

Commercial Motor Vehicle Driver Qualification Files



Pennsylvania's intrastate commercial motor vehicle regulations (*67 Pa. Code Chapter 231*) were recently amended to provide local governments even more flexibility in hiring employees necessary for effective road maintenance operations. In accordance with *67 Pa. Code Chapter 231.8(6)*, state and local governments and their agencies with regularly employed drivers who operate commercial motor vehicles in intrastate travel (within Pennsylvania borders) are now exempt from needing to maintain records regarding the driving qualifications of those employees. However, the pre-employment drug test and request of past test results from previous employers is still a requirement when hiring an employee who will be

operating CDL vehicles.

Pennsylvania regulations at *67 Pa. Code 231.8* define a CMV as any motor vehicle or combination used on a highway in intrastate commerce to transport passengers or property when the vehicle meets one of the following conditions:

1. Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 17,001 pounds or more, whichever is greater.
2. Is designed or used to transport more than 8 passengers (including the driver) for compensation.
3. Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation.
4. Is a school bus.
5. Is transporting hazardous materials which is required to be placarded in accordance with Department regulations.

For the many municipalities that are still going to require these records as a condition of hiring and for continuation of employment, provided below is a discussion of the forms that should be maintained in their CMV employee's "driver qualification file" (DQF), which should be kept current, and stored in a secure location with controlled access.

The enclosed chart *Form Hiring DQF* represents the full array of the information and records that should be obtained at time of hire and kept in each CMV driver's qualification file (DQF) for the duration of this employee's employment plus three years. This form also lists the records and information that are still required to be obtained when hiring an employee who will be operating CDL vehicles.

The other enclosed chart, *Form DQF*, represents the full array of information and records that may be needed each additional year of this employee's employment. This information should also be added annually to each employee's DQF.

For those municipal employers that need them, the "PSATS CDL Program" has offered to provide a complimentary set of these forms. To request these forms, send an email to cdl@psats.org with "LTAP DQF" in the subject line.

1. Written application for employment. An applicant for employment requiring the use of a CMV should provide a written application for employment containing the minimum information needed for hiring an applicant for a CMV position (see Form *APPLY*.)
2. Pre-CDL employment drug test result. An applicant for employment that will require the use of a CDL vehicle must either obtain a negative result on a pre-CDL employment drug test or obtain an exemption from this testing prior to performing CDL duties (see Form *EXEMPT*.)
3. Requests for information. The new employer must maintain a written, confidential record of the following information, or, if no records exist, of the good faith efforts made to obtain the information. Failure by a past employer to respond to any authorized request for required information must be reported by the new employer to the FMCSA. In all cases, the employee must sign the release authorization section of each form sent to previous employers. Refusal to sign any authorization would prevent the employee from being employed.
 - a. Review the results of the inquiries to state driver licensing agencies. Employers of new CMV employees should obtain, within 30 days of such employment, information about the new employee's driving record for the past three years from every state in which the new employee held a valid driver's license and determine if that employee is qualified to operate commercial motor vehicles (see Form *DL-503*.)

- i. Upon receipt of this information, the employer should determine if the employee is qualified to operate a CMV. The employer should follow the same procedure once every twelve months to determine that this employee remains qualified to operate CMVs (see Form *QUALIFY*.)
- b. Review past safety history. The new employer should obtain information about this employee's safety performance history from all employers in the past three years within 30 days of hire (see Form *HISTORY*.)
- c. Review past test results. The new employer must obtain information about the new employee's CDL drug and alcohol test results from all employers for whom that employee performed CDL activities in the past three years within 30 days of hire (see Form *RESULTS 391*.)
4. Pennsylvania New Hire Report and Federal New Hire Report (I-9) must both be filed as appropriate: the PA. NEW HIRE REPORT must be sent to the state as indicated; further, all federal I-9 forms must be kept either for three years after the date of hire, or for one year after employment is terminated, whichever is later.
5. Notification of Conviction. All employees who have a CDL and operate commercial motor vehicles must notify their current employer(s) and the state(s) that issued the license of any conviction for violating, in any type of motor vehicle, a motor vehicle law (except parking). The notification must be made within 30 days of the date of that conviction (see Form *CONVICTION*.)
6. Notification of Suspension. Any employee whose driver's license is suspended, revoked, canceled, or if the driver is otherwise disqualified from driving, must notify each employer by the end of the next business day following receipt of the notice of the suspension, revocation, cancellation, lost privilege or disqualification.

CMV/CDL Driver's Qualification File

Documents Checklist

Driver's Name:

Driver license #:

Hire Date:

As required during employment for CMV drivers:*

Next calendar year of employment	Driving record inquiry every 12 months (PennDOT DL-503)	Driving record review every 12 months (Form QUALIFY)	Accident report (Form ACCIDENT)	Changed CDL employee testing policy (Form POLICY)	Medical Examiners Certificate Expiration Date **

Additional items during employment for CDL drivers:*

Next calendar year of employment	Notice of conviction (Form CONVICTION)	List of violations (Form VIOLATIONS)

NOTE: Put the date when any of these forms is added to this driver qualification file.

* = Form DL-503 and Form QUALIFY needed initially for new hire, then once every 12 months of employment. Form CONVICTION needed within 30 days of any traffic conviction. Form VIOLATIONS (listing convictions during past 12 months) not needed if Form CONVICTION otherwise used. Form ACCIDENT needed only as warranted. Form POLICY needed only if warranted.

** = Medical examiners certificate not required for local government CMV employees.

However, if this is otherwise required as a condition of employment, employer must keep track of expiration date.

CMV/CDL Driver's Qualification File

Time-of-Hire Documents Checklist

Driver's Name:

Driver license #:

Hire Date:

Items needed at time of hire for CMV driver:

Employment Application (Form APPLY)	Driving record inquiry (PennDOT DL-503)	Initial driving record review (Form QUALIFY)	Request past safety history (Form HISTORY)	Response(s) received for Form History	Federal I-9 and PA New Hire Forms	Road Test Certificate or Copy of License	Medical Examiners Certificate Expiration Date

Additional items needed at time of hire for CDL driver:

Date of negative pre-CDL drug test	Request past test results (Form RESULTS)	Response(s) received for Form Results	CDL employee testing policy (Form POLICY)

NOTE: Put the date when any of these forms is added to this driver qualification file.

This form and any of the above-listed items must be kept for duration of employment plus three years.

"X" = Medical examiners certificate not required for local government CMV employees.

However, if this is otherwise required as a condition of employment, employer must keep track of expiration date.