



Driver qualification file best practices.

Federal Motor Carrier Safety Regulation (FMCSR) Part 391—Qualification of Drivers indicates that **“A person shall not drive a commercial motor vehicle unless he/she is qualified to drive a commercial motor vehicle.”** Paragraph 391.51—General Requirements for Driver Qualification Files (DQF) indicates **“Each motor carrier shall maintain a driver qualification file for each driver it employs”** and specifies which records are required to be in the file. It’s important to create and maintain complete DQFs for the following reasons:

1. DQF information assists the motor carrier in determining whether a driver is qualified. Qualified drivers are less likely to have an accident.
2. When accidents occur, plaintiff’s attorneys may use the lack of, or incomplete, DQFs as evidence of negligence in the hiring of the driver.
3. Motor carriers that don’t maintain DQFs, or don’t maintain the required documents in them, are subject to violations and fines when audited by the Department of Transportation (DOT).

Driver qualification file checklist.

A best practice to ensure DQFs are complete, and maintained with required updates, is to utilize a driver qualification file checklist. This will assist safety personnel in keeping track of which documents have been received and which documents are outstanding. A sample checklist is attached.

Keep only required documents in the file.

FMCSRs allow for the DQF to be combined with the personnel file, but it’s recommended that it be kept separately. Placing non-qualification information in a DQF clutters the file, which often makes it difficult to determine if the file is complete and up to date. DQFs should be kept secured, as they often contain confidential information.

Use file folders with built-in fasteners.

Loose documents in a file are more likely to become lost. Files with built-in fasteners, such as the two-hole punch type, keep documents in place and orderly. It’s recommended that documents obtained during the initial hiring process (application, background checks, etc.) be fastened to one side of the file and documents that require updating (renewal of driver’s license, medical certificate, annual MVR, annual driver certification of violations, etc.) be fastened to the other. This allows for a quick review of documents that must be updated. FMCSA and insurance auditors also look favorably on well-organized files.

Keep a master tracking spreadsheet of documents that need to be updated.

Keeping track of when items expire or when annual reviews are due is difficult without a master tracking spreadsheet. See example below.

Driver	Medical certificate expires	Drivers license expires	Next annual review of driving record (MVR) ¹	Next annual review of driver’s certification of violations ¹
Driver #1	2/11/19	4/7/19	1/1/19	1/1/19
Driver #2	4/2/19	6/13/19	7/1/19	7/1/19
Driver #3	12/1/19	8/14/19	6/13/19	6/13/19
Driver #4	3/2/19	3/21/19	4/15/19	4/15/19

¹A best practice is to set all drivers for the same date of annual review of driving record (MVR) and driver’s certification of violations. If doing so, make sure not to extend any reviews beyond the one-year requirement.

Summary of FMCSA driver qualification documents.

Application for Employment (49 CFR 391.21)

Application must contain all the data outlined in 391.21.

Inquiry to State Agencies— Motor Vehicle Record (49 CFR 391.23)

Employer must request and receive the employee's driving record for the preceding three years from the appropriate state agency within 30 days from hire date. A best practice is to complete the inquiry prior to extending a job offer. If using a commercial company to obtain the motor vehicle record (MVR), written driver permission is required according to the Fair Credit Reporting Act and should be placed in the file. A copy of each driver's motor vehicle record must be kept in the driver's file.

Inquiry to Previous Employers (49 CFR 391.23)

A motor carrier must investigate a driver's safety performance history with previous employers (in which they drove a commercial motor vehicle) for the preceding three years. The investigation must be completed within 30 days from the driver's hire date. A best practice is to complete the inquiry prior to extending a job offer.

Annual Review of Driving Record (49 CFR 391.25)

A motor carrier is required to review the driving record of each driver at least once every 12 months to ensure drivers continue to meet minimum safe driving requirements. Document the results of this review. A copy of each driver's motor vehicle record must be kept in the driver's file. Annual reviews must be retained in the driver's file for three years.

Annual Driver's Certification of Violations (49 CFR 391.27)

Each year a driver must provide his/her employer a list of any convictions related to motor vehicle traffic laws and ordinances (except parking violations) and/or any violations in which the driver forfeited bond or collateral during the previous 12 months. Otherwise, the driver must certify in writing that no violations were received. Certification of violations forms must be retained in the driver's file for three years.

Record and Certificate of Road Test (49 CFR 391.31)

New commercial motor vehicle drivers must successfully complete a road test and receive a certificate. Employers must retain the original certificate of driver's road test in the driver's qualification file. If the driver possesses a valid commercial driving license (CDL), a road test or written test is not required. A copy of the CDL will satisfy this requirement. A best practice is to road test a driver even though he or she has a CDL to identify drivers with poor driving skills. A road test must be administered for drivers applying to drive vehicles requiring a tank or longer combination vehicles (LCV) endorsement.

Medical Examiner's Certificate (49 CFR 391.43, 391.49, 391.23 and 391.51)

All commercial drivers are required to have a physical examination conducted by a qualified medical examiner at least once every 24 months. If applicable, a letter from the regional director of motor carriers granting a waiver of a physical disqualification may also be required. If applicable, a skill performance evaluation (SPE) certificate granted by the division administrator, FMCSA or state director, FMCSA, may also be required. Medical examiner's certificates must be retained in the driver's file for three years.

Beginning on May 21, 2014, an organization must verify the medical examiner's listing on the National Registry of Certified Medical Examiners. The verification should include the examiner's registry number and date checked. A best practice would be to take a screenshot of the examiner listed on the registry. This verification must be placed in the driver's qualification file.

The carrier must retain a copy of the medical certificate. For CDL drivers, the carrier must retain a copy of the CDLIS motor vehicle record, which contains the examination information.

Driver's Data Sheet / Hours-of-Service (49 CFR 395.8)

Obtain a signed statement from new hires, intermittent, casual and occasional drivers documenting their total time on duty for the immediate preceding seven days and the time at which the driver was last relieved from duty prior to your hire date. This form is often referred to as "Hours-of-Service Record for First Time or Intermittent Drivers."

Pre-employment Drug and Alcohol Testing Documents (49 CFR 382.301)

Drivers operating commercial motor vehicles requiring a commercial driving license (CDL) are required to be tested for drugs and alcohol in accordance with 382.301.

Inquiry Into FMCSA Drug and Alcohol Clearinghouse (49 CFR 382.701 - 382.727)

A motor carrier must investigate a CDL driver's past drug and alcohol testing history through the FMCSA Clearinghouse on a pre-employment basis and annually thereafter: clearinghouse.fmcsa.dot.gov/Learn

Longer Combination Vehicle (LCV) Driver Training Certificate (49 CFR 380.103 - 380.401)

Drivers who wish to operate an LCV must receive training and provide proof of the training.

Entry-Level Driver Training Requirements Certificate (49 CFR 380.501 - 380.513)

All entry-level (less than one year experience) CDL drivers must receive this training.

Records retention.

All documents contained in a driver's file must be retained for a period of three years following separation of employment from the carrier.

Sample forms.

Driver qualification files and forms are available from many vendors. The FMCSA provides free samples in its on-line Motor Carrier Safety Planner at: csa.fmcsa.dot.gov/SafetyPlanner/Default.aspx.

Legal counsel review.

Organizations should consult their legal counsel regarding any changes to their hiring practices.



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Driver Qualification File Checklist

Driver Name: _____

Date of Hire: _____

Initial Employment

Application for Employment (49 CFR 391.21)

Received/Completed

Inquiry to State Agencies – MVR (49 CFR 391.23)

(Driver written permission, if applicable)

Inquiry to Previous Employers (49 CFR 391.23)

Date Requested

Employer: _____

Employer: _____

Employer: _____

Employer: _____

Record and Certificate of Road Test (49 CFR 391.31)

1. Copy of CDL (if applicable)

2. Record of road test (if applicable)

Medical Examiner's Certificate (49 CFR 391.43 & 391.49)

(Include a screen print of the medical examiner's listing on the National Registry of Certified Medical Examiner's) Medical examiner registry # _____

Date _____

Driver's Data Sheet/Hours-of-Service (49 CFR 395.8)

Pre-employment D&A Testing Documentation (CDL Only)

(Actual documentation should be kept in secure confidential file)

Pre-employment inquiry into FMCSA Drug & Alcohol Clearinghouse (CDL Only)

Driver Information Resource Record (PSP)¹

(Driver written permission)

Certificate of Training for Longer Combination Vehicles (if applicable)

Certificate of Entry Level Training (if applicable)

Expiring Documents & Annual Reviews

Insert date of expiration or next review

License Expiration

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Medical Certificate

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Annual Driver's Certification of Violations (49 CFR 391.27)

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Annual Review of Driving Record (49 CFR 391.25)

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Annual inquiry into FMCSA Drug and Alcohol Clearinghouse (49 CFR 382.701 - 382.727)

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¹ The FMCSA Pre-employment Screening Program Driver Information Record is not required but is a best practice.