



FMCSA Driver Qualification File Requirements

All motor carriers must maintain a qualification file for each employed driver. A driver qualification file checklist may be helpful to ensure that all required documents and inquiries are obtained. A description of the documents required to be in each driver's qualification file is included in the following subsections and in [49 CFR 391.51](#), which also details the document retention requirements.

Driver's Application for Employment

A driver must not drive a CMV unless an application for employment is completed and signed. See [49 CFR 391.21](#) for a list of information that must be included as part of the application, and view example application for employment. Non-CDL drivers must list any employer they have worked for in the last three years. CDL drivers must do the same and must also list any employer for whom they operated a CMV in the last 10 years.

Every driver must have an application of employment including owner-operators and mechanics that operate vehicles on public roads.

Inquiry to Previous Employers for Safety Performance History

Motor carriers must investigate, document, and retain all drivers' previous employment safety performance history for the three years immediately prior to the driver joining a new employer. See [49 CFR 391.23](#).

The inquiry may consist of personal interviews, telephone interviews, letters, or any other method for investigating that the carrier deems appropriate, but all investigations and efforts to contact previous employers must be documented.

Records must be received within 30 days of the start of employment. Inquiries to previous employers must include, at minimum:

- General driver identification and employment verification information.
- Any accidents as defined in [49 CFR 390.5T](#), including accident details when possible.
- Whether the driver violated the alcohol and controlled substances prohibitions under [49 CFR 382](#) or [49 CFR 40](#).

As applicable, the following documents must also be maintained in the qualification file:

- Records Request for Driver/Applicant Safety Performance History (Release Form) Applicants submit this form to authorize previous employers to release their records. See [49 CFR 391.53\(b\)\(1\)](#).

- Safety Performance History Information Driver/Applicant Correction Request or Rebuttal
Applicants may use this form to dispute information that was provided by previous employers. See [49 CFR 391.23\(j\)\(3\)](#).
- Response notes received from investigations
See [49 CFR 391.53 \(b\)\(2\)](#).

All files related to the employee's safety performance history and inquiries to prior employers must be retained for the length of employment and for three years thereafter. See [49 CFR 391.53](#).

Inquiry to State Agencies for Driver's Motor Vehicle Record and Carrier's Annual Review of Record

At the time of application, carriers must contact all States where each driver holds, or has held in the past 3 years, a motor vehicle operator's license or permit to obtain the driver's Motor Vehicle Record (MVR) ([49 CFR 391.23\(a\)\(1\) and \(b\)](#)).

A copy of the MVR(s) obtained in response to the inquiry must be placed in the driver qualification file within 30 days of the date the driver's employment begins and be retained in compliance with [49 CFR 391.51](#). If no MVR is received from the State required to submit this response, the motor carrier must document a good faith effort to obtain such information, and certify that no record exists for that driver. The inquiry to the State driver licensing agency or agencies must be made in the form and manner each agency prescribes. See example Inquiry to State Agencies form.

The carrier must then obtain an updated MVR annually, and review it to determine whether minimum safe driving requirements have been met, and confirm that there are no disqualifying offenses. See [49 CFR 391.15](#). The reviewer must place a note including the name of the reviewer and the date the record was reviewed in the driver qualification file ([49 CFR 391.25 \(c\)\(2\)](#)). See example Annual Review of Driving Record form.

See [49 CFR 391.53](#) for driver history record retention requirements.

Annual Driver's Certification of Violations

Each year motor carriers must require their employed drivers to provide a list of all convicted violations of motor vehicle traffic laws and ordinances during the previous 12 months. See [49 CFR 391.27](#), and example Annual Driver's Certification of Violations form. This certification of violations should be compared with the driver's Motor Vehicle Record annually; reviewing both records at the same time is useful for assessing a driver's overall safety performance. **Note:** Drivers who have already provided information required by [49 CFR 383.31](#) do not need to repeat information in this annual list of violations.

Driver's Road Test Certificate or Equivalent

Drivers must not drive a CMV until they have completed a road test and are issued a certificate ([49 CFR 391.31](#)). As an equivalent to the driver's road test certificate, a motor

carrier may accept and retain a copy of the driver's valid CDL, or a copy of the driver's valid road test certificate (issued within the past 3 years). See [49 CFR 391.33](#).

Note: Drivers must be issued copies of these certificates.

Medical Examiner's Certificate

A driver must pass a [medical examination](#) and be issued a [Medical Examiner's Certificate](#) ([49 CFR 391.41](#)). For non-CDL holders, the carrier must keep a copy of the Medical Examiner's Certificate in the driver's qualification file.

For CDL holders, the motor carrier employer must obtain the CDLIS MVR defined at [49 CFR 384.105](#). The CDLIS MVR must be obtained from the current licensing State and placed in the driver qualification file. See exceptions as noted in [49 CFR 391.51\(b\)\(7\)\(ii\)](#). CDL drivers must submit a copy of their medical examiner's certificate to their State Drivers Licensing Agency.

The driver must renew the certificate every two years, unless the medical examiner specifies a date of less than two years on the certificate. Medical examinations must be performed by a medical examiner listed on the [National Registry of Certified Medical Examiners](#) under subpart D of part 390.

See [49 CFR 391.41](#) to learn more about the physical requirements for drivers.

Drivers with physical impairments which affect their ability to safely operate CMVs according to their medical examiners, or with missing limbs (e.g., hand, arm, foot, or leg), are required to obtain a [Skill Performance Evaluation certificate](#).

Note of Medical Examiner Listing

A note must be included in the driver's qualification file to verify that the medical examiner is listed on the [National Registry of Certified Medical Examiners](#):

- Notes are needed for [non-CDL drivers](#) (See [49 CFR 391.51\(b\)\(9\)\(i\)](#)).
- Notes are needed for CDL drivers until at least June 2021 (See [49 CFR 391.51\(b\)\(9\)\(ii\)](#)).

Inquiry about Drug and Alcohol Tests

Employers must ask potential employees if they have tested positive, or refused to test, on any pre-employment drug or alcohol test where the employee applied for, but did not obtain, safety-sensitive transportation work. See [49 CFR 391.23\(e\)](#), and a sample Pre-employment Drug or Alcohol Test questionnaire. If the potential employee admits to having a positive test or refused to test, that individual must not perform safety-sensitive functions until the successful completion of the return-to-duty process. See [49 CFR 40.25\(j\)](#) and [49 CFR 40, Subpart O](#).

If a driver refuses to allow the prospective employer to make an inquiry about previous drug and alcohol tests, the employer must not permit the driver to operate a CMV. See [49 CFR 391.23\(f\)\(1\)](#).