



Displaying title 49, up to date as of 1/27/2022. Title 49 was last amended 1/21/2022.



There have been changes in the last two weeks to Section 391.51.

## **Title 49 - Transportation**

### **Subtitle B - Other Regulations Relating to Transportation**

#### **Chapter III - Federal Motor Carrier Safety Administration, Department of Transportation**

##### **Subchapter B - Federal Motor Carrier Safety Regulations**

##### **Part 391 - Qualifications of Drivers and Longer Combination Vehicle (LCV) Driver Instructors**

##### **Subpart F - Files and Records**

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###### **EDITORIAL NOTE ON PART 391**

**Editorial Note:** Nomenclature changes to part 391 appear at 66 FR 49874, Oct. 1, 2001.

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### **§ 391.51 General requirements for driver qualification files.**

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###### **CROSS REFERENCE**

Link to an amendment published at 87 FR 3419, Jan. 21, 2022.

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- (a) Each motor carrier shall maintain a driver qualification file for each driver it employs. A driver's qualification file may be combined with his/her personnel file.
- (b) The qualification file for a driver must include:
  - (1) The driver's application for employment completed in accordance with § 391.21;
  - (2) A copy of the motor vehicle record received from each State record pursuant to § 391.23(a)(1);
  - (3) 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;
  - (4) The motor vehicle record received from each State driver licensing agency to the annual driver record inquiry required by § 391.25(a);
  - (5) A note relating to the annual review of the driver's driving record as required by § 391.25(c)(2);
  - (6) A list or certificate relating to violations of motor vehicle laws and ordinances required by § 391.27;
  - (7)
    - (i) The medical examiner's certificate as required by § 391.43(g) or a legible copy of the certificate.
    - (ii) For CDL holders, beginning January 30, 2012, if the CDLIS motor vehicle record contains medical certification status information, the motor carrier employer must meet this requirement by obtaining the CDLIS motor vehicle record defined at § 384.105 of this chapter. That record must be obtained from the current licensing State and placed in the driver qualification file. After January 30, 2015, a non-excepted, interstate CDL holder without medical certification status information on the CDLIS motor vehicle record is designated "not-certified" to operate a CMV in interstate commerce. After January 30, 2015, and through June 22, 2025, a motor carrier may use a copy of the driver's current medical examiner's certificate that was submitted to the State for up to 15 days from the date it was issued as proof of medical certification.
    - (iii) If that driver obtained the medical certification based on having obtained a medical variance from FMCSA, the motor carrier must also include a copy of the medical variance documentation in the driver qualification file in accordance with § 391.51(b)(8);
  - (8) A Skill Performance Evaluation Certificate issued by FMCSA in accordance with § 391.49; or the Medical Exemption document issued by a Federal medical program in accordance with part 381 of this chapter; and
  - (9)

- (i) For drivers not required to have a CDL, a note relating to verification of medical examiner listing on the National Registry of Certified Medical Examiners required by § 391.23(m)(1).
  - (ii) Through June 22, 2025, for drivers required to have a CDL, a note relating to verification of medical examiner listing on the National Registry of Certified Medical Examiners required by § 391.23(m)(2).
- (c) Except as provided in paragraph (d) of this section, each driver's qualification file shall be retained for as long as a driver is employed by that motor carrier and for three years thereafter.
- (d) The following records may be removed from a driver's qualification file three years after the date of execution:
- (1) The motor vehicle record received from each State driver licensing agency to the annual driver record inquiry required by § 391.25(a);
  - (2) The note relating to the annual review of the driver's driving record as required by § 391.25(c)(2);
  - (3) The list or certificate relating to violations of motor vehicle laws and ordinances required by § 391.27;
  - (4) The medical examiner's certificate required by § 391.43(g), a legible copy of the certificate, or for CDL drivers any CDLIS MVR obtained as required by § 391.51(b)(7)(ii);
  - (5) Any medical variance issued by FMCSA, including a Skill Performance Evaluation Certificate issued in accordance with § 391.49; or the Medical Exemption letter issued by a Federal medical program in accordance with part 381 of this chapter; and
  - (6) The note relating to verification of medical examiner listing on the National Registry of Certified Medical Examiners required by § 391.23(m).

*(Approved by the Office of Management and Budget under control number 2126-004)*

*[63 FR 33277, June 18, 1998, as amended at 66 FR 49874, Oct. 1, 2001; 69 FR 16721, Mar. 30, 2004; 73 FR 73127, Dec. 1, 2008; 75 FR 28502, May 21, 2010; 77 FR 24133, Apr. 20, 2012; 79 FR 2380, Jan. 14, 2014; 80 FR 22822, Apr. 23, 2015; 83 FR 28782, June 21, 2018; 84 FR 51434, Sept. 30, 2019; 86 FR 32651, June 22, 2021; 86 FR 57076, Oct. 14, 2021]*