

DRIVER QUALIFICATIONS 101: ENSURING SAFETY ON THE ROAD

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AGENDA

- The differences between CDL vs. non-CDL Drivers
- Step-by-step driver qualification process
- Annual file maintenance
- Required document retention periods
- The types of vehicles that require a regulated driver

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WHY IS QUALIFYING A DRIVER IMPORTANT?

1. Legal & Regulatory Compliance

FMCSA regulations are federal laws. All motor carriers operating commercial motor vehicles (CMVs) in interstate commerce must ensure drivers are qualified under **49 CFR Part 391**.

Failing to do so can lead to:

- **Costly Fines and penalties**
- **Out-of-service orders**
- **Loss of operating authority**

2. Public & Roadway Safety

Driver qualification ensures that only physically, mentally, and professionally fit individuals operate CMVs.

This helps:

- **Prevent accidents**
- **Reduce fatalities and injuries**
- **Ensure drivers are medically able and trained for safe operation**

3. Verification of Experience & Competence

Qualification includes checking:

- **Driving record (MVR)**
- **Employment history**
- **Stand test or equivalent CDL**
- **Background checks (e.g., drug & alcohol testing history)**

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WHY IS QUALIFYING A DRIVER IMPORTANT?

4. Medical Fitness

FMCSA requires a **medical exam and certification** to verify the driver is fit to operate a CMV safely. Medical issues like sleep apnea, epilepsy, or uncontrolled diabetes can pose serious safety risks.

5. Liability & Insurance

If an unqualified driver causes an accident:

- **The carrier may be held negligent or liable**
- **Insurance may deny coverage**
- **Civil lawsuits could follow**

6. Audits & Safety Ratings

The FMCSA and DOT conduct regular audits and inspections.

Maintaining properly qualified drivers:

- **Improves CSA (Compliance, Safety, Accountability) scores**
- **Avoids fines and shutdowns**
- **Enhances company reputation**

In short, qualifying drivers is not just about following rules—it's about protecting lives, avoiding costly legal consequences, and ensuring smooth, responsible operations.

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COMMERCIAL DRIVER REQUIREMENTS

§ 391.1 Scope of the rules in this part; additional qualifications, duties of carrier-drivers.

(a) The rules in this part establish minimum qualifications for persons who drive commercial motor vehicles as, for, or on behalf of motor carriers. The rules in this part also establish minimum duties of motor carriers with respect to the qualifications of their drivers.

(b) An individual who meets the definition of both a motor carrier and a driver employed by that motor carrier must comply with both the rules in this part that apply to motor carriers and the rules in this part that apply to drivers.

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COMMERCIAL DRIVER REQUIREMENTS

§ 391.2 General exceptions.

- (a) **Farm custom operation.** The rules in this part do not apply to a driver who drives a commercial motor vehicle controlled and operated by a person engaged in custom-harvesting operations, if the commercial motor vehicle is used to—
 - (1) Transport farm machinery, supplies, or both, to or from a farm for custom-harvesting operations on a farm; or
 - (2) Transport custom-harvested crops to storage or market.
- (b) **Apiarian industries.** The rules in this part do not apply to a driver who is operating a commercial motor vehicle controlled and operated by a beekeeper engaged in the seasonal transportation of bees.
- (c) **Certain farm vehicle drivers.** The rules in this part, except for § 391.15(a) and (d), do not apply to a farm vehicle driver except a farm vehicle driver who drives an articulated (combination) commercial motor vehicle, as defined in § 390.5 of this chapter. For limited exemptions for farm vehicle drivers of articulated commercial motor vehicles, see § 391.67.
- (d) **Covered farm vehicles.** The rules in part 391, Subpart E—Physical Qualifications and Examinations—do not apply to drivers of “covered farm vehicles,” as defined in 49 CFR 390.5.
- (e) **Pipeline welding trucks.** The rules in this part do not apply to drivers of “pipeline welding trucks” as defined in 49 CFR 390.38(i).

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QUALIFICATIONS OF DRIVERS

§ 391.11 General qualifications of drivers. For any driver driving a vehicle or combination of vehicles over 10,001 pounds

- (a) **A person shall not drive a commercial motor vehicle unless he/she is qualified to drive a commercial motor vehicle.** Except as provided in § 391.63, a motor carrier shall not require or permit a person to drive a commercial motor vehicle unless that person is qualified to drive a commercial motor vehicle.
- (b) Except as provided in subpart G of this part, a person is qualified to drive a motor vehicle if he/she—
 - (1) Is at least **21 years old**;
 - (2) Can **read and speak the English language** sufficiently to converse with the public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records;
 - (3) Can, by reason of experience, training, or both, **safely operate the type of commercial motor vehicle he/she drives**;
 - (4) Is **physically qualified to drive a commercial motor vehicle** in accordance with subpart E—Physical Qualifications and Examinations of this part;
 - (5) Has a **currently valid commercial motor vehicle operator's license** issued only by one State or jurisdiction;
 - (6) Is **not disqualified to drive a commercial motor vehicle** under the rules in § 391.15; and
 - (7) Has **successfully completed a driver's road test** and has been issued a certificate of driver's road test in accordance with § 391.31 or has presented an operator's license or a certificate of road test which the motor carrier that employs him/her has accepted as equivalent to a road test in accordance with § 391.33.

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DRIVER RESPONSIBILITIES (§ 391.13)

In order to comply with the requirements of §§ 392.9(a) and 393.111(a)(16) of this subchapter, a motor carrier shall not require or permit a person to drive a commercial motor vehicle unless the person—

- (a) Can, by reason of experience, training, or both, determine whether the cargo he/she transports (including baggage in a passenger-carrying commercial motor vehicle) has been properly located, distributed, and secured in or on the commercial motor vehicle he/she drives;
- (b) Is familiar with methods and procedures for securing cargo in or on the commercial motor vehicle he/she drives.

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DRIVER RESPONSIBILITIES (§ 391.13)

- It is important here to know that you as a motor carrier must train your drivers on the proper load securement of types of loads that are shipping specific to your industry and provide proof of training.
- Refer to § 392.9: Inspection of cargo, cargo securement devices and systems for more information on cargo securement.

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DRIVER APPLICATION

§ 391.21 Application for employment

- (a) Except as provided in subpart G of this part, a person shall not drive a commercial motor vehicle unless he/she has completed and furnished the motor carrier that employs him/her with an application for employment that meets the requirements of paragraph (b) of this section.
- (b) The application for employment shall be made on a form furnished by the motor carrier. Each application form must be completed by the applicant, must be signed by him/her, and must contain the following information:
- (1) The name and address of the employing motor carrier;
 - (2) The applicant's name, address, date of birth, and social security number;
 - (3) The addresses at which the applicant has resided during the 3 years preceding the date on which the application is submitted;
 - (4) The date on which the application is submitted;
 - (5) The issuing driver's licensing authority, number, and expiration date of each unexpired commercial motor vehicle operator's license or permit that has been issued to the applicant;
 - (6) The nature and extent of the applicant's experience in the operation of motor vehicles, including the type of equipment (such as buses, trucks, truck tractors, semitrailers, full trailers, and pole trailers) which he/she has operated;
 - (7) A list of all motor vehicle accidents in which the applicant was involved during the 3 years preceding the date the application is submitted, specifying the date and nature of each accident and any fatalities or personal injuries it caused;
 - (8) A list of all violations of motor vehicle laws or ordinances (other than violations involving only parking) of which the applicant was convicted or forfeited bond or collateral during the 3 years preceding the date the application is submitted;

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DRIVER APPLICATION CONTINUED...

- (9) A statement setting forth in detail the facts and circumstances of any denial, revocation, or suspension of any license, permit, or privilege to operate a motor vehicle that has been issued to the applicant, or a statement that no such denial, revocation, or suspension has occurred;
 - (10) (i) A list of the names and addresses of the applicant's employers during the 3 years preceding the date the application is submitted,
 - (ii) The dates he or she was employed by that employer;
 - (iii) The reasons for leaving the employ of that employer;
 - (iv) After October 29, 2024, whether the
 - (A) Applicant was subject to the FMCSRs while employed by that previous employer;
 - (B) job was designated as a safety sensitive function in any DOT regulated mode subject to alcohol and controlled substances testing requirements as required by **49 CFR part 40**;
 - (11) For those drivers applying to operate a commercial motor vehicle as defined by part 383 of this subchapter, a list of the names and addresses of the applicant's employers during the 2-year period preceding the 3 years contained in paragraph (b)(10) of this section for which the applicant was an operator of a commercial motor vehicle, together with the dates of employment and the reasons for leaving such employment; and
 - (12) The following certification and signature line, which must appear at the end of the application form and be signed by the applicant:
 This certifies that this application was completed by me, and that all entries on it and information in it are true and complete to the best of my knowledge.
- (c) A motor carrier may require an applicant to provide information in addition to the information required by paragraph (b) of this section on the application form.
- (d) Before an application is submitted, the motor carrier must inform the applicant that the information he/she provides in accordance with paragraph (b)(10) of this section may be used, and the applicant's previous employers will be contacted, for the purpose of investigating the applicant's safety performance history information as required by paragraphs (d) and (e) of § 391.23. The prospective employer must also notify the driver in writing of his/her due process rights as specified in § 291.23(i) regarding information received as a result of these investigations.

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SAFETY PERFORMANCE HISTORY REQUESTS (SPHR)

Important Notes:

- As of January 6, 2023, employers must get CDL driver drug and alcohol violation information through the federal Drug & Alcohol Clearinghouse instead of from previous employers.
- For drivers subject to Part 40 testing under other DOT agencies, you still need to contact former employers for drug and alcohol information using an agency-specific form.
- If a driver has an unresolved DOT drug or alcohol violation, contact their former employer to determine the status of their return-to-duty and/or follow-up program.
- You must get written consent from driver-applicants before requesting safety performance history from previous employers.
- While there's no specific number of attempts required to contact former employers, you must make a "reasonable effort" and document your attempts.
- Previous employers are required to respond to SPHR's within 30 days.

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INVESTIGATIONS - MVR'S

Initial MVR Inquiry (49 CFR § 391.23)
Before hiring a driver, the motor carrier must:

- Investigate the driver's safety performance history.
- Obtain an MVR from each state where the driver has held a license in the **past 3 years**.
- This must be done **within 30 days of employment** and kept in the driver's qualification file.

Annual Review of Driving Record (49 CFR § 391.25)
Motor carriers are **required to review each driver's MVR at least once every 12 months** to ensure the driver is qualified to operate a commercial vehicle.

- The employer must obtain the MVR from each state where the driver held a license or permit in the past 12 months.
- This review must be documented and retained in the driver qualification file (DOF).
- A new MVR must be obtained within 15 days of receiving the driver's new medical certificate.


Disqualifying Offenses
The MVR helps carriers and regulators identify if a driver has been convicted of offenses that disqualify them from operating a CMV, such as:

- DUI/DWI
- Leaving the scene of an accident
- Using a vehicle to commit a felony
- Reckless driving

Retention Requirements

- The initial MVR and annual MVRs must be kept in the DOF for the duration of the driver's employment and for **three years thereafter**.

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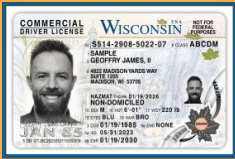
CDL & ROAD TEST CERTIFICATE

Drivers License Classes and Endorsements
Commercial Driver Licenses (CDL)

CLASS A: Trucks or truck combinations weighing with a Gross Vehicle Weight Rating of 26,001 lbs. or more, provided towed vehicle is more than 10,000 lbs.

CLASS B: Straight trucks weighing 26,001 lbs. Gross Vehicle Weight Rating or more.

CLASS C: Vehicles transporting placardable amounts of hazardous materials, or vehicles designed to transport more than 15 persons including the driver with a Gross Vehicle Weight Rating of less than 26,001 lbs.



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FMCSA PRE-EMPLOYMENT DRUG TESTING

When must the test occur?
Before the first time a driver performs any **safety-sensitive function**, such as:

- Driving a CMV
- Loading/unloading
- Vehicle inspections

What is the test for?
Only a urine drug test is required pre-employment. The test screens for: (Still labeled as a DOT 5 panel)

- Marijuana (THC)
- Cocaine
- Amphetamines/methamphetamines
- Opiates (heroin, morphine, codeine)
- Phencyclidine (PCP)

Alcohol testing is not required pre-employment but may be conducted voluntarily by the employer.

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FMCSA PRE-EMPLOYMENT DRUG TESTING

Key Conditions:

- The driver **must receive a verified negative drug test result before** performing any safety-sensitive duties.
- A **refusal to test** is treated the same as a **positive test** and disqualifies the driver.

Exceptions:

- A pre-employment drug test is **not required** if the driver:
 - Participated in a DOT drug testing program in the **past 30 days**.
 - Was either tested for drugs in the **past 6 months** or participated in a random testing program in the **past 12 months**, and
 - The employer verifies compliance with the previous program in writing.

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FMCSA CLEARINGHOUSE - KEY REQUIREMENTS (PRE-EMPLOYMENT FULL QUERY)

Motor Carriers
 Employers of CDL/CLP drivers must:

- 1. Register with the Clearinghouse**
 - Required to use the Clearinghouse system.
 - Must designate a **C/TPA** if using one (especially mandatory for owner-operators).
- 2. Conduct Pre-Employment Queries**
 - Must run a **full query** on any new driver **before** they operate a CMV.
 - Requires the driver's **electronic consent** through the Clearinghouse.
- 3. Conduct Annual Queries**
 - Must conduct at least **one limited query per year** for each employed CDL driver.
 - Requires **written general consent** from the driver (outside the Clearinghouse).

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FMCSA CLEARINGHOUSE - CONT. (PRE-EMPLOYMENT FULL QUERY)

The image displays six screenshots from the FMCSA Clearinghouse system. The 'Main Overview' shows a dashboard with various metrics. 'Driver Information' includes fields for Name, Date of Birth, and License Number. 'Query Type' lists different query options. 'Request Driver Consent' provides instructions for obtaining driver consent. 'Query Consent Requests' shows a list of queries with 'Request' and 'Cancel' buttons. 'Violation Summary' displays a '0' in a green circle, indicating no violations.

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DRIVER QUALIFICATION

Create policies for hiring standard

- Contact your insurance company to find out what their minimum requirements are and;
- Develop a hiring procedure and stick to it
- Develop a concise Corrective Action Policy and stick to it
- Create a rewards program for good inspections and driving behaviors
- Ensure you have a good zero tolerance cell phone policy

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DRIVER QUALIFICATION

Minimum standards & steps for hiring a driver

- Contact your insurance company and make sure they will accept the driver -(they will typically run an MVR and approve that driver based on the Motor vehicle record.)
- Send driver for a pre-employment Federal Drug Test.(Alcohol is optional)
- Ensure driver has registered for the Clearinghouse and run a Full PE Query.
- After negative results are received from the MRO, continue to the application process.
- Run Motor Vehicle Record and verify the violation information entered on the application.
- Run PSP report to identify habits and to verify prior employment history based on inspections.
- Start the Safety Performance History requests on prior employers in the last 3 years and maintain good faith reporting efforts.
- Obtain a copy of the drivers medical certificate and verify on the National Registry and with the issuing doctors office, document and place in the DQ file.
- Complete a drivers road test to ensure they can driver your specific type of vehicle. (This is very important and is a requirement of some insurance companies.)
- Provide industry specific training materials for the driver before placing them into a safety sensitive function
- Complete all Driver Qualification requirements within 30 days of hire.

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