

COMPLIANCE BASICS



DRIVER QUALIFICATION FILES

Part 391

Do I have to do this?

The Federal Motor Carrier Safety Regulations are applicable to all motor carriers, drivers and vehicles that transport property or passengers in commerce when the vehicle meets the definition: A commercial motor vehicle (CMV) means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle:

- Has gross vehicle weight rating, or gross combination weight rating, or gross vehicle weight, or gross combination weight, of 10,001 pounds or more or
- Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- Is designed or used to transport more than 15 passengers (including the driver) and is not used to transport passengers for compensation; or
- Is used in transporting materials found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding.

This file must contain:

- ✓ an application for employment,
- ✓ motor vehicle record for each state (MVR),
- ✓ road test or copy of current CDL,
- ✓ annual driver record,
- ✓ note relating to the annual review of driver's record,
- ✓ a list or certificate relating to violations of motor vehicle laws
- ✓ a skill performance evaluation certificate if applicable
- ✓ medical examiner's certificate,
- ✓ note relating to verification of medical examiners list,
- ✓ a note stating, they asked the driver if they have ever (in the last 2years) tested positive or refused to test on any pre-employment drug or alcohol test (40.25(j))

Driver Investigation History File:

- motor Carrier must ensure limited access to these files
- data must only be used for the hiring decision
- must include a copy of driver's written authorization to seek information about alcohol and controlled substances history
- must include a copy of the responses received for investigations or documentation of good faith efforts to contact them.
- record must include previous employer's name and address, date previous employer was contacted, information received about the driver
- failures to contact a previous employer, or them to respond must be documented