



## Section 14: Record Keeping Requirements

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### Record Keeping Requirements

#### 49 CFR Part 390

Motor carriers who are subject to the Federal Motor Carrier Safety Regulations (FMCSRs) and/or the MN Motor Carrier Laws are required to keep/retain certain documents and records.

*Note: An employer who employs himself/herself as a driver must comply with both the rules/requirements that apply to employers and the rules/requirements that apply to drivers.*

#### **Accident Register (49 CFR 390.15)**

Motor carriers must assemble and maintain an accident register for each recordable accident. The FMCSRs define an accident as an occurrence involving a commercial motor vehicle operating on a highway in interstate or intrastate commerce which results in:

- A fatality;
- Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
- One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle(s) to be transported away from the scene by a tow truck or other motor vehicle.

The term accident does not include:

- An occurrence involving only boarding and alighting from a stationary motor vehicle; or
- An occurrence involving only the loading or unloading of cargo.

The information for each accident must be maintained for three years after the date of each accident. Information placed in the accident register must contain at least the following:

1. A list of accidents that include:
  - Date of accident
  - City or town, or most near, where the accident occurred and the State where the accident occurred

- Driver name
- Number of injuries
- Number of fatalities
- Whether hazardous materials, other than fuel spilled from the fuel tanks of motor vehicles involved in the accident, were released

2. Copies of all accident reports required by State or other governmental entities or insurers.

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

Each carrier subject to the driver qualification rules must maintain a driver qualification file for each driver it employs. A driver's qualification file may be combined with his/her personnel file.

The qualification file for each driver must include:

- A completed DOT job application for employment meeting the requirements of 391.21;
- 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 3 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 CDL examination road test in a CMV of the type the motor carrier intends to assign to them;
  - NOTE: Drivers who will operate CMVs requiring double/triple trailer or tank vehicle endorsements must successfully complete a road test for the motor carrier. A copy of a driver's CDL cannot be used in lieu of a road test for drivers who will operate double/triple trailers or tank vehicles for the carrier.
- The motor vehicle record received from each state agency to the annual driver record inquiry;\*\*
- The annual review of the driving record showing 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 3 years) contacted to verify applicant’s previous employment and controlled substance and alcohol testing history; and
- For intrastate Motor Carrier of Passengers, a record of the criminal background check.

*\*Exception: 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 additional information.*

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

DQ file records must be kept as long as the driver is employed and for 3 years thereafter. A carrier must make all records and information in the DQ file available to Federal Motor Carrier Safety Administration representatives or special agents or an authorized State or local enforcement agency representative.

### **Longer Combination Vehicle (LCV) Drivers (49 CFR 380.101-401)**

Longer Combination Vehicle (LCV) means 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. A copy of the LCV driver training certificate must be filed in the driver qualification file. An interstate carrier that employs or has under contract LCV drivers shall provide evidence of the drivers LCV Driver Training certifications when requested by an authorized FMCSA, State, or local official in the course of a compliance review.

## **Controlled Substances & Alcohol Testing Records (49 CFR 382.401)**

Each employer subject to controlled substances and alcohol testing requirements, must maintain records of its alcohol and controlled substance testing program for their CDL drivers. The records must be kept in a secure location with controlled access. The following records must be maintained for a minimum of:

### **Five years**

- Records of alcohol test results indicating an alcohol concentration of 0.02 or greater;
- Records of verified positive controlled substance 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.

**Three years.** Records related to a carrier's queries of the Drug and Alcohol Clearinghouse, including:

- A driver's written consent allowing a carrier to query the Clearinghouse for any information contained in the Clearinghouse about the driver: and
- A record of each query and all information received in response to each query. As of Jan. 6, 2023, an employer who maintains a valid registration with the Drug and Alcohol Clearinghouse will have fulfilled this requirement.

**Two 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.

## One year

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

**Indefinite Period** All records related to the training and education of drivers, supervisors, breath alcohol technicians, and screening technicians, 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.

Carriers are required to maintain:

- Employer's testing policy; and
- Driver's signed receipt for educational materials and testing program policy.

## Hours of Service Records and Supporting Documents (49 CFR, Part 395)

A motor carrier shall retain records of duty status and supporting documents for each of its drivers for a period of not less than 6 months from the date of receipt.

Supporting document means a document, in any medium, generated or received by a motor carrier in the normal course of business as described in 49 CFR 395.11 that can be used, as produced or with additional identifying information, by the motor carrier and enforcement officials to verify the accuracy of a driver's record of duty status. Some examples of supporting documents are: bills of lading, itinerary, schedule, or equivalent documents that indicate the origin and destination of each trip, dispatch records, trip records, expense receipts, electronic mobile communication records, payroll records, settlement sheets, fuel receipts, and fuel billing statements.

A motor carrier need not retain more than eight supporting documents for an individual driver's 24 hour period. If a motor carrier has more than eight supporting documents for a driver's 24 hour period, the motor carrier must retain the supporting documents containing the earliest and latest time indications among the eight supporting documents retained. Notwithstanding the maximum number of documents, a motor carrier that requires a driver to complete a paper record of duty status, must also maintain toll receipts for any period when the driver kept paper records of duty status.

For carriers employing drivers operating under the Short Haul Provisions (150 air-mile radius drivers), the time records indicating starting and ending times and total hours worked must be maintained by the carrier for 6 months.

### **Vehicle Maintenance & Inspection Records (49 CFR Part 396)**

Carriers that rent, lease or operate vehicles for 30 consecutive days or more must maintain the required vehicle maintenance and inspection records.

**Maintenance Files:** Maintenance files must be kept for a minimum of one year and for six months after the vehicle leaves a motor carrier's control. Maintenance files may be kept where the vehicle is housed or maintained.

The maintenance file must include:

- An identification of the vehicle including company number (if so marked), year, make, serial number, and tire size. If the vehicle is leased, the person furnishing the vehicle must be identified;
- A written schedule or means to indicate the nature and due date of the various inspection and maintenance operations to be performed;
- A record of inspection, 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 Records/Reports:** The original or a copy of the periodic inspection report shall be retained by a carrier for a period of fourteen months from the date of the inspection report. The original or a copy of the inspection report must be retained where the vehicle is either housed or maintained.

**Evidence of Inspector and/or Brake Inspector Qualifications:** Carriers must ensure that individuals performing annual inspections and/or brake inspections are qualified. The carrier must retain evidence of the individual's qualifications. The evidence must be retained for the period the person is employed in that capacity and 1 year thereafter.

**Driver Vehicle Inspection Reports:** Every carrier shall maintain the original driver vehicle inspection report, the certification of repairs, and the certification of the driver's review for three months from the date the report was prepared.

## Household Goods Movers Records of Shipments (MN Statutes 221.172)

Intrastate Household Goods Movers must maintain a record of shipment transported. A record may consist of one or more documents, including a bill of lading, freight bill, manifest, delivery receipt, or other document. If it consists of more than one document, the documents constituting a shipment record must be available for inspection together.

The record must show:

- Names of the consignor and consignee;
- Date of shipment;
- Origin and destination points;
- Description of the freight;
- Weight, volume, or measurement of the freight, if applicable to the rating of the freight;
- Exact rate or rates assessed;
- Total charges due, including the nature and amount of any charges for special service; and
- The name of each carrier participating in the transportation.

A shipping document or record must be retained by the carrier for at least three years from the date on the shipping document or record. Records of shipments must be readily accessible and available for inspection by MnDOT upon request.

Interstate Household Goods Movers must maintain records and documents of shipments according to 49 CFR Part 375.