

Expert Answers To Common

# Driver Qualification Questions



Connect With Us On   

Copyright 2022 J. J. Keller & Associates, Inc. All rights reserved.

 **J. J. Keller**  
& Associates, Inc.<sup>®</sup>  
Since 1953

# Expert Answers To Common Driver Qualification Questions



Managing a driver's qualification (DQ) file involves knowing a little about a lot of topics, ranging from driver applications to fed med cards.

Because of the many nuances in maintaining driver files, J. J. Keller & Associates, Inc. has received countless customer questions over the years asking for clarification on some of the finer points.

The popularity surrounding this topic has remained constant over the years. As a result, we are presenting you with J. J. Keller's Top 10 DQ file questions.

## Before we begin...

The answers to the following frequently asked questions are based on the Federal Motor Carrier Safety Regulations (FMCSRs). Part 391 is your blueprint to DQ file maintenance. You should reference it as you vet, hire, and continue to qualify professional drivers. Part 383 also has sections that apply when qualifying a driver who holds a commercial driver's license.

The Federal Motor Carrier Safety Administration (FMCSA) has also published a library of interpretations to its safety regulations, including guidance to clarify portions of Parts 391 and 383.

With that as a backdrop, let's dive into the more commonly asked DQ file questions.

### 1. Who needs a DQ file?

This question cannot be separated from another common question, "What is a commercial motor vehicle (CMV)?" Many mistakenly believe that the DQ file and other general safety regulations only apply to those operating CMVs requiring a commercial driver's license (CDL).

Drivers operating the following vehicles — as defined in Section 390.5 — in interstate commerce need to have a completed DQ file:

- Vehicles with a gross vehicle weight (GVW) or gross vehicle weight rating (GVWR), or gross combination weight (GCW) or gross combination weight rating (GCWR) of 10,001 pounds or more; or



**Part 391 is your blueprint to DQ file maintenance**

- Vehicles designed to transport more than 8 people (including the driver) for compensation, or more than 15 people (including the driver) not for compensation; or
- Vehicles transporting hazardous materials that require the vehicle to be placarded.

The definition above often catches those with company fleets off guard since it includes both CDL and non-CDL vehicle types. Let's explain.

The general weight criterion for which a CDL is needed is 26,001 pounds. The weight criterion for which a DQ file is needed is 10,001 pounds.

**Interstate drivers of vehicles between 10,001 and 26,001 pounds (not hauling hazmat) need to have a DQ file but do not generally need to have a CDL.**

In addition, many are surprised to learn the definition does not require the transportation of goods on behalf of a shipper. It just has to be used during the course of your business (i.e., furthering commerce).

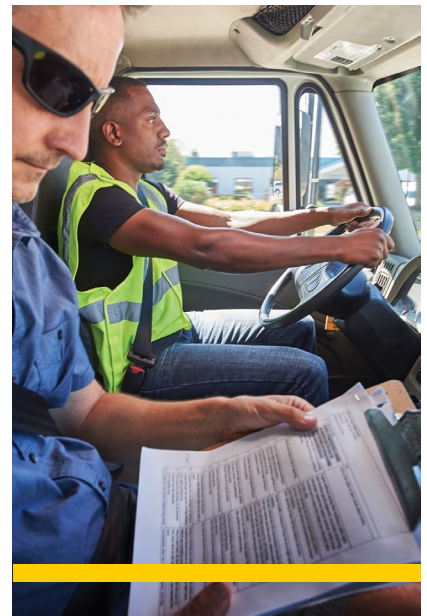
Note: If the driver is engaged solely in intrastate commerce, you would need to look at state-specific regulations to determine applicability.

## 2. Who can administer a road test?

Section 391.31(b) does not specify the credentials of the individual designated to monitor a driver's road test. It simply states the person reviewing the driver's abilities must be competent to evaluate and determine whether or not the driver being tested is capable of operating the kind of commercial motor vehicle you plan to assign. This designated person may be someone within your company, such as a seasoned driver or supervisor, or someone from outside your organization who is contracted to perform the task.

The regulations do not require that the instructor, for example, hold a commercial driver's license. It is a best practice to use an instructor who is licensed and qualified to operate the assigned vehicle in the event something goes amiss and the instructor needs to get the vehicle back to the carrier.

Also note, the regulations require a driver who is a motor carrier (owner-operator) be given a test by someone else. Owner-operators may not test themselves.



### 3. What is required in a DQ file, and how long do you keep it?

Certain items are created at time of hire and kept for the duration of employment plus three years. Other documents, which are generated biennially, annually, or more frequently, may be discarded after three years.

Below is a quick reference based on Sections 391.51 and 391.53:

DOCUMENT	MINIMUM RETENTION PERIOD
Driver-specific application (§391.21)	Duration of employment, plus 3 years after it ceases
Original motor vehicle record (MVR) from time of hire (§391.23)	Duration of employment, plus 3 years after it ceases
Road test/certificate (§391.31)	Duration of employment, plus 3 years after it ceases
Photocopy of Commercial Driver's License if used in lieu of a road test (§391.33)	Duration of employment, plus 3 years after it ceases (subsequent renewals not required in the file)
Returned Safety Performance History inquiry, or record of your good faith efforts (§391.23)	Duration of employment, plus 3 years after it ceases - and stored under the confidentiality requirements specified in §391.53
Annual MVR (§391.25)	3 years from document date
Annual documented review of the annual MVR (§391.25)	3 years from document date
Driver's annual list of violations (also known as certification of violations) (§391.27) (Not required by FMCSA on and after May 9, 2022)	3 years from document date
Medical Examiner's Certificate (§391.43(g))	3 years from document date
MVR indicating medical status for CDL holders (§391.41(a)(2))	3 years from document date
Documentation that you checked the National Registry of Certified Medical Examiners (§391.23(m))	3 years from document date
Medical variance or exemption document, if applicable (§391.49/Part 381)	3 years from document date

After a driver leaves your employment, the DQ file is kept for 3 years.

## 4. Do we need a DQ file for an owner-operator?

If an owner-operator is leased to your motor carrier — i.e., not acting as an independent, for-hire carrier — you are responsible for the driver's records (e.g., DQ file, DOT testing, logs, training). The FMCSA does not look at employee/independent contractor definitions, nor whose name is on the title of the truck. You would need all the components in the DQ file since the driver is operating under your authority based on the lease agreement. You would treat the driver the same way you would a company driver.



## 5. What if a former employer doesn't respond to a Safety Performance History records request?

You are not responsible for the actions of the former DOT-regulated employer. At minimum, you must document your good faith efforts to obtain this data from them. Sections 391.23(c)(1) and (c)(2) use plurals (i.e., attempts, efforts) so you must try to contact the former employer on more than one occasion. An industry best practice is at least three attempts.

If a former DOT-regulated employer does not respond, you are still compliant so long as you have this documentation. The FMCSA recommends (does not require) that motor carriers report those former DOT-regulated employers that fail to respond. You may do so via the following website: <https://nccdb.fmcsa.dot.gov/nccdb/home.aspx>.

## 6. Do we need new MVRs every time drivers renew their med cards?

For non-CDL drivers, the medical exam is not being tracked by the state driver's licensing agency. You would not need an MVR as proof of medical certification. Your proof is a copy of the most current fed med card.

For CDL drivers that self-certified as "non-exempt," meaning they are subject to medical qualification, you must have an MVR dated within 15 days of the physical exam showing the CDL driver's most recent medical certification. This is required after each driver physical. For example, if the driver is given a 3- or a 6-month fed med card, you need an MVR in the DQ file within 15 days of each medical recertification, resulting in multiple MVRs during the course of a year for the short-term certifications.

## 7. Do we need the long-form physical in the DQ file?

No, the original physical exam form is retained at the medical examiner's office in the event FMCSA wants access to it. If you wish to obtain a copy, you may need authorization from the driver under the Health Insurance Portability and Accountability Act (HIPAA). In addition, you may need to consult with your HR Department and/or an employment attorney since details of the employee's confidential health history may have employment law implications.

## 8. Can we store DQ files electronically? And can we destroy the original?

Yes, you may scan DQ file documents, store them electronically, and purge the originals. However, you may be called upon to print copies during an audit based on the discretion of the auditor. You need to ensure the scanned images are as clear as the original before you can destroy any document.

## 9. Can we use e-signatures on DQ paperwork?

FMCSA allows for the use of e-signatures as long as they meet the definition in Section 390.5. Essentially, the signature needs to clearly indicate the person's identity and approval of signed document. An acceptable script e-signature can be achieved using a mouse, a stylus, or a touchscreen.

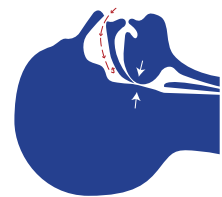
Some carriers assign each person a username and password, which can serve as a stand in for a signature on most forms. However, when sending out safety performance history inquiries, the former employer needs to see a signature to prove the driver has given written consent. The only electronic means of satisfying this requirement is to provide them a copy of a script e-signature, using the mouse, stylus, or touchscreen method.

## 10. Where is sleep apnea in the regulations?

Obstructive sleep apnea (OSA) appears in only one place in the Federal Motor Carrier Safety Regulations, "Appendix A to Part 391—Medical Advisory Criteria."

It is one of many respiratory dysfunctions listed in the Medical Advisory Criteria for Section 391.41(b)(5) — where it has been for a number of years. As with all the respiratory dysfunctions appearing in the criteria, the medical examiner may request additional testing for suspected OSA.

Contrary to what many think, OSA is not an absolute like diabetes, epilepsy, hearing, or vision. It is a medical guideline, meaning certification is based on the medical examiner's discretion.



**The medical examiner  
has discretion  
regarding OSA**

# About the Author

Kathy Close, J. J. Keller & Associates, Inc.

Kathy joined J. J. Keller & Associates, Inc. in 1999, serving as a driver's qualification file auditor, reviewing clients' compliance with 49 CFR Part 391, and as a third-party administrator of DOT drug and alcohol testing programs for motor carriers. Kathy is currently an editor in Transportation Publishing, Editorial Resources, with expertise in the Compliance, Safety, Accountability (CSA) enforcement model, transportation security, DOT drug and alcohol testing, and driver qualification. In addition to creating content for J. J. Keller publications, Kathy's work has been published in *Heavy Duty Trucking*, *Work Truck* and *Chemical Distributor*, among others, and she also shares her expertise with association and radio audiences.



---

## About J. J. Keller & Associates, Inc.

Since its beginning as a one-man consulting firm in 1953, J. J. Keller & Associates, Inc. has grown to become the most respected name in safety and regulatory compliance. Now over 1,400 associates strong, J. J. Keller serves over 600,000 customers — including over 90% of the Fortune 1000® companies. The company's subject-matter expertise spans nearly 1,500 topics, and its diverse solutions include ELogs and mobile technology; training via online courses, streaming video or DVD; online management tools; managed services; consulting services; online and print publications; forms and supplies.

Transportation professionals rely on J. J. Keller's in-house expertise and wide selection of products and services to reduce risk and improve regulatory compliance, performance management, and operational efficiency. For more information, visit [JJKeller.com](http://JJKeller.com).



# How We Can Help

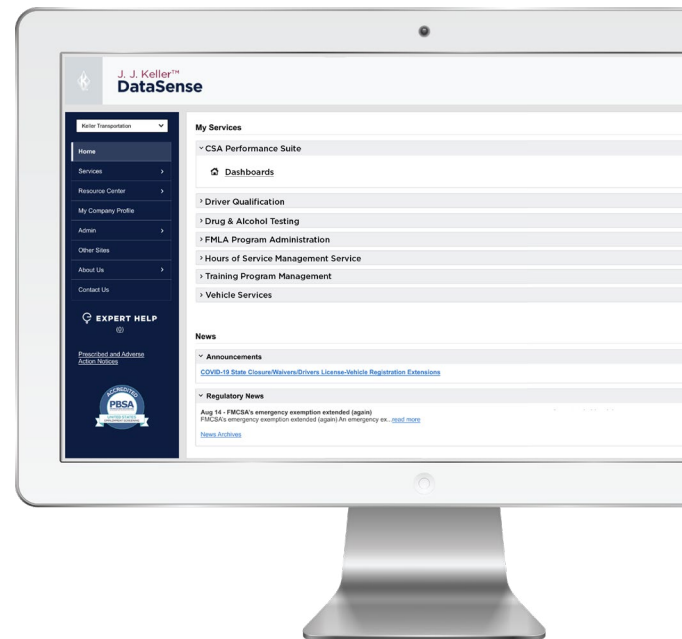
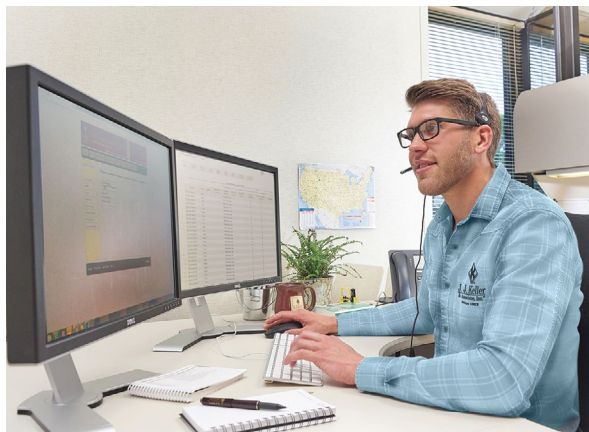
As the nation's leader in regulatory compliance and best practices expertise, J. J. Keller is your reliable source for help complying with motor carrier safety requirements, reducing violations, and preventing crashes. In addition to DOT, we cover OSHA, EPA, DOL, and other agencies.



## Driver Qualification File Management Service

Comply with FMCSR Part 391 and get consistent, centralized management of your driver qualification administration. A dedicated Client Service Specialist will help you establish, organize, standardize, and maintain your DOT driver documentation. Daily auditing and proactive notifications will identify missing, expiring, and incomplete documents. Professional support available in the event of a DOT audit or intervention.

For more information, call 888.473.4638 or visit [JJKellerDataSense.com/DQservices](https://www.JJKellerDataSense.com/DQservices)



This document must not be reproduced in whole or in part without the written permission of J. J. Keller & Associates, Inc. Government regulations change constantly; therefore, J. J. Keller cannot assume responsibility or be held liable for any losses associated with omissions, errors or misprintings in this publication. This publication is designed to provide reasonably accurate information and is distributed with the understanding that J. J. Keller is not engaged in rendering legal, accounting, or other professional services. If legal or other expert advice is required, the services of a competent professional should be sought.