

Minnesota Commercial Truck and Passenger Regulations Fact Sheet

Record Keeping Requirements

This fact sheet was developed to assist in the record keeping requirements of commercial motor carriers. Interstate exceptions and exemptions can be found in specific parts of the Federal Motor Carrier Safety Regulations, Title 49 CFR. The extent that these regulations apply to Minnesota **intrastate transportation** can be found in Minnesota Statutes, Sections 221.031 and 221.0314 (M.S. § 221.031 and 221.0314). Additional record keeping requirements for transporters of hazardous material (HM) are found on the HM record keeping fact sheet.

Driver Qualification Files (DQ) (49 CFR, Part 391)

For drivers employed after January 1, 1971: Interstate carriers must make DQ files/records available within 2 business days when requested by an authorized representative of FMCSA. * Records must be kept **for as long as the driver is employed and for 3 years thereafter**. The file must include:

- Driver's application for employment;
- Driver's medical examiner's certificate (medical waiver if one has been granted); **
- Driver's road test and certificate of road test or legible photocopy of the driver's commercial driver's license;
- Record of response from past employers for past 3 years;
- Response from state agencies about driver's driving record from past 3 years;
- Note on the carrier's annual review of driving record, showing date and who performed the review; **
- Driver's listing of all his/her moving traffic violations for the past 12 months; ** and
- Certain information on those drivers who are subject to controlled substance testing.

* *Intrastate carriers must maintain driver qualification files at their principal place of business unless otherwise authorized by the Commissioner of Transportation.*

** *These records can be removed from a driver's qualification file 3 years after date of execution.*

Vehicle Maintenance & Inspection Records (49 CFR, Part 396)

For vehicles controlled for 30 consecutive days or more, maintenance files must be kept either where the vehicle is housed or maintained for a minimum of **1 year and for 6 months after the vehicle leaves a motor carrier's control**. The file must include:

- Vehicle identification including company number (if so marked), make, serial number, year, and tire size. If the vehicle is leased, the person furnishing the vehicle must be identified;
- Due date and type of inspections and maintenance operations to be performed;
- A record of inspections, repairs, and maintenance indicating their date and nature; and
- A record of tests conducted on push out windows, emergency doors, and emergency door marking lights on buses.

Periodic (annual) inspection reports must be retained for **14 months** from the date of the inspection report.

Evidence of inspector qualifications and qualifications of brake inspectors must be retained for the **period that the person is employed in that capacity and 1 year thereafter**.

Daily vehicle inspection reports must be retained for at least **3 months** from the date of the report.

Hours of Service (49 CFR, Part 395)

Each driver's record of duty status (log books, time records, and supporting documents) must be retained for a period of **6 months**.

Note: *For drivers operating under the 100 air-mile exemption, time records indicating starting and ending times and total hours worked must be maintained by the carrier for 6 months.*

Drug & Alcohol Testing Records (49 CFR, Part 382)

General requirements. Each employer must maintain records of its alcohol misuse and controlled substances use prevention programs in a secure location with controlled access. When requested by an authorized representative of FMCSA, the records must be made available at the principal place of business within 2 business days. If a record is required to be prepared, it must be retained. The following records must be maintained for a minimum of:

5 Years

- Records of alcohol test results indicating an alcohol concentration of 0.02 or greater;
- Records of verified positive controlled substances test results;
- Documentation of refusals to take required alcohol and/or controlled substances tests;
- Driver evaluation and referrals;
- Calibration documentation;
- Records related to the administration of the alcohol and controlled substances testing program; and
- A copy of each annual calendar year summary if required by 49 CFR 382.403.

2 Years

Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices) including:

- Random selection process records;
- Reasonable suspicion testing documentation;
- Post accident testing documentation; and
- Medical explanation for a driver's inability to provide adequate sample.

1 Year

- Records of negative and cancelled controlled substances test results; and
- Alcohol test results with a concentration of less than 0.02.

Indefinite Period

Records must be maintained by the employer while the individual performs the functions that require the training and for **2 years** after ceasing to perform those functions.

- All records related to the training and education of drivers, supervisors, breath alcohol technicians, and screening technicians;
- Employer's testing policy; and
- Driver's signed receipt for educational materials and policy received.

Accident Records (49 CFR, Part 390)

An accident register must be maintained for **3 years** after an accident occurs. The accident register must contain at the least a list of accidents with the following information for each accident:

- Date of accident;
- City or town and state in which, or most near, where the accident occurred;
- Driver name;
- Number of injuries;
- Number of fatalities; and
- Whether HM, other than fuel spilled from the fuel tanks of motor vehicles involved in the accident, were released

Note: *In addition to the accident register, copies of all accident reports required by the state or other governmental entities or insurers must be maintained.*

This Fact Sheet is intended as a resource. It is not intended to explain all the requirements of Minnesota or Federal law. The actual Statutes and Regulations are recommended as a resource, and can be purchased at the Minnesota Bookstore (phone number 651/297-3000 or 1-800-657-3757). For additional assistance contact the US DOT at 651/291-6150 or Mn/DOT's Office of Freight and Commercial Vehicle Operations.



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