



Section 06: Driver Qualification Rules

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Driver Qualification Rules

49 CFR Part 391 and Minn. Stat. Chapter 221

Driver qualification (DQ) rules set the minimum standards for a person who drives a commercial motor vehicle (CMV). The rules also establish minimum duties of employers with respect to the qualification of their drivers. Minnesota Statutes adopt the Federal Motor Carrier Safety Regulations (FMSCRs) for Driver Qualifications found in 49 CFR, Part 391.

No carrier shall require or permit an unqualified driver to operate a commercial motor vehicle. Drivers and carriers operating in Minnesota are subject to the rules for driver qualifications if they operate vehicles that are:

- Over 10,000 GVW or GVWR pounds in interstate commerce;
- Designed to transport 16 or more passengers, including the driver, operating in interstate commerce;
- Designed or used to transport between 9 and 15 passengers, including the driver, in interstate commerce for direct compensation;
- Of any size vehicle transporting hazardous material of a type or quantity that requires the vehicle to be placarded operating in interstate or intrastate commerce;
- Of any size transporting property, including household goods, operating for-hire in intrastate commerce;
- Over 10,000 pounds GVW or GVWR operating as a private carrier in intrastate commerce;
- Over 10,000 pound GVW or GVWR operating in intrastate commerce providing transportation described in Minn. Statutes § 221.025, unless providing transportation described in clauses (6), (10), (11), (12); and except for school buses, commuter vans and authorized emergency vehicles (see Section 14 – For-hire Carrier Exemptions); or
- Designed to transport 8 or more passengers, including the driver, operating for-hire in intrastate commerce.

Exceptions/Exemptions:

1. For interstate commerce, the DQ rules do not apply to a farm vehicle driver (as defined in FMCSR Section 390.5), who drives a non-articulated commercial motor vehicle (single unit vehicle), or to a driver operating a CMV engaged in custom harvesting operations or a driver operating a CMV owned and operated by a beekeeper in the seasonal transportation of bees (see 49 CFR Section 391.2).
2. Drivers of Covered Farm Vehicles are not subject to the driver qualification rules (see Section 20).
3. For intrastate commerce, the DQ rules do not apply to vehicles controlled by a farmer and operated by a farmer or farm employee transporting agricultural products, farm machinery, or supplies to or from a farm and not used in for-hire operations and do not carry hazardous materials in a quantity requiring the vehicles to be marked or placarded.
4. Intrastate motor carriers of railroad employees must meet specific driver qualification requirements (see Minn. Stat. § 221.0255).

See Section 20 for definitions of intrastate and interstate transportation

General Requirements: Under the DQ rules, a driver must:

- Be at least 21 years old when engaged in interstate transportation;
- Be at least 18 years old when engaged in intrastate transportation or 21 years old if hauling certain hazardous materials;
- Speak and read English sufficiently to converse with the general public, read and understand highway signs/signals, respond to official inquiries and make entries on reports/records;
- Be able to safely operate a commercial motor vehicle;
- Be physically qualified (see Physical Qualifications for Drivers below);
- Have a driver's license that is valid for the type of vehicle being driven;
- Not be disqualified from driving a commercial motor vehicle (see Driver Disqualifications below); and
- Successfully complete a driver's road test or present the motor carrier that employs them with a CDL which the motor carrier has accepted as equivalent to a road test.

These DQ rules apply unless excepted/exempted or not subject.

Motor Carriers of Passengers Criminal Background Check: An intrastate Motor Carrier of Passengers must conduct an initial criminal background check on commercial vehicle drivers they employ as required under Minn. Stat. § 221.178, unless the driver holds a valid driver's license with a school bus endorsement. If a driver has resided in Minnesota for fewer than 5 years, the carrier must conduct a search of the national criminal records repository or conduct a search of the criminal justice data communications network records for each state where the driver has resided during the past 5 years. A subsequent background check must be conducted every 3 years. Criminal background checks for Minnesota residents can be obtained from the Minnesota Department of Public Safety, Bureau of Criminal Apprehension 651-793-2400 or <https://dps.mn.gov/divisions/bca/Pages/background-checks.aspx>.

Physical Qualifications for Drivers: (49 CFR Sections 391.41 and 391.43). A person is not allowed to drive a commercial motor vehicle unless physically qualified to do so. The medical examination must be performed by a Licensed Medical Examiner listed on the National Registry of Certified Medical Examiners which can be found at <https://nationalregistry.fmcsa.dot.gov/NRPublicUI/home.seam>. The medical examination must follow the criteria specified by the FMSCA, as listed under 49 CFR Section 391.43.

In general, a person is physically qualified to drive a commercial motor vehicle if they:

- Have no loss or impairment of a foot, leg, hand or arm, or have been granted a Skills Performance Evaluation Certificate or Intrastate Medical Waiver;
- Have no history of diabetes mellitus requiring insulin for control;
- Have no current diagnosis of heart disease;
- Have no respiratory dysfunction likely to interfere with controlling a CMV;
- Have no rheumatic, arthritic, orthopedic or muscular disease likely to interfere with controlling a CMV;
- Have no current clinical diagnosis of high blood pressure likely to interfere with controlling a CMV;
- Have no history of epilepsy or any other condition likely to cause unconsciousness;
- Have no muscular, neuromuscular, vascular, mental, or other organic

or functional disease which would interfere with their ability to operate a CMV safely;

- Have a visual acuity of at least 20/40 in each eye, with or without corrective lenses, field of vision of at least 70° in the horizontal Meridian and the ability to recognize the colors of traffic signals showing standard red, green and amber;
- Do not have hearing loss that prevents them from hearing a forced whisper from five feet;
- Do not use a schedule 1 controlled substance, amphetamines, narcotics, or other habit-forming drugs; and
- Have no current clinical diagnosis of alcoholism.

Medical certifications may be valid for up to two years. Licensed Medical Examiners may certify drivers for less than a two year period if certain medical conditions are present or need monitoring. Medical certification forms are available from Licensed Medical Examiners, from private sources, or online at www.fmcsa.dot.gov.

CDL Drivers: A driver required to have a commercial driver's license, and whose current medical examiner's certificate has been submitted to the State in accordance with 49 CFR Section 383.71(h) documenting they meet the physical qualification requirements, is not required to have on their person the medical examiner's certificate, or a copy for more than 15 days after the date it was issued (see 49 CFR Section 391.41(a)(2)(i)).

Skills Performance Evaluations and Medical Waivers: An interstate driver who cannot meet the physical qualifications due to loss or impairment of a limb may drive a CMV if the FMCSA grants the driver a Skill Performance Evaluation (SPE) Certificate. Information on applying for a SPE Certificate can be obtained by calling FMCSA at 202-366-4001 or by visiting www.fmcsa.dot.gov/regulations/medical. The SPE certificate must be in the driver's possession while operating a commercial motor vehicle.

An intrastate driver who fails to be physically qualified due to loss or impairment of limb, vision problems, insulin-dependent diabetes or deafness/hearing impairments may be granted an intrastate medical waiver. Applications for intrastate medical waivers can be requested from the MnDOT Office of Freight and Commercial Vehicle Operations at 651-215-6330 or downloaded from www.mndot.gov/cvo/medicalwaivers.html (see Section 7

for more information). A Minnesota intrastate medical waiver is not required for an intrastate driver who holds a valid SPE Certificate issued by the FMCSA.

Passenger Carrier Exception: A driver of a Motor Carrier of Passengers vehicle who is engaged in intrastate transportation is not required to carry a medical certificate (as defined in 49 CFR Section 391.43) if they have a valid driver's license with a valid school bus endorsement.

Driver Disqualifications: A driver who is disqualified cannot operate a CMV. An employer shall not require or permit a driver who is disqualified to drive a CMV. Disqualifying offenses include:

- Loss of driving privileges;
- Certain criminal offenses;
- Driving a CMV under the influence of alcohol (which includes driving a CMV with alcohol concentration of .04% or more, driving under the influence of alcohol as prescribed by State Law or refusal to undergo testing);
- Driving under the influence of, transportation of, possession of, or unlawful use of an illegal drug;
- Leaving the scene of an accident while operating a CMV;
- A felony involving the use of a CMV;
- Violation of an out-of-service order;
- Conviction of texting while driving a CMV*; or
- Conviction of using a hand-held mobile telephone while driving a CMV**.

**See 49 CFR Section 392.80 for more information about prohibited texting.*

***See 49 CFR Section 392.82 for more information about the prohibition against using hand-held mobile telephones while driving.*

Driver Qualification File - DQ File (49 CFR Section 391.51)

A motor carrier must maintain a DQ file for each driver it employs. The DQ file is to be kept at the principal place of business for as long as the driver is employed by the carrier and for three years thereafter. The DQ file for each driver must include:

- A completed DOT job application for employment;
- A copy of the motor vehicle record received from each State (if a driver held a driver's license in multiple states, during the preceding three years, each state must be contacted);
- The certificate of driver's road test — or a legible copy of the driver's CDL which the motor carrier may accept in place of a road test — provided the driver successfully completed the road test examination in a CMV of the type the motor carrier intends to assign to them (not including a double/triple trailer or tank vehicle endorsements);
- The motor vehicle record received from each state agency to the annual driver record inquiry;
- The annual review of the driving record showing the date of review and who performed the review;
- The annual list or certificate relating to violations of motor vehicle laws;
- The driver's medical examiner's certificate*;
- The driver's SPE Certificate or medical waiver, if one has been granted;
- A note showing the verification of medical examiner listing on the National Registry of Certified Medical Examiners;
- A written record of investigation of past employers (for the preceding three years) contacted to verify applicant's previous employment, and drug and alcohol testing history; and
- For intrastate Motor Carrier of Passengers, a record of the criminal background check.

**Exceptions: For CDL holders, 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 49 CFR Section 384.105. That record must be obtained from the current licensing State and placed in the driver qualification file. 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. 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. See 49 CFR Section 391.51 for more information.*

Sample driver qualification forms are available in the Motor Carriers Guide to Improving Highway Safety available on FMCSA's website at <https://www.fmcsa.dot.gov/safety/carrier-safety/motor-carriers-guide-improving-highway-safety>.

Entry Level Training: All entry-level drivers (drivers with less than one year of experience operating a CMV with a CDL in interstate commerce) who drive in interstate commerce and are subject to CDL requirements must complete entry-level driver training. Entry-level driver training is training the CDL driver receives on driver qualifications, hours of service, driver wellness, and whistle blower protection. Employers must ensure entry level drivers are trained and a certificate of training is issued. An employer must place a copy of the driver's training certificate in the DQ file or personnel record (see 49 CFR Sections 380.501-380.513).

Longer Combination Vehicle Drivers: Drivers operating LCVs (any combination of a truck-tractor and two or more trailers or semi-trailers, which operate on the National System of Interstate and Defense Highways with a gross vehicle weight (GVW) greater than 80,000 pounds), must receive additional training as described in 49 CFR Sections 380.101-380.401. A motor carrier that employs an LCV driver must be able to produce evidence of the LCV certification when requested during a compliance review.