

Motor carriers must assure that all drivers of commercial motor vehicles meet the minimum qualifications specified in Part 391.

Driver Requirements

A driver must meet the following requirements:

- Be in good health and physically able to perform all duties of a driver.
- Be at least 21 years of age.
- Speak and read English well enough to converse with the general public, understand highway traffic and signals, respond to official questions, and be able to make legible entries on reports and records.
- Be able to drive the vehicle safely.
- Know how to safely load and properly block, brace, and secure the cargo.
- Have only one valid commercial motor vehicle operator's license.
- Provide an employing motor carrier with a list of all motor vehicle violations or a signed statement that driver has not been convicted of any motor vehicle violations during the past 12 months. A disqualified driver must not be allowed to drive a commercial motor vehicle for any reason.
- Pass a driver's road test or equivalent.
- Complete an application for employment.
- Possess a valid medical certificate.

Driver Qualification File - Check List

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

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| <input type="checkbox"/> | DRIVER'S APPLICATION FOR EMPLOYMENT A person will not be allowed to drive a commercial motor vehicle unless he/she has completed and signed an application for employment. |
| <input type="checkbox"/> | INQUIRY TO PREVIOUS EMPLOYERS -- 3 YEARS An investigation of the driver's employment record during the preceding three years. This investigation must be made within 30 days of the date his/her employment begins. |
| <input type="checkbox"/> | INQUIRY TO STATE AGENCIES -- 3 YEARS The driver's driving record for the preceding three years. |
| <input type="checkbox"/> | INQUIRY TO STATE AGENCIES -- ANNUAL Request driving record annually for each driver. |
| <input type="checkbox"/> | ANNUAL REVIEW OF DRIVING RECORD At least once every 12 months, a motor carrier must review the driving record of each driver. A note stating the results of this review shall be included in the Driver's Qualification File. |
| <input type="checkbox"/> | ANNUAL DRIVER'S CERTIFICATION OF VIOLATIONS 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 during the previous 12 months. Note: Drivers who have provided information required by Section 383.31 need not repeat that information in this annual list of violations. |
| <input type="checkbox"/> | DRIVER'S ROAD TEST CERTIFICATE OR EQUIVALENT 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 |

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| | equivalent to the driver's road test pursuant to Section 391.33. |
| | <p>MEDICAL EXAMINATIONS</p> <p><input type="checkbox"/> The driver must pass a medical examination conducted by a licensed health care professional. A driver must be issued a Medical Examiner's Certificate, which must be carried at all times and must be renewed every two years.</p> |

Examples of physical requirements (Section 391.41 provides the complete list of physical requirements)

Has no loss of a foot, a leg, a hand, or an arm

- Has no established medical history or clinical diagnosis of diabetes requiring insulin for control
- Has no clinical diagnosis of any disqualifying heart disease
- Has no clinical diagnosis of high blood pressure
- Has no clinical diagnosis of epilepsy
- Has 20/40 vision or better with corrected lenses
- Has distant binocular acuity of at least 20/40 in both eyes
- Has the ability to recognize the colors (red, green and amber) of traffic signals
- Has hearing to perceive a forced whisper
- Has no history of drug (Schedule 1) use or any other substance identified in Appendix D
- Has no clinical diagnosis of alcoholism

Exemptions

There are provisions for an exemption to a disqualification for certain physical defects if the individual is otherwise qualified to drive.

Additional instructions for medical examination

Additional instructions for the examining doctor are available from:

Director, Office of Bus and Truck Standards and Operations
Federal Motor Carrier Safety Administration
400 Seventh Street, S.W. (MC-PS)
Washington, DC 20590

Limited exemptions

The following specific conditions and types of drivers are exempt from specific record keeping requirements:

Drivers regularly employed before January 1, 1971 -- Drivers who have been regular employees of a motor carrier for a continuous period that began before January 1, 1971 are exempt from:

- Application for employment
- Road Test

Multiple-employer drivers

Multiple-employer drivers -- If a motor carrier employs a person as a driver on any basis, the motor carrier must have on file the driver's name, social security number, identification number,

type, issuing state of his/her motor vehicle operator's license, medical certificate, road test and certificate, and controlled substance test results, even if that driver's primary employment is with another carrier.

Drivers furnished by other motor carriers -- A motor carrier using a driver regularly employed by another motor carrier must have on file a signed written certificate that includes the driver's name and signature, certification of the driver's full qualifications, and expiration date of the driver's medical examiner's certificate. Compliance with drug and alcohol program requirements is also required.

Disqualifying offenses

A driver is disqualified from operating a commercial motor vehicle on public highways, for the following offenses:

Revocation, suspension, or withdrawal of an operator's license

- Conviction or forfeiture of bond for the following criminal offenses while driving a commercial motor vehicle:
 - Driving a CMV while under the influence of alcohol.
 - Driving a CMV while under the influence of a disqualifying drug or other controlled substance.
 - Transporting or possessing a disqualifying drug or controlled substance.
 - Leaving the scene of an accident that involves a CMV.
 - Using a CMV to commit a felony.
 - Using a CMV to violate an Out-of-Service Order.

Penalties

A first offender is disqualified for one year following conviction or forfeiture (6 months for possession of a controlled substance).

For a second offense within three years, a driver is disqualified for three years.