

A close-up, high-angle photograph of a truck tire tread, showing the intricate patterns of the rubber. The image is rendered in a monochromatic green color scheme, with varying shades of light and dark green. The tire is the central focus, with its tread patterns clearly visible. The background is slightly blurred, emphasizing the texture of the tire.

DOT

DOCUMENTATION, REQUIREMENTS AND RETENTION

A Summary of DOT Federal Motor Carrier Regulations

Provided by: Liberty Insurance Agency

The following is a summary of Documentation Requirements and Retention as stated in the U.S. Department of Transportation's (DOT) Federal Motor Carrier Regulations.

Part 382 – Controlled Substances and Alcohol Use and Testing

382.401 Retention of Records

Employers must maintain records of their alcohol and controlled substances misuse prevention programs. Records need to be maintained in a secure location with controlled access.

Periods of Retention. Records must be retained in accordance with the following schedule:

Retained for a minimum of **five years**:

- Records of driver alcohol test results indicating an alcohol concentration of 0.02 or greater,
- Records of positive results for driver controlled substances tests,
- 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 programs, and
- A copy of each annual calendar year summary required by 382.403.

Retained for a minimum of **two years**:

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

Retained for a minimum of **one year**:

- Records of negative and canceled controlled substances test results and alcohol test results with a concentration of less than 0.02.

Retained for the course of operation:

- Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors and drivers must be maintained by while the individual performs the functions that require the training and for **two years** after ceasing to perform those functions.

Types of Records. "Documents generated" are documents that may have to be prepared under a requirement of this part. If the record is required to be prepared, it must also be maintained. The following types of records must be maintained for the length of time specified above:

Records related to the collection process:

- Collection logbooks, if used;
- Documents relating to the random selection process;
- Calibration documentation for breath testing devices;
- Documentation of breath alcohol technician training;
- Documents generated in connection with decisions to administer reasonable suspicion alcohol or controlled substances tests;
- Documents generated in connection with post-accident tests;
- Documents verifying existence of a medical explanation of the inability of a driver to provide adequate breath or to provide a urine specimen for testing; and
- Consolidated annual calendar year summaries as required by 382.403.

Records related to a driver's test results:

- The employer's copy of the alcohol test form, including the results of the test;
- The employer's copy of the controlled substances test chain of custody and control form;
- Documents sent by the MRO to the employer;
- Documents related to the refusal of any driver to submit to an alcohol or controlled substances test;
- Documents presented by a driver to dispute the result of an alcohol or controlled substances test; and
- Records related to other violations of this part.

Records related to evaluations:

- Records concerning a driver's need for assistance as determined by a substance abuse professional; and
- Records concerning a driver's compliance with recommendations of the substance abuse professional.

Records related to education and training:

- Materials on alcohol misuse and controlled substance use awareness, including a copy of the employer's policy on alcohol misuse and controlled substance use;
- Documentation of compliance with the requirements of 382.601, including the driver's signed receipt of education materials;
- Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol and/or controlled substances testing based on reasonable suspicion;
- Documentation of training for breath alcohol technicians; and
- Certification that any training conducted under this part complies with the requirements for such training.

Administrative records related to alcohol and controlled substances testing:

- Agreements with collection site facilities, laboratories, breath alcohol technicians, screening test technicians, medical review officers, consortia and third party service providers;
- Names and positions of officials and their role in the employer's alcohol and controlled substances testing program(s);
- Semi-annual laboratory statistical summaries of urinalysis; and
- The employer's alcohol and controlled substances testing policy and procedures.

Location of Records. All of the above records must be made available for inspection at the employer's principal place of business **within two business days** after a request has been made by an authorized representative of the Federal Motor Carrier Safety Administration.

OMB Control Number. The information collection requirements of this part have been reviewed by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) and have been assigned OMB control number 2126-0012.

The information collection requirements of this part can be found in the following sections: 382.105, 382.113, 382.301, 382.303, 382.305, 382.307, 382.401, 382.403, 382.405, 382.409, 382.411, 382.601, 382.603.

Part 383 – Commercial Driver's License Standards

383.31 Notifications of Convictions for Driver Violations

Holders of commercial driver's licenses convicted of a traffic violation (other than a parking violation), in any type of vehicle, must notify their current employer. If they are currently unemployed, the holder must notify the state or jurisdiction that issued the license.

Holders of commercial driver's licenses convicted of a traffic violation (other than a parking violation) in any other state or jurisdiction, in any type of vehicle, must notify the state or jurisdiction that issued their license.

In both cases, the notifications must be made **within 30 days** after the person is convicted.

Notification. The notification to the state official and employer must be made in writing and contain the following information:

- Driver's full name;
- Driver's license number;
- Date of conviction;
- The specific crime, offense or violation of state or local law relating to motor vehicle traffic control for which the person was convicted, and any suspension, revocation or cancellation of certain driving privileges which resulted from such conviction;
- Indication whether the violation was in a commercial motor vehicle;

- Location of offense; and
- Driver's signature.

Part 390 – General

390.15 Assistance in Investigations and Special Studies

Upon request or as part of any investigation, motor carriers must make all records and information pertaining to an accident available to:

- Authorized representatives or special agents of the Federal Motor Carrier Safety Administration (FMCSA)
- Authorized State or local enforcement agency representatives
- Authorized third-party representatives

Motor carriers must provide reasonable assistance in the investigation of any accident including providing a full, true and correct response to any questions and supplying answers and resources in a timely manner.

Motor carriers must maintain an accident register for **three years** after each accident. Information placed in the accident register must contain at least the following:

- A list of accidents containing the following information:
 - 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 vehicle involved in the accident, were released
- Copies of all accident reports required by state or other governmental entities or insurers.

Part 391 – Qualification of Drivers

391.51 (b) Driver Qualification Files

Motor carriers must maintain a driver qualification file for each driver they employ. A driver's qualification file may be combined with his or her personnel file.

The qualification file for a driver must include:

- The driver's application for employment;
- A copy of the motor vehicle record received from each State;
- The certificate of driver's road test issued to the driver or a copy of the license or certificate which the motor carrier accepted as equivalent to the driver's road test;
- The motor vehicle record received from each State driver licensing agency to the annual driver record inquiry;

- A note relating to the annual review of the driver's driving record;
- A list or certificate relating to violations of motor vehicle laws and ordinances; and
- Effective June 22, 2015, the medical examiner's certificate or a legible copy of the certificate.

Each driver's qualification file must be retained for as long as a driver is employed by that motor carrier and for **three years** thereafter.

The following records may be removed from a driver's qualification file **three years** after the date of execution:

- The motor vehicle record received from each State driver licensing agency to the annual driver record inquiry;
- The note relating to the annual review of the driver's driving record;
- The list or certificate relating to violations of motor vehicle laws and ordinances;
- The medical examiner's certificate, a legible copy of the certificate or, for CDL drivers, any CDLIS MVR obtained;
- Any medical variance issued by FMCSA, including a Skill Performance Evaluation Certificate issued in accordance with § 391.49 or the Medical Exemption letter issued by a Federal medical program in accordance with part 381 of this chapter; and
- The note relating to verification of medical examiner listing on the National Registry of Certified Medical Examiners.

Part 395 – Hours of Service of Drivers

395.1 (E)(1)(iv) 150 Air-Mile Radius Driver

For a period of **six months**, motor carriers must maintain and retain accurate and true time records for each of the drivers they employ, showing:

- The time the driver reports for duty each day;
- The total number of hours the driver is on duty each day;
- The time the driver is released from duty each day; and
- The total time for the preceding seven days in accordance with 395.8(j)(2) for drivers used for the first time or intermittently.

395.8 (K) – Retention of Driver's Record of Duty Status

Motor carriers must maintain records of duty status and all supporting documents for each driver it employs for a period of **six months** from the date of receipt.

Drivers must retain a copy of each record of duty status for the previous **seven consecutive days** and have them in their possession and available for inspection while on duty.

Part 396 – Inspection, Repair and Maintenance

396.3 Inspection, Repair and Maintenance

Motor carriers must systematically inspect, repair and maintain all motor vehicles subject to their control.

- Parts and accessories must be in safe and proper operating condition at all times. These include any parts and accessories which may affect safety of operation. They include, but not limited to:
 - Frame and frame assemblies,
 - Suspension systems,
 - Axles and attaching parts,
 - Wheels and rims, and
 - Steering systems.
- Push-out windows, emergency doors and emergency door marking lights in buses shall be inspected at least every 90 days.

Required records. For vehicles controlled for **30 consecutive days** or more, except for a private motor carrier of passengers (non-business), motor carriers must maintain the following records for each vehicle:

- An identification of the vehicle including:
 - Company number, if so marked,
 - Make,
 - Serial number,
 - Year, and
 - Tire size.

In addition, if the motor vehicle is not owned by the motor carrier, the record must identify the name of the person furnishing the vehicle;
- A 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.

Record retention. The records required by this section must be retained where the vehicle is either housed or maintained for a period of **one year and for six months** after the motor vehicle leaves the motor carrier's control.

396.11 Driver Vehicle Inspection Reports

Report required. After the completion of each day's work, motor carriers must require their drivers to prepare a written report on each vehicle operated. The report must cover at least the following parts and accessories:

- Service brakes including trailer brake connections
- Parking (hand) brake
- Steering mechanism
- Lighting devices and reflectors
- Tires
- Horn
- Windshield wipers
- Rear vision mirrors
- Coupling devices
- Wheels and rims
- Emergency equipment

Report content. The report must identify the vehicle and list any defect or deficiency discovered by or reported to the driver which would affect the safety of operation of the vehicle or result in its mechanical breakdown. If a driver operates more than one vehicle during the day, a report must be prepared for each vehicle operated. The driver of a passenger-carrying CMV subject to this regulation must prepare and submit a report even if no defect or deficiency is discovered by or reported to the driver; the drivers of all other commercial motor vehicles are not required to prepare or submit a report if no defect or deficiency is discovered by or reported to the driver.

The driver must sign the report. On two-driver operations, only one driver needs to sign the driver vehicle inspection report, provided both drivers agree as to the defects or deficiencies identified.

Corrective action. Prior to requiring or permitting a driver to operate a vehicle, every motor carrier or its agent shall repair any defect or deficiency listed on the driver vehicle inspection report which would be likely to affect the safety of operation of the vehicle.

Every motor carrier or its agent shall certify on the original driver vehicle inspection report which lists any defect or deficiency that the defect or deficiency has been repaired or that repair is unnecessary before the vehicle is operated again.

Retention period for reports. Every motor 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 written report was prepared.

Exceptions. The rules in this section shall not apply to a private motor carrier of passengers (nonbusiness), a driveaway-towaway operation, or any motor carrier operating only one commercial motor vehicle.

396.21 Periodic Inspections

The qualified inspector performing the inspection must prepare a report which:

- Identifies the individual performing the inspection;
- Identifies the motor carrier operating the vehicle;
- Identifies the date of the inspection;
- Identifies the vehicle inspected;
- Identifies the vehicle components inspected and describes the results of the inspection, including the identification of those components not meeting the minimum standards; and
- Certifies the accuracy and completeness of the inspection as complying with all the requirements of this section.

The original or a copy of the inspection report must be retained by the motor carrier or other entity that is responsible for the inspection, for a period of **14 months** from the date of the inspection. The original or a copy of the inspection report must be retained where the vehicle is either housed or maintained.

- The original or a copy of the inspection report must be available for inspection upon demand from an authorized federal, state or local official.
- In situation where the motor carrier operating the commercial motor vehicles did not perform the commercial motor vehicle's last annual inspection, the motor carrier is responsible for obtaining the original or a copy of the last annual inspection report upon demand of an authorized federal, state or local official.

For more information, visit the DOT's website, <https://www.fmcsa.dot.gov/>.