are safe for operation. In general, drivers and trucking companies are required to systematically inspect their trucks and perform any necessary repairs or maintenance. These regulations can be very specific. For example, FMCSA regulations include tire tread condition requirements, with stricter requirements for front wheels than wheels on the rear of the truck or the trailer.

These regulations also have extensive record-keeping requirements. For example, drivers are required to complete a daily inspection report at the end of each driving day, and trucking companies must keep detailed records of all inspections, repairs, and maintenance performed.

A truck accident attorney will know which regulations were likely violated if your truck accident was caused by a mechanical issue with the truck.

# Drug and Alcohol Testing

FMCSA also mandates drug and alcohol testing for drivers in the following situations:

- **Pre-employment:** drivers must be drug tested prior to being hired. Drivers may also be alcohol tested if all CDL drivers are tested.
- **Post-accident:** CDL drivers must be drug and alcohol tested following an accident. The alcohol test must be administered within 8 hours of the accident and the drug test must be administered within 32 hours of the accident.
- **Random testing:** all drivers may be subject to random drug testing at any time, including when they are off duty. Drivers may be subjected to random alcohol testing only immediately before or after being on duty.
- **Reasonable suspicion:** Supervisors can require a driver to be drug or alcohol tested if they have a reasonable belief that the driver exhibits signs of drug or alcohol abuse based on their speech, behavior, appearance, or body odor.

There are other situations where drug testing may be required, such as when a driver is returning to duty following a violation. Unfortunately, many trucking companies are lax when it comes to performing the required tests. Some even willfully ignore obvious signs of substance abuse. Failure to administer required drug or alcohol tests can support your

claim for compensation if your accident was caused by a driver who was under the influence.

## Hiring Requirements

FMCSA regulations also impose hiring requirements on trucking companies to ensure that they are hiring only drivers who have the appropriate qualifications. As mentioned above, trucking companies are required to conduct drug and alcohol testing before hiring drivers. Some of the other requirements include the following:

- Drivers must have the appropriate licensing, such as a CDL (commercial driver's license), to demonstrate that they have the necessary training and experience to drive a large truck.
- Drivers must have a current medical examination card that proves they are medically fit to drive.
- Drivers must be able to speak and read English satisfactorily.
- Drivers must be able to pass a road test.
- Drivers must provide a copy of their driving record.

Trucking companies are required to maintain a driver qualification file for every driver they employ. Trucking companies may also be subject to various ongoing requirements such as obtaining updated driving records on an annual basis. Failure to comply with these requirements could be used as evidence of negligent hiring practices.

## Contact Martin & Jones to Speak with a Truck Accident Attorney Today

If you have been injured in a truck accident, you need an experienced truck accident on your side. At [Martin & Jones](#), we have been helping truck accident victims [get the compensation they deserve](#) for over 30 years. To discuss your case and your options, [contact us](#) today at 800-662-1234 to schedule a free consultation.