

CDL driver qualification files 101: The basics that all CDL employers should know

By Lisa Knapton

Last year, WCIA launched its new Fleet Audit, which was quite popular, being completed by approximately 90 WCIA members. It was a pleasure for the Risk Management Representatives to meet with the members to discuss management of their fleet programs. The membership is strong in many areas of risk managing their fleet program, but when it comes to Commercial Motor Vehicle (CMV) programs, noted were some inconsistencies in what members are doing to meet the federal requirements when building driver qualification files, especially those members belonging to drug testing consortiums. Members must create and maintain driver qualification files, in accordance with provisions of the Federal Motor Carrier Safety Administration (FMCSA) [CDL Driver Qualification File Requirements](#), for each employee who must have a Commercial Driver's License (CDL) as a requirement of their job. There are specific requirements when creating these files that are non-delegable and fall within the member/employer's responsibilities.

For those members who operate a CMV program, the following are the general requirements set forth by the FMCSA for employers when creating CDL driver qualification files:

DRIVER'S APPLICATION FOR EMPLOYMENT: A driver must not drive a CMV unless an application for employment has been completed and signed. Those applicants with existing CDL's must list any employer for whom they have driven a CMV for the last ten years. Applicants who do not yet have a CDL must list any employer they have worked for in the last three years.

INQUIRY TO PREVIOUS EMPLOYERS FOR SAFETY PERFORMANCE HISTORY: CDL employers must investigate, document, and retain all driver's previous employment safety performance history for the three years immediately prior to the applicant being hired. All contacts and attempted contacts to previous employers must be documented. The records must be received within 30 days of the start of employment [[49.CFR.391.23](#)].

INQUIRY TO STATE AGENCIES FOR DRIVER'S MVR AND EMPLOYER'S ANNUAL REVIEW OF RECORD: At the time of application, employers must contact all states where the driver holds or has held in the past three years, a motor vehicles operator's license or permit to obtain the driver's Motor Vehicle Record (MVR), a copy of which must be placed in the qualification file within 30 days of the start of employment. The employer must thereafter obtain an updated MVR and review it annually to confirm there are no disqualifying events as

described in [49.CFR.391.15](#). If no MVR is received from the State which is required to respond, the employer must document a good faith effort to obtain the information and certify that no such record exists. (In WA State, that record is called an Abstract of Driving Record - ADR.)

ANNUAL DRIVER'S CERTIFICATION OF VIOLATIONS: Each year, employers must require their CDL drivers to provide a list of all motor vehicle traffic law convictions during the previous 12 months. This certification must be compared to the MVR annually.

DRIVER'S ROAD TEST CERTIFICATE OR EQUIVALENT: Employers must not allow employees to drive a CMV until they have completed a road test and are issued a certificate. As an equivalent, employers may accept and retain a copy of the employee's valid CDL or a copy of a valid road test certificate issued within the last three years.

MEDICAL EXAMINER'S CERTIFICATE: A driver must pass a medical examination and be issued a medical examiner's certificate, which the driver must submit to the WA State Department of Licensing (WSDOL). The medical examination must be performed by a medical examiner listed on the [National Registry of Certified Medical Examiners](#). Employers must obtain the Commercial Driver's License Information System Motor Vehicle Record (CDLIS MVR) as defined in [49.CFR.384.105](#) from WSDOL and place the report in the driver's qualification file. The CDLIS is a nationwide computer system that enables state driver licensing agencies (SDLAs) to ensure that each commercial driver has only one driver's license and one complete driver record. State driver licensing agencies use CDLIS to complete various procedures, including:

- Transmitting out-of-state convictions and withdrawals;
- Transferring the driver record when a commercial driver's license holder moves to another state; and
- Responding to requests for driver status and history, including the medical examination results.

The employer must include a note verifying that the medical examiner is listed in National Registry of Certified Medical Examiners. This process must be repeated every two years or sooner if the medical examiner specifies a date less than two years.

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

As with all documentation, there are retention requirements for driver qualification files to comply with the rules set forth by the FMCSA. The driver qualification file must be retained for as long as the driver is employed by the member and three years thereafter. There are exemptions to this requirement which can be located at [49.CFR.391.51 Section D](#). For further inquiries surrounding risk managing your CMV program, please contact your assigned Risk Management Representative and see WCIA's Liability Resource Manual guideline [FLT.03 Commercial Driver's License Standards](#).