DRIVER COMPLIANCE REQUIREMENTS

49 CFR 391 · HIRING QUALIFIED DRIVERS & DQ FILE CHECKLIST

Motor carriers are required to ensure and verify their CMV drivers meet the minimum requirements before operating a vehicle. CMV owner-operators are required to comply with both motor carrier and driver rules. 49 CFR 391 — HIRING QUALIFIED DRIVERS

§391.11 — GENERAL QUALIFICATIONS OF DRIVERS

To operate a CMV in interstate commerce, drivers must comply with the general qualifications outlined in §391.11, which include the following:

- ☐ Be at least 21 years old *
- ☐ Not disqualified to operate a CMV
- ☐ Operate the vehicle safely
- ☐ Have only one valid state-issued CMV license
- ☐ Pass a road test or equivalent
- ☐ Physically qualified to perform all driver duties

* MIG UNDERWRITING NOTE

The items on this page are **FMCSA minimums** — your insurance provider's driver requirements may differ, and most providers require drivers **older than 21**. Always check with MIG before dispatching a new driver. Drivers who do not meet underwriting guidelines can be cause for **denial of a claim and potential cancellation of coverage**.

§391.11(B)(2) — CAN READ & SPEAK ENGLISH SUFFICIENTLY TO

- ☐ Converse & communicate with the public
- ☐ Respond to official questions
- ☐ Comprehend traffic signs & signals
- ☐ Make legible entries on reports & records

ADDITIONAL REQUIREMENTS

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- ☐ Written policy describing your hiring and rehiring practices
- ☐ All drivers meet general qualification requirements and are reviewed as part of the application process
- ☐ List of current drivers, including first and last name, date of birth, date of hire, license number, and license issuing state
- ☐ CDL drivers hold a valid license with proper endorsements based on vehicle size and commodity transported
- ☐ Documented process to annually review each driver's MVR and all moving violations with the driver, including maintained proof of completion
- ☐ Current and complete driver qualification file for every driver — see the checklist on the following pages

§383.37

- ☐ Written process to identify drivers that should be disqualified, and a process for reinstatement

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- ☐ Drivers understand what is required of them while operating a CMV

DRIVER QUALIFICATION FILE CHECKLIST

DRIVER NAME	DATE OF HIRE	DATE OF TERMINATION

** Indicates not required to be kept in the DQ file, but included as best practice and/or efficiency in retrieval of documents.

ITEMS 1-7

ITEM 1: §391.51(B)(1) — APPLICATION FOR EMPLOYMENT
Must be completed in accordance with §391.21. Make sure it is complete, contains no gaps in employment or addresses, and is signed by the applicant prior to operating a CMV.
RETENTION: LENGTH OF EMPLOYMENT + THREE YEARS. §391.51(C)

ITEM 2: §391.51(B)(2) — MOTOR VEHICLE RECORD (MVR)
Copy of the MVR received from each state's record pursuant to §391.23(a)(1): an inquiry to each state where the driver held or currently holds a motor vehicle operator's license during the preceding 3 years to obtain that driver's MVR. AKA CDLIS.
RETENTION: LENGTH OF EMPLOYMENT + THREE YEARS. §391.51(C)

ITEM 3: COPY OF DRIVER'S LICENSE OR CDL **
Not technically listed under §391.51, but best practice.
RETENTION: NOT TECHNICALLY LISTED. BEST PRACTICE IS LENGTH OF EMPLOYMENT + THREE YEARS.

ITEM 4: §391.23(A)(2)(C) — VERIFICATION OF EMPLOYMENT (VOES)
The prospective motor carrier must investigate and document the driver's previous three years of DOT-regulated employment, including at a minimum the information listed in §391.23(d), within 30 days of the driver's employment start date. Best practice is to complete this process before hire. Driver correction or rebuttal in accordance with §391.23(i)(2)(3) if applicable.
RETENTION: LENGTH OF EMPLOYMENT + THREE YEARS. §391.51(C)

ITEM 5: PRE-EMPLOYMENT SCREENING PROGRAM (PSP) REPORT **
NOT required, but best practice.
RETENTION: NOT REQUIRED. BEST PRACTICE IS LENGTH OF EMPLOYMENT + THREE YEARS.

ITEM 6: §391.51(B)(3) — DRIVER'S ROAD TEST CERTIFICATE
The certificate of driver's road test issued to the driver pursuant to §391.31(e), or a copy of the license or certificate which the motor carrier accepted as equivalent to the driver's road test pursuant to §391.33. **Note:** the equivalency in §391.33 only applies to CDL drivers. Non-CDL drivers must take a road test in accordance with §391.31.
RETENTION: LENGTH OF EMPLOYMENT + THREE YEARS. §391.51(C)

ITEM 7: §391.51(B)(7) — MEDICAL EXAMINER'S CERTIFICATE
Must be completed and compliant in accordance with §391.43. CDLIS is required when applicable.
RETENTION: THREE YEARS AFTER THE DATE OF EXECUTION. §391.51(D)(3)

ITEMS 8-13

ITEM 8: §391.51(B)(8)(II) — MEDICAL EXAMINER'S REGISTRY VERIFICATION

Note or screenshot must be included to verify the medical examiner is listed on the nationalregistry.fmcsa.dot.gov website.

RETENTION: THREE YEARS AFTER THE DATE OF EXECUTION. §391.51(D)(5)

ITEM 9: §391.25(B)(C) — MVR ANNUAL REVIEW (CDL)

Review required at least annually to confirm the driver is not disqualified and the minimum safety requirements are met. A copy of the MVR and a note, including the name of who performed the review as required in §391.25(b), shall be maintained in the DQ file.

RETENTION: THREE YEARS AFTER THE DATE OF EXECUTION. §391.51(D)(1)(2)

ITEM 10: §382.301(A) — PRE-EMPLOYMENT CONTROLLED SUBSTANCE TESTING (NON-EXCEPTED)

Prior to performing any safety-sensitive functions, a driver must complete a DOT pre-employment drug screen, and the employer must receive a verified negative result from the MRO or C/TPA for that driver.

RETENTION: SEE §382.401(B) FOR DETAILED RETENTION REQUIREMENTS. BEST PRACTICE FOR NEGATIVE RESULTS IS LENGTH OF EMPLOYMENT + 3 YEARS.

ITEM 11: §391.23(E) — DRUG/ALCOHOL CLEARINGHOUSE QUERIES (PRE-EMPLOYMENT)

Motor carriers are required to obtain a driver's DOT drug and alcohol testing history from all DOT-regulated employers the driver worked for in the past three years in safety-sensitive positions. Employers subject to §382.701(a) must use the Drug and Alcohol Clearinghouse to comply with this requirement. See §390.29 for location of records or documents.

RETENTION: SEE §382.401(B) FOR DETAILED RETENTION REQUIREMENTS. BEST PRACTICE FOR NEGATIVE RESULTS IS LENGTH OF EMPLOYMENT + 3 YEARS.

ITEM 12: §382.601(D) — DRUG/ALCOHOL POLICY RECEIPT **

Per §382.601(a)(1), the employer is required to ensure a copy of the materials required in §382.601(b) is distributed to each driver prior to the start of alcohol and controlled substance testing.

RETENTION: SEE §382.401(B) FOR DETAILED RETENTION REQUIREMENTS. BEST PRACTICE FOR NEGATIVE RESULTS IS LENGTH OF EMPLOYMENT + 3 YEARS.

ITEM 13: §395.8(J)(2) — PREVIOUS 7 DAY LOGS **

When a driver is used for the first time or intermittently, the motor carrier must obtain a signed statement from the driver showing the total on-duty time for the previous 7 days and the time the driver was last relieved from duty before starting work.

RETENTION: NO LESS THAN 6 MONTHS FROM THE DATE OF RECEIPT. §395.8(K)(1)

**** Additional documents are required for certain types of drivers, or specific situations.**

For general guidance only — not legal advice. Pair with the MIG Annual MVR / Clearinghouse Review Tracker. Current as of July 2026.