



## Section 08: 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:

- Vehicles in interstate commerce that are:
  - Over 10,000 pounds gross vehicle weight (GVW) or gross vehicle weight rating (GVWR);
  - Designed to transport 16 or more passengers, including the driver, and is not used to transport passengers for compensation;
  - Designed or used to transport between 9 and 15 passengers, including the driver, for direct compensation; or
  - Of any size transporting hazardous material of a type or quantity that requires the vehicle to be placarded; or
- Vehicles in intrastate commerce that are:
  - Over 10,000 pounds GVW or GVWR operated by an Intrastate Private Carrier;
  - Of any size transporting property, including household goods, by an Intrastate Motor Carrier (for-hire);
  - Over 10,000 pounds GVW or GVWR while exclusively engaged in transportation described in Minn. Statutes 221.025, except for school buses, commuter vans, authorized emergency vehicles and transportation described in 221.025 clause (6), (10), (11) or (12) (see section 6 for descriptions of the clauses);
  - Designed to transport 8 or more passengers, including the driver operating for-hire; or
  - Of any size transporting hazardous material of a type or quantity that requires the vehicle to be marked or placarded.

## Exceptions/Exemptions:

1. For interstate commerce, the DQ rules do not apply 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 for the definition of covered farm vehicle).
3. 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:** When subject to 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 transporting 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 in this section);
- 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 in this section); 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.

**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. 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 [dps.mn.gov/divisions/bca/Pages/criminal-history-search.aspx](https://dps.mn.gov/divisions/bca/Pages/criminal-history-search.aspx).

**Physical Qualifications for Drivers:** (49 CFR Sections 391.41 and 391.43). A person subject to Driver Qualifications must not operate a commercial motor vehicle unless the driver is medically certified as 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 [www.fmcsa.dot.gov/regulations/national-registry/national-registry-certified-medical-examiners](http://www.fmcsa.dot.gov/regulations/national-registry/national-registry-certified-medical-examiners). 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 unless the person meets the requirements in §391.46 or has been issued an Intrastate Medical Waiver;
- 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 or has been issued an Intrastate Medical Waiver. The vision requirement will change effective March 22, 2012. Please visit [FMCSA's website](#) for more information.
- Do not have hearing loss that prevents them from hearing a forced whisper from five feet or if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500Hz, 1,000Hz and 2,000Hz or has been issued an Intrastate Medical Waiver;
- 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 <https://csa.fmcsa.dot.gov/safetyplanner/Resources/FormsLibrary.aspx>.

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\(a\)\(2\)\(i\)](#)).

A non-CDL licensed driver subject to the physical qualification requirements must not operate a commercial motor vehicle unless they have on their person a current medical examiner's certificate indicating the driver is physically qualified to operate a CMV.

A driver of a Motor Carrier of Passenger 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.*

### **Special Training Requirements for 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.

### **Driver Medical Waivers and Skills Performance Evaluation Certificates and Driver Exemption Programs**

A driver who cannot meet the physical qualifications requirement due to a loss or impairment of a limb, vision problems, insulin-dependent diabetes or deafness/hearing impairments may be granted permission to operate a

commercial motor vehicle under the MN Department of Transportation's Medical Waiver program for intrastate drivers or the FMCSA's Skills Performance Evaluation Certificate program, the Driver Exemption programs or the Diabetes Standards for interstate drivers.

## Intrastate Drivers

**Medical Waivers.** The Minnesota Department of Transportation may grant a medical waiver to a person who is not physically qualified to drive under 49 CFR Section 391.41. A waiver granted under this subdivision applies to intrastate transportation only.

There are four waiver programs available to Minnesota Intrastate drivers:

- Hearing
- Insulin dependent diabetics
- Physical
- Vision

To obtain a Minnesota Intrastate Medical Waiver a driver **must** first be examined by a licensed medical examiner. After a driver has been found to be physically unqualified, a medical waiver application can then be submitted to the Office of Freight and Commercial Vehicle Operations.

When a medical waiver is granted, it will have the same expiration date as the expiration date shown on the medical examiners certificate. The medical waiver can be cancelled, suspended or revoked by the Minnesota Department of Transportation.

Minnesota intrastate medical waiver applications are available on the Office of Freight and Commercial Vehicle Operations website at [mndot.gov/cvo/waivers](https://mndot.gov/cvo/waivers).

**Note:** The Minnesota Department of Transportation does not issue waivers for school bus drivers. For information on school bus drivers license waivers, please contact the Department of Public Safety at 651-297-5029, or visit their website at <https://dps.mn.gov/divisions/dvs/Pages>.

## Interstate Drivers

### Skills Performance Evaluation Certificates

The Skills Performance Evaluation (SPE) certification program allows drivers with missing or impaired limbs to drive CMVs in interstate commerce if the driver can demonstrate the ability to drive a CMV safely. A SPE Certificate applicant may be required to submit to a driving test. If the driver passes the driving test, he or she will receive a SPE certificate. A driver may be required to be fitted with a prosthetic device or have other vehicle modifications made in order for the driver to qualify for a SPE Certificate. An issued SPE Certificate will indicate if any prosthetic device or vehicle modification is required while operating a CMV. A driver must be properly using any prosthetic device or vehicle modifications as noted on the SPE Certificate while operating a CMV.

Information on the Skills Performance Evaluation Certificate Program can be found at [www.fmcsa.dot.gov/medical/driver-medical-requirements/skill-performance-evaluation-certificate-program](http://www.fmcsa.dot.gov/medical/driver-medical-requirements/skill-performance-evaluation-certificate-program) or contact the FMCSA at phone #202-366-4001 or email [FMCSAMedical@dot.gov](mailto:FMCSAMedical@dot.gov).

A person who has a valid Interstate FMCSA Skills Performance Evaluation Certificate does not need a Minnesota Intrastate Medical Waiver.

### Driver Exemption Programs (49 CFR Part 391.41)

An interstate driver may apply for an exemption from the diabetes, hearing, seizure or vision standard of the Physical Qualification regulation by utilizing the FMCSA's exemption programs. The Federal Diabetes and Vision Exemption Programs have specific requirements, as does the requests for hearing and seizure exemptions. These requirements may include medical exams, employment history, driving experience and motor vehicle records which must be submitted with the application. The Agency will make a final decision within 180 days of receipt of the completed application.

Information on the Driver Exemption Programs may be found at [www.fmcsa.dot.gov/medical/driver-medical-requirements/driver-exemption-programs](http://www.fmcsa.dot.gov/medical/driver-medical-requirements/driver-exemption-programs) or contact the FMCSA at [FMCSAMedical@dot.gov](mailto:FMCSAMedical@dot.gov).

## **Diabetes Standard for Drivers Treated with Insulin for Control (49 CFR Part 391.46)**

The FMCSA has implemented a Physical Qualification Standard for a CMV driver with diabetes mellitus treated with insulin for control. A webinar providing an overview of the standards and processes can be viewed at [www.fmcsa.dot.gov/regulations/medical/new-diabetes-standard-overview-webinar](http://www.fmcsa.dot.gov/regulations/medical/new-diabetes-standard-overview-webinar). The webinar explains the regulatory requirements as well as the responsibilities of insulin-treated diabetes mellitus individuals, diabetes grandfathered drivers, Treating Clinicians, and certified Medical Examiners. The webinar also provides a review of the new Insulin-Treated Diabetes Mellitus Assessment Form, MCSA-5870, and its requirements. Contact the FMCSA office at [FMCSAMedical@dot.gov](mailto:FMCSAMedical@dot.gov) for additional information.

## **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 includes all of the following:

- 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 endorsement);
- 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 for drivers not required to have a CDL;
- 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;
- For a LCV driver, a copy of the LCV driver-training certificate; and
- For intrastate Motor Carrier of Passenger drivers, a driver record of the criminal background check.

*\*Exceptions: For CDL holders, if the Commercial Drivers License Information System (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-expected, 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.*

Sample driver qualification forms are available in the Safety Planner on FMCSA's website at <https://csa.fmcsa.dot.gov/safetyplanner/Default.aspx>.