

Driver Qualification File

Many motor carriers assume that as long as their business doesn't employ CDL drivers who operate Commercial Motor Vehicles (CMVs) with a Gross Vehicle Weight Rating (GVWR) or Gross Combination Weight Rating (GCWR) of over 26,000 pounds, that the Federal Motor Carrier Safety Regulations do not apply to them.

In actuality, most regulations apply to businesses that operate vehicles with a GVWR/GCWR of 10,000 pounds or more.

WHO NEEDS A DRIVER QUALIFICATION FILE?

Any driver who operates a vehicle with a GVWR/GCWR of 10,001 pounds or more, transports at least 8 passengers including the driver, or who transports hazardous materials that require placarding is required to have a file containing their qualification documents.

DRIVER QUALIFICATION FILES

Most businesses keep employee documents in one personnel file. But businesses that are regulated by the DOT also need to have a Driver Qualification File containing specific records and documentation that demonstrates the employee is safe enough, healthy enough and qualified to operate a CMV. This includes owner-operators as they are considered employers AND employees.

DOT EMPLOYMENT APPLICATION

As an owner-operator, it may seem nonsensical to fill out an employment application for yourself. However, as stated above, the FMCSA considers owner-operators as employers and employees and therefore, all of the Driver Qualification documentation (including an employment application) must be completed.

Most businesses use employment applications that are acceptable to the FMCSA, but it is important to know what specific information is required that may not be included on standard applications, such as:

- » Three years of employment history. There cannot be any gaps in time and must include any time spent unemployed, as a student or incarcerated. (It is important to note here that if an applicant is applying for a job operating a vehicle with a GVWR/GCWR of 26,000 pounds or more, they must list 10 years of employment history.)
- » The extent and nature of the applicant's experience operating any type of motor vehicle.
- » Any/all moving violations received over the previous three years. If no violations were received, a statement indicating such.
- » Any/all accidents the applicant was involved in over the previous three years. If no accidents occurred, a statement indicating such.
- » The applicant must indicate any circumstances that resulted in a denial, revocation or suspension of any license to operate a motor vehicle. If no denial, revocation or suspension occurred, a statement indicating such.

MEDICAL CERTIFICATION

The employer must obtain a copy of the applicant's current and valid medical certification. Drivers are required to undergo a DOT medical evaluation at a minimum of once every 24 months. It is the employer's responsibility to keep track of certification expiration dates in order to ensure that drivers are consistently physically qualified to operate CMVs.

COMMERCIAL DRIVER'S LICENSE OR ROAD TEST CERTIFICATION

A copy of the applicant's current and valid driver's license must be obtained. If the applicant holds a Commercial Driver's License (CDL), a copy of that is sufficient. If no CDL is required, employers must retain evidence that the driver successfully completed a road test in the type of vehicle being operated. It is the employer's responsibility to keep track of license expiration dates in order to ensure that drivers are consistently qualified to operate CMVs.

CONFIDENTIALITY OF RECORDS AND RETENTION REQUIREMENTS

SAFETY PERFORMANCE HISTORY INVESTIGATION

This investigation must be run on an applicant for the previous three years for all DOT-regulated positions he or she may have held, and must contain the following:

- » Written authorization from the applicant allowing the investigation to be conducted.
- » Responses from any DOT-regulated employers. If previous employers do not respond to the inquiry, documentation must be included that outlines what attempts were made to obtain the information.
- » If the applicant did not hold any DOT-regulated positions, documentation indicating such.

ANNUAL REVIEW OF DRIVING RECORD AND LIST OF VIOLATIONS

Along with the annual MVRs, employers must require drivers to submit a list of any moving violations they received over the previous 12 months. If no violations occurred, documentation must be maintained that the employee has indicated such. After reviewing the MVR and List of Violations, the employer must maintain documentation of this driving record review.

The FMCSA requires all confidential records - such as the Safety Performance History Investigation - to be maintained in a secure environment with limited access.

ALL DRIVER QUALIFICATION FILES MUST BE MAINTAINED FOR THE DURATION OF AN INDIVIDUAL'S EMPLOYMENT AND FOR THREE YEARS THEREAFTER.