

## Drivers of Commercial Motor Vehicles: Qualifications Files

### **Description:**

Each motor carrier is required to maintain driver qualification files that include mandatory documents on each driver employed to drive a commercial motor vehicle.

After October 29, 2004, motor carriers are required to maintain a Driver Investigation History File (DIHF) for each new driver-applicant who applies for employment that requires the applicant to drive a commercial motor vehicle.

### **Regulatory Reference**

49 CFR Part 380	Subpart E Entry-Level Driver Training Requirements §§ 380.500-380.513
49 CFR § 391.21	Application for employment
49 CFR § 391.23	Investigation and inquiries
49 CFR § 391.25	Annual inquiry and review of driving record
49 CFR § 391.27	Record of violations
49 CFR § 391.31	Road test
49 CFR § 391.33	Equivalent of road test
49 CFR § 391.41	Physical qualifications for drivers
49 CFR § 391.43	Medical examination; certificate of physical examination
49 CFR § 391.51	General requirements for driver qualification files
49 CFR § 391.53	Driver Investigation History File
49 CFR § 391.55	LCV Driver-Instructor qualification files [Longer Commercial Vehicles]

### **Applies to:**

The requirements apply to all motor carriers.

### **General Requirements:**

Every motor carrier must have a qualification file for each regularly employed driver. The file must include, at minimum:

- (1) Driver's Application for Employment (49 CFR § 391.21)—A person must not be allowed to drive a commercial motor vehicle unless he/she has completed and signed an application for employment, and met other qualification requirements. (See **Compliance Guide No. DOT 16 revised 5/2004** in this reference.)
- (2) Inquiry to Previous Employers [49 CFR § 391.23 & § 391.53]—An investigation of the driver's employment record during the preceding 3 years must be made and documented within 30 days of the date his/her employment is denied or begins.

After October 29, 2004, each motor carrier must maintain records [Driver Investigation History Files, (DIHF)] relating to the investigation into the safety performance history of a new or prospective driver as required in paragraphs (d) and (e) of § 391.23. A more detailed description of DIHF requirements is given in (8) below.

- (3) Inquiry to State Driver Record Agencies [49 CFR § 391.23 (a) (1) & (b)]—Documentation of the driver's driving record for the preceding 3 years must be obtained from each state where the driver lived.
- (4) Annual Review of Driving Record (49 CFR § 391.25)—At least once every 12 months, a motor carrier must review the driving record of each driver with documentation results placed in the driver qualification file.
- (5) Annual Driver's Certificate of Violations (49 CFR § 391.27)—At least once every 12 months, a motor carrier must require each driver that it employs to prepare and furnish it with a list of all violations of motor vehicle traffic laws and ordinances (excluding parking violations) during the previous 12 months.
- (6) Driver's Road Test Certificate or Equivalent (49 CFR § 391.31 & § 391.33)—A person must not be allowed to drive a commercial motor vehicle until he/she has successfully completed a road test and has been issued a certificate, or a copy of the license or certificate which the motor carrier accepted as equivalent to the driver's road test as described in § 391.33.
- (7) Medical Examiner's Certificate (49 CFR § 391.43)—The driver must pass a medical examination conducted by a licensed health care professional. The driver must be issued a Medical Examiner's Certificate, which must be carried at all times by the driver and must be renewed every two years.
- (8) Driver Investigation History File (49 CFR § 391.53)—After October 29, 2004, a DIHF must be maintained for each driver applicant. DIHFs must be maintained in a secure location with controlled access. The information contained in a DIHF must only be used for the hiring decision, and the file must include:
  - A copy of the driver's written authorization for the motor carrier to seek information about his or her alcohol and controlled substances history (§ 391.23(d))
  - A copy of the response(s) received for investigations required by paragraphs (d) and (e) of § 391.23. The record must include the previous employer's name and address, the date the employer was contacted, and the information received about the driver from the previous employer. Failures to contact a previous employer, or of them to provide the required information, must be documented.
  - The safety performance histories received from previous employers for a driver who is hired must be retained for as long as the driver is employed by the hiring motor carrier and for 3 years thereafter.
- (9) Drivers of Longer Combination Vehicles (LCV) (49 CFR § 391.55)—After June 1, 2004, drivers of LCVs (tractors pulling doubles and triples) must be trained as set out in 49 CFR Part 380. After October 29, 2004, documentation of LCV driver training certifications and CDL endorsements must be included in the driver qualification file.
- (10) By July 20, 2004, and thereafter, motor carriers must ensure that all entry-level drivers (a driver with less than one year of experience operating a CMV in interstate commerce) are trained as required by 49 CFR § 380.503 and their training documented as required by 49 CFR §§ 380.505, 380.509-380.513. For entry-level drivers who first began operating a CMV in interstate commerce between July 20, 2003, and October 18, 2004, the compliance deadline is October 18, 2004.

Required training elements found in 49 CFR § 380.503 include:

- Driver qualification requirements
- Hours of service of drivers
- Driver wellness
- Whistleblower protection

The training provider must provide a training certificate or diploma to the entry-level driver containing the following items of information:

- (a) Date of certificate issuance
- (b) Name of training provider
- (c) Mailing address of training provider
- (d) Name of driver
- (e) A statement that the driver has completed training in driver qualification requirements, hours of service of drivers, driver wellness, and whistleblower protection requirements substantially in accordance with the following sentence:  
I certify \_\_\_\_\_ has completed training requirements set forth in the Federal Motor Carrier Safety Regulations for entry-level driver training in accordance with 49 CFR 380.503.
- (f) The printed name of the person attesting that the driver has received the required training
- (g) The signature of the person attesting that the driver has received the required training

The employer must keep a copy of the entry-level driver's diploma or certificate of training for as long as the employer employs the driver and for 1 year thereafter.

### **Training Requirements:**

Special training requirements apply to entry-level drivers and drivers of longer combination vehicles (LCVs). Documentation of hazmat employee training should also be documented in driver qualification files.

### **Maintenance and Review**

Periodic review of driver qualification files for completeness and checking for expiration dates of driver CDLs, current driver physical certifications, any refresher training related to individual drivers are important compliance measures. For additional information, go to the Federal Motor Carrier Safety Administration Internet website at [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov). Click on the rules and regulations link in the left column of the page, then, click on the Rules & Regulations / Interpretations – FMCSRs link. Select the Part 391 link, or any other desired Part on the web page that follows.

