

GUIDE

# Driver Safety Policy Drafting Tips



Includes Sample Policies for  
Non-CDL and Commercial Drivers



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## Drafting Guide For Driver Safety Policy

The [first sample Driver Safety Policy \(Policy\)](#) in this guide is intended as a broad-based model Policy that will require review and some alteration to fit the needs of a specific Company. The Policy is not intended for motor carriers or those companies operating commercial motor vehicles. If you are a motor carrier with commercial motor vehicles, a separate policy should be considered that includes certain regulatory issues not addressed in this Policy. We've included a [sample Commercial Motor Vehicle Driver Safety Policy for employee drivers](#) at the end of this guide.

This first Policy is intended for non-commercial Company vehicles ranging from passenger sedans to step vans or work trucks. In the event the Company utilizes [hired and non-owned vehicles](#), a number of additional considerations addressed in this checklist should be added to the Policy.

The below detail represents best practices and guidance related to those sections within the Policy that the Company should consider altering based on its operations and personnel.

Prior to reading this guide, checkout our white paper:

*Driver Safety Policies:  
Best Practices  
and Drafting  
Considerations*



**GET THE WHITE PAPER**

## DEFINITIONS

The definitions section may be used to detail any terms specific to the Company as well as terms used within the Policy that are not commonly understood or which may have a unique meaning in the context of the Policy. During review, ensure that all definitions are in line with their actual practice and use within the Company and that the Company can adhere to any definitions as they are drafted.

In the event that the Company allows a substantial amount of employees to drive personal autos not owned by the Company in the course and scope of employment, the definition of an Authorized Driver must be expanded to include both Company owned vehicles as well as an employee's personal vehicle.

## QUALIFICATIONS AND HIRING PROCEDURES: ROAD TESTING

For Authorized Drivers who only operate a standard Company vehicle (e.g., a sedan, van, truck, or sport utility vehicle), no road testing is required unless a driver has exhibited risk associated behavior necessitating such a test. If Authorized Drivers will be operating Company vehicles that are loaded with a significant amount of weight that may impact handling, are used to tow a trailer, or are otherwise specialized in some other way, the industry best practice would include a road test to ensure driver proficiency with the Company vehicle. As it pertains to drivers of commercial motor vehicles, the FMCSA requires motor carriers to conduct a road test for the above stated reasons. Although not controlling as to non-regulated companies, this requirement should be viewed as a best practice for certain Authorized Drivers where the vehicle has unique operational considerations or specialized skill is required.

Where the Company allows Authorized Drivers to operate personal or non-Company owned autos in the course and scope of employment, the requirement for road testing should not be applied and the Policy should appropriately reflect this distinction.

## **QUALIFICATIONS AND HIRING PROCEDURES: INSURANCE**

Where the Company allows Authorized Drivers to operate personal or non-Company owned autos in the course and scope of employment, the insurance requirements within the Policy should be altered to reflect the required coverage and documentation that must be in the vehicle at all times. When making this determination, the Company should not assume that the Authorized Driver's personal insurance coverage would be extended to a crash while driving in the course and scope of employment, as many personal auto policies contain exclusions for such activities. Companies should take great care to determine what coverage will extend to business owned vehicles as well as personal or non-business owned vehicles and which policies may be primary in the event of a claim. Once determined, the insurance section should be altered to reflect this determination and a definition related to impermissible vehicle uses should be included in the Policy to provide clarity to Authorized Drivers.

## **QUALIFICATIONS AND HIRING PROCEDURES: DISQUALIFYING EVENTS**

The Policy permits the Company to review Motor Vehicle Records (MVR) during the pre-employment screening and as needed thereafter. The industry best practice is to pull and review an MVR pre-hire and then to use the SambaSafety Continuous Monitoring Program during the term of employment to ensure a driver is not or has not demonstrated risk associated behaviors that should prevent the employee from becoming an Authorized Driver. The Continuous Monitoring Program serves to provide scoring and alerts related to all drivers placed in the pool of monitored drivers. In lieu of continuous monitoring, best practice is to at least review an annual MVR. As it pertains to drivers of commercial motor vehicles, the FMCSA requires that all motor carriers annually pull MVRs and review them for violations<sup>1</sup>. Although not controlling as to non-regulated companies, this requirement should be viewed as the recommended baseline for reviewing MVRs.

<sup>1</sup> FMCSA guidance provides that use of an employer notification service (ENS) satisfies the requirement for an annual MVR pull (See Question 4 at <https://www.fmcsa.dot.gov/regulations/title49/section/391.25>). FMCSA recognizes qualified ENS programs in 17 States (See <https://www.fmcsa.dot.gov/registration/commercial-drivers-license/employee-notification-services-state>).

With the above in mind and as a best practice, we recommend all companies pull MVRs on a pre-hire basis for all potential Authorized Drivers and either (1) enroll all Authorized Drivers in SambaSafety's Continuous Monitoring Program; OR (2) pull and review MVRs on an annual basis going forward for all Authorized Drivers. In doing so, companies can better identify those drivers who require additional training or revocation of Authorized Driver status.

Any disqualifying events outlined in the Policy must be adhered to. Where a driver is permitted to continue as an Authorized Driver in spite of the presences of one or more disqualifying events and the Authorized Driver is involved in a crash, such a fact pattern would heighten the level of exposure faced by the Company. Because of the need to stay up to date on the occurrence of disqualifying events, Continuous Monitoring enrollment should be strongly considered.

Despite any monitoring or MVR review by the Company, there are certain instances where a driver's self-report of events is critical. For example, if a driver is arrested for driving while intoxicated, the time between arrest and final adjudication may take 18 months and an MVR run within this timeframe may not reflect the suspension of a driver's license. For these and other reasons, it is imperative that drivers report any loss or suspension of a driver's license as well as all citations or violations received.

Proactively and reactively training Authorized Drivers is an industry best practice. While certain risk associated behaviors identified in an MVR may not rise to the level of a disqualifying events, it is up to the Company to counsel, discipline, or train Authorized Drivers when such risk associated behaviors are identified. An added benefit of Continuous Monitoring comes in the form of alerts to the Company for such risk associated behaviors as well as suggested training modules for Authorized Drivers in an effort to address these risk associated behaviors.



## DRIVER QUALIFICATION FILES

Keeping a Driver Qualification File is an industry best practice, but not a regulatory requirement<sup>2</sup>. All companies should maintain an employee file, but companies should take care to ensure the listed documents in the Driver Qualification File section of the Policy are maintained in Authorized Driver employee files. Put another way, there is no need to create a secondary Driver Qualification File if the Company already maintains an employee file containing the necessary documents.

## DRUG AND ALCOHOL POLICY

It is industry best practice to prohibit Authorized Drivers from driving a Company vehicle after consuming alcohol, while under the influence of an illegal substance or drug, or while using prescription or nonprescription medication that may impact one's ability to safely operate a vehicle. If the Company maintains a separate drug and alcohol policy, it should be referenced in this section. Companies that employ CDL drivers are required to implement a drug and alcohol policy and comply with applicable regulations, but companies that do not have CDL drivers are not subject to these requirements. While perfectly acceptable for a nonregulated company to conduct drug and alcohol testing on its own terms, the Company should take great care to ensure the testing is not being completed on DOT required forms and to comply with the necessary state requirements as to authorization and consent.

Avoiding DOT required forms is particularly important if the company utilizes commercial motor vehicles as part of its fleet. Avoiding DOT required forms is particularly important if the company utilizes commercial motor vehicles as part of its fleet.

If the Company wishes to develop a drug and alcohol testing program, it should consult with legal counsel for guidance.

<sup>2</sup> Driver Qualification Files are required for motor carriers or those companies operating commercial motor vehicles (See 49 CFR § 391

## **SAFETY RULES**

The entire section on Safety Rules represents basic industry best practices in this regard. Having said this, the Company may wish to include additional Safety Rules. For instance, if the Company has developed its own Accident Protocol, this section should be altered to include the existing Accident Protocol. If the Company plans to implement outward facing cameras from Company vehicles, this section should address an Authorized Driver's consent to cameras, the requirement to use the camera while operating the Company vehicle and a prohibition on disabling the camera at any time. Depending upon Company preference, the use of any handheld electronic device may be entirely prohibited while operating the Company vehicle.

## **PROGRESSIVE DISCIPLINE**

This section represents a widely used approach on progressive discipline that include management's ability to bypass progressive discipline and move to termination depending on the severity and nature of the offense. In the event that the Company has unionized workers, this section should be removed from the Policy or altered to conform to the already established disciplinary procedures agreed to via collective bargaining agreement.

## **MAINTENANCE**

It is safe to require that Company vehicles be maintained in accordance with the manufacturer's recommendations. Many sophisticated motor carriers elect to perform preventative maintenance in accordance with manufacturer's recommendations and smaller non-commercial motor vehicles should be treated the same. If the Company performs the maintenance on Authorized Driver's vehicles, this should be spelled out here and the onus should be placed upon the Authorized Driver to schedule and bring in the vehicle as outlined in this section.

If the Company allows Authorized Drivers to operate non-business owned personal vehicles, the section may be altered to recommend maintenance in accordance with manufacturer's recommendations but should prohibit the operation of the vehicle if any defect exists that may inhibit the safe operation of the vehicle.



# ABC COMPANY DRIVER SAFETY POLICY

REVISED APRIL 28, 2020

Contact Name

Phone Number

Email Address



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## A. Policy Statement

ABC Company (the "Company") is committed to promoting the safe, proper and professional operation of all motor vehicles that the Company owns, leases or otherwise operates. The Company is also committed to employing qualified drivers of motor vehicles. The purpose of this Policy is to ensure the safety of those individuals who drive company vehicles as well as the motoring public and to provide guidance on the proper use of company vehicles. Vehicle accidents are costly to our company, but more importantly, they may result in injury to our employees or others. It is ultimately the driver's responsibility to operate the vehicle in a safe manner and to drive defensively to prevent injuries and property damage. As such, ABC Company, Inc. endorses all applicable state motor vehicle regulations relating to driver responsibilities. To achieve these aims, the Company has implemented this Policy.

This Policy applies to all applicants for positions that require operation of a motor vehicle and to employees or third parties who, in the course of their employment or business or contractual relationship with the Company, operate a vehicle owned, leased, or rented by or on behalf of the Company. This Policy does not apply to drivers of commercial motor vehicles or CDL holders. Special considerations not contained in this Policy are required for these two categories of drivers.

ABC Company expects each driver to drive in a safe and courteous manner pursuant to this Policy. Company management is responsible for general administration of this policy which will be administered centrally through the company headquarters in [REDACTED].

The Corporate Office will keep drivers and other personnel up to date on: (1) information on this Policy and other applicable Company policies, such as the Company's Drug and Alcohol Testing Policy and information associated with operation of Company vehicles.

## B. Definitions

The following definitions apply throughout this Policy. The use of the words "include," "includes," or "including" all mean "including, but not limited to."

- **"Authorized Drivers"** include all persons who are authorized to drive a Company motor vehicle for business or personal use.
- **"Commercial Drivers License (CDL)"** is a license issued by a state or other jurisdiction, in accordance with the standards contained in the safety regulations prescribed by the Department of Transportation ("DOT"), to an individual which authorizes the individual to operate a class of CMV. Persons who operate a CMV may not have more than one driver's license at any time.

A CDL is required for Authorized Drivers of a CMV or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle –

- has a gross combination weight rating of 26,001 pounds (11,794 kilograms) or more, inclusive of a towed unit(s) with a gross vehicle weight rating of 10,001 pounds (4,536 kilograms) or more; or
- has a gross vehicle weight rating of 26,001 pounds (11,794 kilograms) or more; or
- is designed to transport 16 or more passengers, including the driver; or
- is of any size and is used in the transportation of hazardous materials as defined by the Federal Motor Carrier Safety Regulations ("FMCSR"). FMCSR § 383.91
- **"Commercial Motor Vehicle ("CMV")"** is any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle –

- has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 10,001 pounds (4,536 kilograms) or more, whichever is greater;
- is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- is used in transporting hazardous material and requires placarding. FMCSR § 390.5

CMVs are regulated in the United States by the U.S. DOT.

- **“Defensive Driving”** is when a driver tries to recognize potentially hazardous situations sufficiently in advance to allow time to safely maneuver past them. The defensive driver assumes that other drivers may make mistakes and is on guard in the event an error is made. The defensive driver searches ahead of what is immediately in front, to have advance warning of approaching hazards.
- **“Driver Qualification File”** is a file maintained by the Company for each Authorized Driver.
- **“Motor Vehicle Record (MVR)”** is a state agency recording of a person’s driving history, which includes, among other items, confirmation that a driver holds a valid driver’s license in the jurisdiction, a list of motor vehicle violations attributed to the driver or collisions that a driver was involved in, and other driving-related information. All Authorized Drivers are required to undergo an MVR check prior to obtaining authorization to operate a Company motor vehicle or a personal vehicle for business purposes. MVRs are required to be checked at least annually on every driver.
- **“Non-preventable Collision”** is defined as a collision where the driver applied proper defensive driving techniques and took appropriate actions to avoid a collision that nonetheless occurred.
- **“Preventable Collision”** is defined as a collision where it is determined that the driver’s actions, or inactions, put the driver into a position where he/she became involved in a collision.

## C. Qualification and Hiring Procedures

### 1. Driver’s License

Driver applicants must provide the Company with a legible copy of their driver’s license prior to their start date. License checks on all Company drivers will be conducted by the Corporate Office. The Corporate Office will review the driving record of the applicant to ensure compliance with Company requirements. Authorized Drivers may only hold one driver’s license and Company may access public records to verify that an applicant or Authorized applicant does not possess more than one Driver’s license.

### 2. Road Testing

Authorized Drivers of certain vehicles may be required to demonstrate driving proficiency by participating in a Road Test. In the event this is the case, Authorized Drivers must continue to demonstrate proficiency in driving the Company vehicle(s) operated by the driver.

### 3. Fair Credit Reporting Act Disclosure

Driver applicants will be asked for their written authorization giving the Company permission to obtain a copy of their driving record prior to being hired and at any time during employment. If a driver applicant is not hired based on the information provided in a driving record, then the driver applicant will receive a copy of the record and the Summary of Consumer Rights pursuant to the Fair Credit Reporting Act.

#### 4. Insurance

An insurance card provided to you by the Company must be in the car at all times and available to present to a law enforcement officer or other person when necessary. In the event of an accident, follow the instructions in the Accident section of this Policy. Contact your immediate supervisor if the insurance card is lost or missing.

The Company carries Auto Liability insurance for third party bodily injury or property damage claims that result from an insured employee's operation of a covered auto. The Company's insurance complies with applicable state laws.

The Company is not insured with respect to collision or comprehensive (theft) coverage. The Company does not insure personal property that may be in the company vehicle (e.g. radios, cellular phones, cameras, luggage, etc.) and will not be responsible for any loss or damage to such personal property. In some cases, an employee's personal property may be covered under the employee's personal homeowner's and certain renter's policies.

#### 5. Disqualifying Events

The Company will request and review an MVR prior to any employee being classified as an Authorized Driver. If applicable, this MVR review will occur pre-employment and an employee may not become or maintain his or her status as an Authorized Driver if certain risk associated events are present on the MVR. Employees who wish to become Authorized Drivers must consent to allowing the Company to pull MVRs prior to becoming an Authorized Driver and at any time during employment with the Company. Authorized Drivers must also consent to Company's use of a driver monitoring service that examines and scores MVRs for Authorized Drivers (the Monitoring Service). The Company will determine initial and ongoing eligibility based upon evaluation of the MVR and updates through the Monitoring Service.

Regardless of the frequency by which the Company monitors MVRs, Authorized Drivers are required to report any suspension or revocation of a driver's license and all parking or moving violations to their supervisor within 24-hours of receiving this information. As mentioned, excessive or egregious parking or moving violations may result in a loss of driving privileges.

The Company will take disciplinary measures in accordance with the Progressive Discipline section of this Policy. If the Company elects to use a driver monitoring service, Authorized Drivers must consent to Company's use of a Driver Monitoring Service. Exceeding a defined policy score as determined from an MVR or through a Monitoring Service or the presence of certain other criteria may lead to the temporary or permanent loss of driving privileges. The primary means by which the Company will monitor criteria that may lead to a loss of driving privileges is by close examination of the driver's MVR or through a Monitoring Service. In doing so, the Company can quickly identify the following risk associated behaviors that may result in a temporary or permanent loss of driving privileges. Driving record is assessed through policy score as set forth below:

Points are determined as follows:

- 4 points = minor violation (e.g., minor speeding, failure to signal, improper turn, non-moving violation etc.) within prior 36 months
- 6 points = major violation within prior 36 months (e.g., major speeding, improper passing, following too closely, etc.)
- 8 points = acute violation (e.g., accident, negligent or reckless driving, etc.) within prior 36 months
- 15 points = disqualifying violation (e.g., DUI, DWI, felony with a motor vehicle, etc.) within prior 60 months or any suspension, revocation, or invalidation of an Authorized Driver's license

The Monitoring Service used by Company automatically scores offenses and events on an Authorized Driver's MVR. Any score of 15 or higher disqualifies an Authorized Driver. This can be a result of one or more of the above, or any combination thereof. Company may alter its scoring method at its discretion.

Examples of combined events that result in a disqualifying score include:

- Any DUI, DWI, or similar offense within the prior 60 months
- Any suspension, revocation, or invalidation of an Authorized Driver's license
- Any combination of more than three (3) minor traffic offenses within any 36-month period
- Any combination of more than two (2) major traffic offenses within any 36-month period
- Two (2) or more crashes within any 36-month period

An Authorized Driver whose driving record exceeds a certain threshold for risk associated behaviors, is involved in a Preventable Accident, or who has displayed other risk associated behaviors may be required to participate in additional training pertaining to defensive/safe driving techniques. These trainings may include a customized training course, one-on-one training sessions with the appropriate Company employee, or some other form of defensive/safe driving training arranged through the Company's third-party safety consultant. The company reserves the right to assign safety related training for all drivers as it sees fit. If assigned, an Authorized Driver is required to complete the assigned training in order to maintain driving privileges.

#### **D. Driver Qualification Files**

The Company has elected to maintain a Driver Qualification File for each Authorized Driver of a Company vehicle it employs. It is the responsibility of each such individual Authorized Driver and the Company to ensure that all Driver Qualification File documents are completed and placed in the Driver Qualification File. Applicants are not allowed to drive a Company vehicle until the Corporate Office has verified the applicant has a fully completed Driver Qualification File. Once the Corporate Office has verified the driver has a fully compliant Driver Qualification File, a Company designee will notify operations. No individual will be authorized to drive a Company vehicle without the approval of the Corporate Office.

Driver Qualification Files include, at a minimum, the following documents:

- Application for Employment
- Pre-employment MVR
- Annual review of MVR or continuous driver monitoring documentation
- Copy of valid driver's license
- Road test documentation
- Driver training documentation
- Disciplinary documentation related to driving

At least annually, the Company will review the Driver Qualification Files for each Authorized Driver of a Company vehicle to ensure they are up-to-date.

#### **E. Drug and Alcohol Policy**

Authorized Drivers are prohibited from driving a Company vehicle after consuming alcohol, under the influence of an illegal substance or drug, or while using prescription or non-prescription medication that may impact one's ability to safely operate a vehicle. This prohibition applies to Company, leased, or rented vehicles. Any violation of this requirement will result in discipline or termination of employment.

## **F. Safety Rules**

### **1. Defensive Driving**

Defensive Driving is when a driver tries to recognize potentially hazardous situations sufficiently in advance to allow time to safely maneuver past them. The defensive driver assumes that other drivers may make mistakes and is on guard in the event an error is made. The defensive driver searches ahead of what is immediately in front, to have advance warning of approaching hazards. Training on Defensive Driving is available through the Company and may be required if an Authorized Driver displays risk associated behaviors while operating a Company vehicle.

Authorized Drivers are required to exercise Defensive Driving techniques and are not permitted to operate a vehicle in a reckless manner, which means, among other things, exhibiting wanton or willful disregard for the safety of other persons, to the Company vehicle, or other property.

### **2. Vehicle Inspection**

The Company requires that Authorized Drivers perform a vehicle inspection of any Company vehicle prior to its operation. This vehicle inspection must ensure the vehicle is in safe operating condition and that all objects are secured inside and outside the vehicle. Specific items to check include but are not limited to tires, windows, mirrors, fluids, and all lights.

### **3. Accident Protocol**

Authorized Drivers of Company vehicles must immediately report any crash to their direct supervisor and call [insert phone number available 24-hours] to report the accident. This means that an Authorized Driver should report the crash while on the scene of the crash if physically possible.

Authorized Drivers are required to cooperate with law enforcement and to provide enforcement with all requested documentation related to insurance, registration, and licensure. Authorized drivers are encouraged to take photos and videos of the scene of the crash if physically possible.

Following the crash, the Authorized Driver will be required to complete an internal incident report as well as drug and alcohol testing. Once the Company has made a determination on preventability, the Authorized Driver may be required to participate in training/counselling or may experience a loss of driving privileges.

### **4. Fatigue Management**

Fatigued driving or driving while sleep deprived is considered impaired driving and is strictly prohibited. Authorized Drivers of Company vehicles should immediately notify their supervisor if fatigued and unable to operate a Company vehicle safely. Authorized Drivers may obtain additional resources on fatigue management at [www.nafmp.org](http://www.nafmp.org) or through the Company's Corporate Office.

### **5. Distracted Driving**

The majority of crashes involve one party who was distracted at the time of the crash. Distracted driving includes cell phone use, GPS use, eating, adjusting the radio, tobacco use, reading signs or billboards, talking with passengers, or being otherwise distracted by anything not related to driving. Authorized Drivers of Company vehicles should avoid any distractions while operating a Company vehicle as this is a risk associated behavior that increases the likelihood of a crash.

### **6. Seat Belt Policy**

All Authorized Drivers and passengers inside a Company vehicle must wear a seatbelt as required by law. No airbags or other onboard safety feature may be disabled during operation of the vehicle unless the circumstance is specifically permitted by the vehicle manufacturer.

## 7. Handheld Electronic Device Policy

Authorized Drivers must follow applicable laws relating to the use of handheld electronics while driving. In addition to the applicable state, federal, and local laws pertaining to the use of handheld electronics, the Company requires the following rules be abided by when an Authorized Driver is operating a Company vehicle whether owned, leased, or rented:

- Do not operate a vehicle with a handheld electronic device in your hand
- Handheld electronic devices may only be used in a hands-free mode if the Authorized Driver may do so in a safe manner avoiding distraction and if authorized by law
- Keep any phone calls as short as possible and only participate in business phone calls or emergency purposes.

Non-compliance with this policy may result in discipline or additional training.

## G. Ride Sharing

Authorized Drivers are not permitted to use a Company leased, owned, or rented vehicle to participate in any driving through ride sharing platform or for hire driving outside of Company business.

## H. Renting Vehicles

Authorized Drivers should only rent vehicles if authorized by the Company. If operating a rented vehicle, this Policy applies to the Authorized Driver as if in a Company owned vehicle. In renting any vehicle for Company use, an Authorized Driver must ensure the vehicle is not classified as a Commercial Motor Vehicle. A CMV is defined as follows:

- any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle –
  - has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 10,001 pounds (4,536 kilograms) or more, whichever is greater;
  - is designed or used to transport more than 8 passengers (including the driver) for compensation; or
  - is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
  - is used in transporting hazardous material and requires placarding. FMCSR § 390.5

CMVs are regulated in the United States by the U.S. DOT and subject an Authorized Driver and the Company to added regulatory requirements.

## I. Progressive Discipline

### 1. Progressive Disciplinary Action

The Company will not tolerate violations of this Policy. Violations of this Policy may subject the driver to the following progressive disciplinary steps:

- Verbal Warning – A manager may, at his or her discretion, issue more than one verbal warning to the same employee for the same type of performance issue or behavioral problem before escalating to written warning.
- Written Warning – A detailed, written record of both the incident, and offense, is required. This step will be used by the manager when a verbal warning has been ineffective, or if the offense is severe enough to warrant a written documentation of the incident and the corrective plan of action put in place by the manager to give the employee the support and clearly defined guidelines to improve their performance and/or behavior. Employees who receive a written warning may also be required to participate in certain training programs if Company management determines their violations stem from a lack of understanding of this Policy.
- Suspension – A manager can petition for the suspension of an employee to the Director of Operations and/or Human Resources to have an employee's driving privileges suspended for repetitive and/or severe infractions. This option will only be used when an employee has been unresponsive to verbal and written warnings. The length of a suspension will be at management's discretion.
- Termination – An employee can and will be terminated if their actions, performance, and/or behavior is egregious, chronic, or threatens the health, well-being or safety of the Company or others.

This policy is meant to be a guideline for employee progressive discipline. The Company reserves the right to amend this Policy at any time without notice. Additionally, if any violation of this Policy is severe enough, the Company reserves the right to escalate disciplinary action to a higher level to ensure the disciplinary action is adequate to address the violation. This includes moving immediately to termination in some instances.

## **J. Maintenance**

Authorized Drivers are required to properly maintain their Company vehicles at all times. Vehicles may not be operated with any defect that inhibits the safe operation of the vehicle during the current or foreseeable weather and lighting conditions. Preventative maintenance in accordance with the manufacturer's recommendations will include but not limited to regular oil changes, lubrication, tire pressure, tire replacement, brake checks and service. This preventative maintenance in conjunction with an Authorized Driver's vehicle inspection before operation assist in determining whether the vehicle is safe to operate.

## **K. Records Retention**

All records created under this policy, including Driver Qualification Files will be maintained in accordance with the Company's document retention policy.

## EMPLOYEE ACKNOWLEDGEMENT

I, the undersigned person, being of full legal age and capacity, do hereby agree and acknowledge that I have been provided with a copy of the ABC Company Driver Safety Policy for Authorized Drivers, that I understand and agree to the terms of such Policy, and that I specifically agree to comply with all the terms of such Policy, in connection with my application for employment with the Company, and if hired, during my employment with the Company. I further acknowledge and agree that the Company may at any time, and from time to time, modify the terms of the Policy.

Nothing in this acknowledgement form, in the Policy or otherwise, alters the status of my employment with the Company as an "at-will" employee.

In witness whereof, I have hereunto set my hand and seal on the date below written.

Employee Signature:

---

Employee Name (Print or type):

---

Date Signed:

---

# **ABC TRANSPORTATION**

## **COMMERCIAL MOTOR VEHICLE POLICY FOR EMPLOYEE DRIVERS**



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**ABC Transportation** (the “Company”) is committed to promoting the safe, proper and professional operation of all commercial motor vehicles that the Company owns, leases or otherwise operates. The Company is also committed to employing qualified drivers of commercial motor vehicles. To achieve these aims, the Company has implemented this Policy.

This Policy applies to all applicants for positions that require operation of a commercial motor vehicle (a “CMV”) and to employees or third parties who, in the course of their employment or business or contractual relationship with the Company, operate a CMV owned, leased, or rented by or on behalf of the Company. This Policy does not apply to drivers of non-commercial motor vehicles.

## A. Definitions

The following definitions apply throughout this Policy. The use of the words “include,” “includes,” or “including” all mean “including, but not limited to.”

- **“Authorized Drivers”** include all persons who are authorized to drive a Company Motor Vehicle for business or personal use.
- **“Commercial Driver’s License (CDL)”** is a license issued by a state or other jurisdiction, in accordance with the standards contained in the safety regulations prescribed by the Department of Transportation (“DOT”), to an individual which authorizes the individual to operate a class of CMV. Persons who operate a CMV may not have more than one driver’s license at any time.

A CDL is required for Authorized Drivers of a CMV or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle –

- has a gross combination weight rating of 26,001 pounds (11,794 kilograms) or more, inclusive of a towed unit(s) with a gross vehicle weight rating of 10,001 pounds (4,536 kilograms) or more; or
  - has a gross vehicle weight rating of 26,001 pounds (11,794 kilograms) or more; or
  - is designed to transport 16 or more passengers, including the driver; or
  - is of any size and is used in the transportation of hazardous materials as defined by the Federal Motor Carrier Safety Regulations (“FMCSR”).  
FMCSR § 383.91
- **“Commercial Motor Vehicle (“CMV”)** is any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle –

- has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 10,001 pounds (4,536 kilograms) or more, whichever is greater;
- is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- is used in transporting hazardous material and requires placarding. FMCSR § 390.5

CMVs are regulated in the United States by the U.S. DOT.

- **“DOT”** is the abbreviation for the U.S. Department of Transportation. The Federal Motor Carrier Safety Administration (“FMCSA”) of the DOT promulgates safety regulations for Authorized Drivers of CMVs. The application of these regulations to Authorized Drivers of the Company’s CMVs is provided in the Implementation Procedures for Authorized Drivers of Commercial Motor Vehicles.
- **“FMCSR”** is the abbreviation for the Federal Motor Carrier Safety Regulations that are promulgated by the FMCSA. These regulations govern the practices which must be followed by Authorized Drivers of CMVs.
- **“Motor Vehicle Record (MVR)”** is a state agency recording of a person’s driving history, which includes, among other items, confirmation that a driver holds a valid driver’s license in the jurisdiction, a list of motor vehicle violations attributed to the driver or collisions that a driver was involved in, and other driving-related information. All Authorized Drivers are required to undergo an MVR check prior to obtaining authorization to operate a Company motor vehicle or a personal vehicle for business purposes. MVRs are required to be checked at least annually on every driver.
- **“Preventable Collision”** is defined as a collision where it is determined that the driver’s actions, or inactions, put the driver into a position where he/she became involved in a collision.
- **“Safety-sensitive functions”** include all time that a driver is at work or is required to be ready-to-work, until relieved from all responsibility, including, but not limited to, at a location awaiting dispatch; inspecting or servicing equipment; at the controls of a CMV in operation, or in or around a CMV; loading or unloading a CMV; or repairing, obtaining assistance, or remaining with a disabled CMV.

## **B. Central Administration Through Company Headquarters**



## **D. Qualification and Hiring Procedures**

### **1. Hiring Standards**

The Company requires all Authorized Drivers of all CMVs to be a minimum of 21 years of age. Driver applicants will also be required, based upon experience, training, or both, to be able to:

- safely operate a CMV;
- read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records; and
- determine and execute proper cargo securement procedures.

### **2. Driver Ineligibility**

The Company will not consider for employment a driver applicant who does not meet the minimum standards set by the FMCSRs.

### **3. Application for Employment**

All driver applicants shall complete a Company application for employment, with the application containing all of the information required by the FMCSRs.

The Company's hiring standards require that CDL driver applicants list all former employers for the past ten (10) years whose job responsibilities required operating a motor vehicle. Driver applicants are also required to comply with the requirements listed in the Company's pre-employment screening and background check policy.

### **4. License**

Driver applicants must provide the Company with a legible copy of their driver's license prior to their start date. License checks on all Company CMV drivers will be conducted through the Corporate Office. The Corporate Office or its agent will review the driving record of the applicant to ensure compliance with the FMCSRs. Additionally, each applicant will be checked to verify they only possess one driver's license.

### **5. Fair Credit Reporting Act Disclosure**

Driver applicants will be asked for their written authorization giving the Company permission to obtain a copy of their driving record. If a driver applicant is not hired based on the information provided in a driving record, then the driver applicant will receive a copy of the record and the Summary of Consumer Rights pursuant to the Fair Credit Reporting Act.

## **6. Motor Vehicle Record**

The Company shall request an MVR for driver applicants being considered for employment after it has received a completed and signed employment application. The Company will review all MVR information to determine if the driver applicant meets the hiring standards regarding driving records, and will compare the MVR against the employment application to check for completeness and accuracy. Persons who fail to provide on their application all relevant information regarding their motor vehicle driving history may be subject to disciplinary action up to and including termination. Additionally, the Company is required to check all CMV drivers' MVRs annually. The Company will ensure and verify that the MVR meets the DOT criteria.

## **7. Investigation of Previous Employment**

The Company's safety designee shall contact all former DOT-regulated employers of the driver applicant for the previous 3 years to verify as much of the following as possible:

- Dates of employment
- Type of work performed
- Type of vehicle(s) operated
- Extent of driving experience and verifiable miles
- Vehicle accident record
- Attendance and reliability
- Overall work history and performance
- Record of misconduct regarding employment policies
- Drug and alcohol testing history and compliance

All former and employer information gathered from the Company's inquiries will be documented in writing and will be retained in the DQF, if the applicant is hired. In the event a former employer refuses to release information, a note stating this will be placed in the DQF. The Corporate Office will be responsible for collecting and retaining the required information for the DQF for all Company CMV drivers.

Additionally, each applicant is required to fully explain any gaps in employment on their application. If the Company determines after hire that an Authorized Driver falsified his/her application by omitting a prior employer, then the Company may terminate the employment of that person.

## **8. Controlled Substance and Alcohol Test Information from Previous Employers**

The Company will request alcohol and controlled substances information from previous employers in accordance with the requirements of the FMCSR's. CDL driver applicants must provide written authorization to the Company so that it may obtain controlled substance and alcohol test information for each of the driver applicant's previous DOT-regulated employers during the preceding three years. All information from former

employers regarding drug and alcohol test results must be in writing and will be retained by the Company (if hired). In the event no response is received from a former or employer, a note stating this will be placed in the file.

The Company will also conduct pre-employment and annual queries in the Drug and Alcohol Clearinghouse for all drivers subject to drug and alcohol testing under the FMCSR's. This process is used to determine if current and prospective employees are prohibited from performing safety-sensitive functions, such as operating CMVs, due to unresolved drug and alcohol program violations. The Company must obtain consent from its drivers before querying his or her Clearinghouse record; the type of consent depends on the query type and is conducted through the Clearinghouse consent process setup by the FMCSA.

If the Company discovers a positive pre-employment test or other unresolved drug and alcohol violations, the applicant will not be considered for employment or will be prohibited from performing any safety sensitive functions. Also see the Company's CDL Drug & Alcohol Policy.

## **9. Physical Examination and Certificate**

The Company requires driver applicants to be fully qualified physically to perform all duties and functions of driving and safely operating a CMV. Pre-employment DOT physical examinations will be performed by a qualified medical examiner, as determined by the Company in its sole discretion.

Driver applicants who successfully pass the physical examination will be issued a Medical Examiner's Certification card. A copy of the Medical Examiner's Certification card will be sent to the Corporate Office and placed in the DQF, and the original will remain in the possession of the driver at all times while on duty or operating any Company CMV. The Company must verify and should show proof of verification that the medical examiner is on the FMCSA National Registry prior to placing the Medical Examiners Certification Card in the driver's qualification file.

In addition, all Authorized Drivers of CMVs are required to obtain a physical examination at least every 24 months (or sooner, depending on the expiration of their medical certificate). The completed medical examination form shall be retained on file at the office of the medical examiner and a copy shall be retained in the DQF for three years from the date of execution. Authorized Drivers are required to carry a copy of the medical certification form at all times.

Authorized Drivers who fail to provide the required physical qualification documentation will not be permitted to drive a Company CMV, or any other CMV, within the scope of their employment with the Company, and may be subject to disciplinary action up to and including termination. Authorized Drivers who fail to meet the physical qualifications requirements of this policy and the FMCSRs will not be permitted to operate a Company vehicle.

The Company may, at its discretion, remove drivers from safety-sensitive functions and require them to submit to subsequent medical exams upon reasonable belief that the drivers are not physically qualified to operate a CMV.

For additional information regarding the Physical Qualification Requirement, see FMCSR § 391.11(b)(4) and FMCSR § 391 Subpart E.

#### **10. Pre-Employment Controlled Substance/Alcohol Testing**

The Company requires CDL driver applicants to submit to a DOT pre-employment drug screen to be conducted at a collection site designated by the Company. These driver applicants shall not be offered employment and allowed to driver a Company CMV until a negative test result has been reported.

#### **11. Driving Proficiency**

Authorized Drivers must continue to demonstrate proficiency in driving the Company CMV operated by the driver. Authorized Drivers are not permitted to operate a vehicle in a reckless manner, which means, among other things, exhibiting wanton or willful disregard for the safety of other persons, to the Company vehicle, or other property.

Authorized Drivers shall not consume alcohol or illegal drugs prior to or during the operation of a Company vehicle. Authorized Drivers shall not operate a Company vehicle if impaired by or under the influence of alcohol or drugs. CMV drivers must notify their manager if they are prescribed any medications that may impair their ability to safely operate a vehicle. Company management must immediately remove the driver from a driving position until the driver has been cleared medically.

### **E. Drug and Alcohol Testing**

#### **1. Controlled Substance and Alcohol Testing – CDL Authorized Drivers**

All Authorized Drivers who operate CMVs that require a CDL are subject to the FMCSA's controlled substance and alcohol regulations. All Authorized Drivers who operate CMVs that require a CDL will be responsible to comply with the Company's CDL Drug & Alcohol Policy. See the Company's full CDL Drug & Alcohol Policy for more details on required testing.

#### **2. Controlled Substance and Alcohol Testing – Non-CDL Drivers**

While non-CDL drivers of CMVs are not subject to the FMCSA's controlled substance and alcohol regulations, all non-CDL drivers are subject to the Company's controlled substance and alcohol testing requirements as outlined in the Company's Non-CDL

## F. Other Recordkeeping and General Requirements

### 1. Hours-of-Service & Records of Duty Status

All Authorized Drivers are required to comply with the hours-of-service restrictions contained in FMCSR's. More specifically, drivers must adhere to the following requirements:

- **11-Hour Driving Limit:** Drivers may drive a maximum of 11 hours after 10 consecutive hours off duty.
- **14-Hours Limit:** Drivers may not drive beyond the 14<sup>th</sup> consecutive hour after coming on duty, following 10 consecutive hours off duty. Off-duty time does not extend the 14-hour period.
- **30-Minute Rest Break:** Drivers may drive only if 8 hours or less have passed since the end of the driver's last off-duty or sleeper berth period of at least 30 minutes.
- **70-Hours Limit:** Drivers may not drive after 70 hours on duty in 8 consecutive days. A driver may restart an 8 consecutive day period after taking 34 or more consecutive hours off duty.

In addition to these requirements, drivers must complete daily records of duty status as required by the FMCSRs. **Exhibit B** shows when a driver must complete a record of duty status.

Unless directed otherwise, records of duty status must be generated through a Company-approved Electronic Logging Device ("ELD"). These devices will automatically capture all drive time. Authorized Drivers will receive unique ELD log in credentials and must be sure to log in and out of the devices when appropriate. If a driver fails to log in to the ELD—or if the ELD otherwise captures drive time that is not assigned to a particular driver—the driver will be asked to accept or decline any accumulated unassigned drive time as his/her own the next time he/she logs into the device. All data captured by the ELDs will be automatically uploaded to and reviewed by the Corporate Office. Data will also be available to law enforcement during roadside inspections.

Drivers must keep a supply of blank paper logs in their trucks at all times in the event their ELD malfunctions. If that occurs, drivers must immediately notify the Company and begin reconstructing their record of duty status for the current 24-hour period and the previous 7 consecutive days on paper logs, as required by the FMCSRs. Drivers should continue to record their duty status on paper logs until their ELD is functional, but in no event may the driver utilize paper logs for more than 8 days after the malfunction. Drivers should be sure to note the ELD malfunction in the comments section on their paper logs.

All logs, whether paper or electronic, will be checked for violations or falsification. The log will be verified for accuracy against the trip sheet, fuel records or roadside inspections (if available). Any falsifications or other violations will be subject to the progressive disciplinary policy described in Section G below.

## **2. Seat Belts**

Authorized Drivers and authorized passengers in a Company CMV are required to wear a seat belt.

## **3. Vehicle Safety Equipment**

Authorized Drivers are required to make sure that the Company CMV which they operate has at all times the following vehicle safety equipment. In the event that the CMV does not have the required equipment, drivers are required to notify the maintenance department.

Every Company CMV must be equipped with the following:

- Seat belts
- Fire extinguisher – properly filled and located so that it is readily accessible, securely mounted and maintained to permit visual determination of whether it is fully charged. The extinguisher must contain an extinguishing agent that does not need protection from freezing
- Warning devices for stopped vehicles – three bi-directional emergency reflective triangles
- First aid kit
- Vehicle insurance identification card
- Any other emergency equipment required for the vehicle by the applicable federal, state, or local law or regulation, e.g., snow chains

## **4. Vehicle Maintenance**

Vehicles that fall under the scope of this Policy must at all times be properly maintained as designated by the Company. The Company requires periodic maintenance of all Company CMVs. The Company periodic maintenance schedule is every 90 days or 15,000 miles, whichever occurs first.

## **5. Annual Vehicle Inspections**

All Company CMVs are required to undergo annual inspections as required in the FMCSRs.

## 6. Daily Vehicle Inspections and Reports

Authorized Drivers are required to conduct thorough pre- and post-trip inspections of their CMVs at the beginning and end of each trip. At a minimum, these inspections must encompass the following components:

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

Drivers must complete and submit to the Company a Daily Vehicle Inspection Report (“DVIR”) any time a defect is discovered during a driver pre- or post-trip inspection or by law enforcement during a roadside inspection. Any defects noted on the DVIR must be brought to the Company’s maintenance department’s attention and promptly repaired. On-coming drivers must review any previous DVIRs and ensure any defects have been corrected prior to driving the vehicle.

Additionally, it is the Company’s policy that each driver must complete a walk around inspection and check all load securement every time the driver stops to load, unload, fuel, or take a break. Failure to conduct regular walk around inspections throughout the day will result in disciplinary action.

All maintenance performed on all safety related defects must be properly documented and maintained in the vehicle’s maintenance file.

All time spent by a driver conducting vehicle inspections and completing DVIRs must be logged as On-Duty, Not Driving.

## 7. Accidents and Moving Violations Involving Company CMVs

Authorized Drivers are required to immediately report all accidents involving a Company CMV, regardless of fault, cost of repairs or extent of injuries or damage, to the appropriate governmental authorities prior to leaving the scene of an accident and to the Company at [INSERT 24-HOUR PHONE CONTACT(S) FOR REPORTING ACCIDENTS]. The Company will review the circumstances of the accident and, in accordance with its CMV Drug and Alcohol Policy, determine if drug and alcohol tests are required and, if so, provide the driver with further instruction. Further, the Authorized Driver should obtain the names and telephone numbers of all parties and witnesses involved in the accident.

## **8. Cell Phones and Other Handheld Devices**

Drivers are specifically prohibited from texting or using a handheld electronic device while operating a CMV. Additionally, all drivers are prohibited from using a cellular phone unless the phone is used with a hands-free device. Any violation of this policy will result in termination.

## **G. Driver Discipline**

### **1. Progressive Disciplinary Action**

The Company will not tolerate violations of this Policy. Violations of this Policy may subject the driver to the following progressive disciplinary steps:

- Verbal Warning – A manager may, at his or her discretion, issue more than one verbal warning to the same employee for the same type of performance issue or behavioral problem before escalating to written warning.
- Written Warning – A detailed, written record of both the incident, and offense, is required. This step will be used by the manager when a verbal warning has been ineffective, or if the offense is severe enough to warrant a written documentation of the incident and the corrective plan of action put in place by the manager to give the employee the support and clearly defined guidelines to improve their performance and/or behavior. Employees who receive a written warning may also be required to participate in certain training programs if Company management determines their violations stem from a lack of understanding of this Policy or the FMCSRs.
- Suspension – A manager can petition for the suspension of an employee to the Director of Operations and/or President to have an employee suspended for repetitive and/or severe infractions. This option will only be used when an employee has been unresponsive to verbal and written warnings. The length of a suspension will be at management's discretion.
- Termination – An employee can and will be terminated if their actions, performance, and/or behavior is egregious, chronic, or threatens the health, well-being or safety of the Company or others.

This policy is meant to be a guideline for employee progressive discipline. The Company reserves the right to amend this Policy at any time without notice. Additionally, if any violation of this Policy is severe enough, the Company reserves the right to escalate

disciplinary action to a higher level to ensure the disciplinary action is adequate to address the violation. This includes moving immediately to termination in some instances.

## **H. Records Retention**

All records created under this policy, including DQFs, DVIRs, driver logbooks/RODS, driver timesheets, vehicle maintenance records, acknowledgement forms and other documents shall be retained in accordance with applicable laws and regulations.

## EMPLOYEE ACKNOWLEDGEMENT

I, the undersigned person, being of full legal age and capacity, do hereby agree and acknowledge that I have been provided with a copy of the ABC Transportation Commercial Motor Vehicle Policy for Employee Drivers, that I understand and agree to the terms of such Policy, and that I specifically agree to comply with all the terms of such Policy, in connection with my application for employment with the Company, and if hired, during my employment with the Company. I further acknowledge and agree that the Company may at any time, and from time to time, modify the terms of the Policy.

Nothing in this acknowledgement form, in the Policy or otherwise, alters the status of my employment with the Company as an "at-will" employee.

In witness whereof, I have hereunto set my hand and seal on the date below written.

Employee Signature:

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Employee Name (Print or type):

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Date Signed:

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## EXHIBIT A Drivers Qualification File Checklist

[49 CFR 391](#) explains the minimum requirements for commercial motor vehicle drivers. Motor carriers are required to maintain a [qualification file](#) for each of their drivers. The following checklist will help you ensure that each driver qualification file is complete.

| ✓                         | Form/Inquiry/Note to Include  | Must Retain Document For                       |
|---------------------------|---|--|
| Ongoing Updates           | <b>Inquiry To State Agencies for Driving Record – Annual</b> — <a href="#">49 CFR 391.25 (a) and (c)</a><br>Motor carriers must contact State agencies annually for an updated copy of each driver’s MVR.   | 3 years from date of execution                 |
|                           | <b>Review of Driving Record – Annual</b> — <a href="#">49 CFR 391.25 (c) (2)</a><br>At least once every 12 months, the carrier must collect a current motor vehicle record (MVR) from the State issuing a driver’s license, and review the MVR to determine whether the driver still meets the minimum requirements for safe driving, and to confirm they are not disqualified pursuant to 49 CFR 391.15. A note including the name of the person who performed this review and the date must be retained in the file with the MVR. | 3 years from date of execution                 |
|                           | <b>Driver’s Certification of Violations – Annual</b> — <a href="#">49 CFR 391.27</a><br>At least once every 12 months, drivers must submit a list of all convicted violations of motor vehicle traffic laws and ordinances during the previous 12 months. Carrier must review this and compare it with the driver’s annual MVR. Note: Drivers who have provided information required by 49 CFR 383.31 need not repeat information in this annual list of violations.  | 3 years from date of execution                 |
|                           | <b>Medical Examination Report and Medical Examiner’s Certificate</b> — <a href="#">49 CFR 391.43</a><br>All commercial drivers are required to pass a physical exam conducted by a licensed medical examiner at least once every 24 months. The carrier must retain a copy of this certificate. For CDL drivers; the carrier must retain a copy of the CDLIS motor vehicle record, which contains the examination information.  | 3 years from date of execution                 |
|                           | <b>Employer note verifying that medical examiner is listed on National Registry of Certified Medical Examiners</b> — Non-CDL drivers: <a href="#">49 CFR 391.51(b)(9)(i)</a> ; CDL drivers: <a href="#">49 CFR 391.51(b)(9)(ii)</a><br>A note must be included in the driver’s qualification file to verify that the medical examiner is listed on the <a href="#">National Registry of Certified Medical Examiners</a> .   | 3 years from date of execution                 |
| Initial DQ File Documents | <b>Driver’s Application for Employment</b> — <a href="#">49 CFR 391.21</a><br>A driver must not drive a CMV unless an application for employment is completed and signed.   | Life of employment + 3 years after termination |
|                           | <b>Driver’s Road Test Certificate or Equivalent*</b> — <a href="#">49 CFR 391.31(e)</a><br>A person must not drive a commercial motor vehicle until he/she has successfully completed a road test and has been issued a certificate.  | Life of employment + 3 years after termination |
|                           | <b>Inquiry to Previous Employers: Safety Performance History Records Request</b> — <a href="#">49 CFR 391.23(a)(1)and(b)</a><br>Carriers must investigate the driver's employment record during the preceding three years. This investigation must be completed within 30 days of the date employment begins. Carrier must retain a record of the request and all response documentation.   | Life of employment + 3 years after termination |

| ✓   | Form/Inquiry/Note to Include   | Must Retain Document For  |
|---|--|---|
|   | <p><b>Safety Performance History Records: Driver Correction or Rebuttal</b> (if applicable) — <a href="#">49 CFR 391.23(i)(2)</a> and <a href="#">49 CFR 391.23(j)(3)</a></p> <p>Carriers must maintain a record of both the request for a driver’s safety performance history and any related documentation, for example if a driver documents that information in the history is inaccurate.</p>   | Life of employment + 3 years after termination                                |
|   | <p><b>Inquiry To State Agencies for 3-Year Driving Record</b> — <a href="#">49 CFR 391.23(a)(1)and(b)</a></p> <p>Carriers must contact State agencies for the driver’s MVR for the past three years. Request must be made within 30 days of hire. MVR must be kept in the driver’s personnel file, and updated annually. See “Review of Driving Record” entry above.</p>   | Life of employment + 3 years after termination                                |
|   | <p><b>Pre-Employment Drug and Alcohol Documents</b> — <a href="#">49 CFR 40.25(j)</a>; <a href="#">49 CFR 382.301</a></p> <p>Employers must ask potential employees if they have tested positive or refused to test, on any pre-employment drug or alcohol test within the past three years. If the potential employee admits to having a positive test or refused to test, that individual must not perform safety-sensitive functions until the successful completion of the return-to-duty process. Documentation demonstrating completion of return-to-duty process must be retained in the driver qualification file.</p> | See Controlled Substances and Alcohol chapter for recordkeeping requirements. |
| The following additional documents are only required for certain types of drivers, or in specific situations. |  |   |
|   | <p><b>Entry-Level Driver Training Certificate</b> — <a href="#">49 CFR 380.509(b)</a></p> <p>All CDL drivers with less than one year experience must provide this certificate.</p>   | 3 years from date of execution  |
|   | <p><b>Longer Combination Vehicle (LCV) Driver Training Certificate</b> — <a href="#">49 CFR 380.401</a></p> <p>A driver must not operate an LCV unless the driver can produce an LCV Driver Training Certificate or an LCV Driver Training Certificate of Grandfathering.</p>  | Life of employment + 3 years after termination                                |
|   | <p><b>Longer Combination Vehicle (LCV) Certificate of Grandfathering</b> — <a href="#">49 CFR 380.111</a></p>  | Life of employment + 3 years after termination                                |
|   | <p><b>Multiple-Employer Drivers</b> — <a href="#">49 CFR 391.63</a></p>  | Life of employment + 3 years after termination                                |
|   | <p><b>Skill Performance Evaluation Certificate</b> — <a href="#">49 CFR 391.49</a></p>   | 3 years from date of execution  |

Initial DQ File Documents

## EXHIBIT B

### Short-Haul Record of Duty Status Exemption

