

How Hours-of-Service Violations by Ontario Truck Drivers Lead to Serious Crashes

Ontario Truck Accident Lawyers Explain Who's Liable for Fatigue-Related Crashes

When a fully-loaded transport truck collides with a passenger vehicle on Highway 401, the QEW or any Ontario road, the consequences can be catastrophic. One of the most common and most preventable causes of serious [truck accidents](#) in Ontario is driver fatigue – a commercial driver who has been behind the wheel far longer than the law allows. Hours-of-service (HOS) regulations exist precisely to prevent this. When a driver or a trucking company ignores those regulations, the victims of the resulting crash have the right to hold them accountable.

The [Commercial Vehicle Drivers Hours of Service Regulations \(SOR/2005-313\)](#), enacted under Canada's Motor Vehicle Transport Act, set strict limits on how long commercial truck drivers can operate before they must rest. These are federal regulations that apply throughout Ontario and across Canada. Research from Transport Canada (TC) consistently links HOS violations to driver fatigue, reduced reaction time and a significantly higher risk of serious collisions on Canadian roads.

At [Smitiuch Injury Law](#), our Ontario truck accident lawyers have helped people seriously injured in commercial truck crashes throughout Toronto and across the province. HOS violation cases require prompt investigation, early evidence preservation and a thorough understanding of how federal and provincial trucking regulations work together. This article explains what these regulations require, how violations lead to crashes and who is legally responsible when they do.

What Are Ontario's Hours-of-Service Regulations?

Commercial truck drivers in Ontario are governed by the federal [Commercial Vehicle Drivers Hours of Service Regulations \(SOR/2005-313\)](#), which set out the maximum number of hours a driver can spend behind the wheel before mandatory rest is required. These regulations apply broadly to commercial truck operations in Ontario, with harmonized provincial rules governing provincially regulated carriers.

The core limits are straightforward. A commercial driver cannot drive more than 13 hours in a single day. They cannot accumulate more than 14 hours of on-duty time in a day, whether that time is spent driving or performing other work. Before driving again, a driver must take at least eight consecutive hours off duty. These daily limits exist within two longer duty cycles - a seven-day cycle and a fourteen-day cycle - that cap the total number of hours a driver can accumulate over an extended period.

Ontario also requires most commercial truck carriers to use certified electronic logging devices (ELDs) to record driver hours automatically. According to the [Ontario Ministry of Transportation](#)

[\(MTO\)](#), ELDs have been mandatory for most commercial truck drivers in Ontario since June 12, 2022, with full enforcement penalties in place from January 1, 2023. ELDs replaced paper logbooks for most carriers because paper logs were easily falsified and difficult to verify. An ELD records engine data in real time, making it significantly harder for a driver or carrier to conceal HOS violations.

What Are Common Hours-of-Service Violations in Ontario?

Not every HOS violation looks the same. Some arise from deliberate falsification of records. Others result from scheduling pressures that push drivers past their legal limits without anyone formally ordering them to break the rules. These are the violations that appear most often in serious truck accident claims in Ontario.

- **Exceeding daily driving limits** – Driving beyond the 13-hour daily limit is one of the most straightforward violations. It can be established through ELD data, GPS records and fuel receipts that establish a driver's location over time.
- **Exceeding on-duty time limits** – A driver who spends more than 14 hours on duty in a single day - including non-driving work time such as loading, fuelling or waiting at a dock - has violated the on-duty cap even if they have not exceeded the 13-hour driving limit.
- **Insufficient off-duty time between shifts** – Failing to take eight consecutive hours of off-duty time before driving again is a common violation, particularly when carriers schedule deliveries with tight turnarounds that make proper rest practically impossible.
- **Falsifying paper logbooks** – Before ELDs became mandatory, paper logbooks were routinely altered to conceal HOS violations. Carriers that are still permitted to use paper logs, or who relied on them before the ELD mandate, may have records showing patterns of falsification that are inconsistent with GPS or fuel data.
- **Tampering with or disabling ELD devices** – Some drivers and carriers attempt to manipulate ELD data by unplugging devices, driving vehicles with known ELD malfunctions without switching to paper logs, or using technical workarounds to suppress recorded driving time.
- **Cycle violations** – Exceeding the total accumulated hours permitted under the seven-day or fourteen-day duty cycle limits is a violation that only becomes visible when records are reviewed across the full cycle period rather than day by day.

Many of these violations are not isolated incidents. A pattern of violations across multiple days or multiple drivers at the same carrier is often evidence that the company itself is creating conditions that make compliance impossible - and that can extend liability well beyond the individual driver who was behind the wheel at the time of the crash.

How Do Hours-of-Service Violations Cause Car Accidents?

The connection between HOS violations and serious crashes is not theoretical. A driver who has been on the road for 15, 16 or 18 hours is not simply tired in the ordinary sense. The cognitive impairment caused by extended wakefulness is measurable and well-documented. Studies conducted by Transport Canada and road safety researchers have consistently found that fatigued commercial drivers have significantly slower reaction times, reduced situational awareness and a sharply diminished ability to respond to sudden changes in traffic conditions.

At highway speeds, a fraction of a second of inattention is all it takes for a collision to become unavoidable. A fatigued driver who drifts across a lane boundary, fails to brake in time or falls briefly asleep at the wheel of a fully loaded transport truck can cause a crash that kills or permanently injures everyone in smaller vehicles nearby. The weight differential between a commercial truck and a passenger vehicle means the car occupants absorb nearly all of the force.

What makes HOS violations particularly actionable as a legal matter is that the regulatory framework itself establishes the standard of care that was owed. A driver who exceeded their permitted hours was not simply careless in a general sense - they were operating in direct violation of rules that exist specifically to prevent fatigue-related crashes. That violation is powerful evidence of negligence (the failure to meet the standard of care owed to other road users) and gives an injured person a strong foundation for a legal claim.

What Evidence Proves Hours-of-Service Violations Caused the Collision?

Building a successful HOS violation claim requires specific categories of evidence that go beyond the police report and medical records. The evidence that proves a driver was fatigued and operating illegally at the time of the crash is largely in the possession of the trucking company - which is precisely why early legal intervention is so important.

- **Electronic logging device (ELD) data** – ELD records show every hour the vehicle's engine was running, when it stopped, and the driver's recorded duty status throughout the cycle period. This data cannot be easily altered and provides an objective timeline of the driver's hours in the days leading up to the crash.
- **Driver records of duty status (RODS)** – Whether maintained electronically or on paper, a driver's RODS log the hours worked, rest periods taken and duty status over the preceding 14 days. Gaps, inconsistencies or alterations in these records can themselves be evidence of an attempt to conceal violations.
- **GPS and telematics data** – Vehicle GPS data tracks the truck's location, speed and movement over time. When compared against the driver's recorded duty status, GPS records can reveal discrepancies - such as a truck that was moving during a period the driver claimed to be off duty.

- **Fuel receipts and delivery records** – Fuel purchase times, delivery confirmation timestamps and loading dock records can establish where a driver was and when, providing independent verification of the driver’s actual schedule regardless of what the logbook says.
- **Dispatch records and carrier communications** – Text messages, emails, dispatch instructions and trip assignment records can reveal whether the carrier was scheduling drivers in ways that made HOS compliance impossible, or whether dispatchers knew a driver was over their hours and sent them out anyway.
- **The carrier’s safety record and Commercial Vehicle Operator’s Registration (CVOR) abstract** – A carrier’s CVOR record, available through the MTO, tracks prior collisions, convictions and inspection results. A pattern of prior HOS violations, failed inspections or driver fatigue incidents can support the argument that the company knew about the problem and failed to address it.

This evidence disappears quickly. ELD records are retained for a limited period. Paper records are routinely destroyed. Dispatch communications may be deleted. A lawyer who acts promptly can issue preservation demands requiring the carrier to retain all relevant records, and can apply to the court for an order if those demands are ignored. Waiting weeks or months after the crash to begin this process can permanently damage the strength of a claim.

What If the Trucking Company Refuses to Share This Evidence?

It is common for trucking companies and their insurers to resist producing HOS records, ELD data and internal communications after a serious crash. They understand what this evidence can show, and they have experienced legal teams whose job is to limit access to it. An injured person acting without a lawyer is unlikely to know what records exist, how to demand them or what legal tools are available when a carrier refuses to comply.

Once a lawyer is retained, they can issue a formal litigation hold notice requiring the carrier to preserve all relevant records immediately. If the matter proceeds to litigation, Ontario’s discovery rules require both parties to produce relevant documents. A carrier that destroys records after receiving a preservation notice faces serious legal consequences - including the possibility that a court will draw an adverse inference, meaning it may assume the missing records would have supported the injured person’s claim.

Ontario’s [Highway Traffic Act \(HTA\)](#) and the federal regulations also impose record-keeping obligations on motor carriers. Carriers are required to retain driver logs, ELD data and supporting documents for specified periods. A carrier that cannot produce records it was legally required to keep has a significant problem to explain. A lawyer who acts immediately after the crash can begin the preservation process before the carrier has time to assess its own exposure.

Who Is Liable When a Fatigued Truck Driver Causes a Crash in Ontario?

Liability (the legal responsibility for paying compensation to someone who was hurt) in an HOS violation crash can extend well beyond the driver. The driver who was behind the wheel is personally liable for driving while fatigued in violation of federal regulations. But in most serious truck accident cases, the driver alone is not the most important party to pursue - the carrier is.

Under section 192(2) of the [Ontario Highway Traffic Act](#), the owner of a commercial vehicle is vicariously liable (meaning legally responsible for the actions of another) for harm caused by anyone who operates the vehicle with the owner's consent. This means the trucking company is automatically on the hook for the driver's negligence, regardless of whether the company did anything wrong independently. That matters because commercial carriers carry substantially larger insurance policies than individual drivers.

The carrier can also face direct liability for its own conduct - for scheduling drivers in ways that make HOS compliance impossible, for ignoring known violations, for pressuring drivers to deliver on time regardless of their hours, or for failing to maintain functional ELD systems. When the evidence shows the company itself was creating or permitting the conditions that led to a fatigued driver on the road, the carrier's own negligence becomes an independent basis for liability separate from and in addition to its vicarious responsibility for the driver.

Can the Trucking Company Be Held Liable for a Driver's Hours-of-Service Violations?

Yes, and in many HOS violation cases, the company's own conduct is more significant to the claim than the driver's. The federal Commercial Vehicle Drivers Hours of Service Regulations (SOR/2005-313) expressly prohibit motor carriers from requesting, requiring or allowing a driver to drive in violation of the HOS limits. The obligation is not just on the driver to comply - it is on the carrier to ensure compliance.

When a carrier sets schedules that cannot be met without exceeding HOS limits, dispatches a driver who has already logged their maximum hours, or creates a culture where drivers feel they cannot take required rest without losing work, that carrier is independently negligent. This is not a difficult argument when the ELD data and dispatch records are produced - the paper trail tends to tell a clear story about whether a company was enforcing its HOS obligations or looking the other way.

This carrier-level liability is one of the most important aspects of an HOS violation claim because it typically means pursuing a larger insurance policy. A driver's personal insurance, even if they carry commercial coverage, is unlikely to be adequate in a serious injury case. A carrier's commercial policy is a different matter entirely - and when the evidence shows the carrier was itself at fault, the claim against that policy is stronger and more difficult to resist.

What Compensation Is Available to Victims of Fatigued Truck Driver Crashes in Ontario?

Ontario law allows people seriously injured by a negligent truck driver and carrier to pursue compensation for the full range of losses caused by the crash. Because commercial truck accidents tend to produce severe injuries, the categories of available compensation are often substantial.

- **Medical and rehabilitation expenses** – Emergency treatment, hospitalization, surgery, specialist care, physiotherapy, occupational therapy and any other medical treatment required as a result of the crash, including future care costs if the injuries have ongoing effects.
- **Lost income** – Wages, salary and other income lost during the period of recovery, including the future earning capacity of an injured person who cannot return to their previous occupation or level of employment because of their injuries.
- **Pain and suffering** – Non-economic damages for the physical pain, emotional trauma and loss of enjoyment of life caused by serious injuries. Ontario law permits these damages in cases meeting the threshold for a tort claim against the at-fault driver.
- **Attendant care and home modification costs** – For seriously injured people who require assistance with daily activities or who must modify their home to accommodate a permanent disability, these costs form part of the recoverable damages.
- **Family law act claims** – Under Ontario's Family Law Act, close family members of a seriously injured person may be entitled to compensation for loss of care, guidance and companionship caused by the injuries sustained in the crash.
- **Wrongful death damages** – When a fatigued truck driver causes a fatal crash, the deceased person's family may pursue a wrongful death claim covering funeral expenses, loss of financial support and loss of the guidance and companionship the deceased would have provided.

The value of an HOS violation claim depends on the severity of the injuries, the extent of the financial losses and the strength of the evidence connecting the violations to the crash. Commercial carriers typically carry significantly higher insurance policy limits than individual drivers. Identifying every applicable policy - including excess and umbrella coverage - is an important part of ensuring the claim captures the full compensation available.

How Can an Ontario Truck Accident Lawyer Help With an Hours-of-Service Claim?

At [Smitiuch Injury Law](#), our Ontario truck accident lawyers investigate HOS violation crashes from the moment we are retained. We issue preservation demands immediately, request ELD

data and dispatch records before they are destroyed, and retain accident reconstruction and trucking industry experts when the evidence requires it. We understand how federal and provincial regulations interact in these cases and how to use violations of those regulations to build the strongest possible liability case for our clients.

Our firm has been recovering compensation for seriously injured Ontarians since 2001. Our [case results](#) include some of the most significant damages awards in Ontario personal injury history. We are not afraid to take cases to trial, and commercial insurers know it. That reputation shapes the outcome of negotiations and gives our clients the best possible chance at a resolution that genuinely reflects what they have lost.

[Ontario's Limitations Act, 2002](#) gives most injured people two years from the date of the crash to start a legal proceeding - but the evidence that wins HOS violation cases can disappear within days of the collision. If you or someone close to you was seriously hurt in a truck accident anywhere in Ontario, [contact our law firm](#) as soon as possible for a free case evaluation. There are no upfront costs and no legal fees of any kind unless we recover compensation for you.