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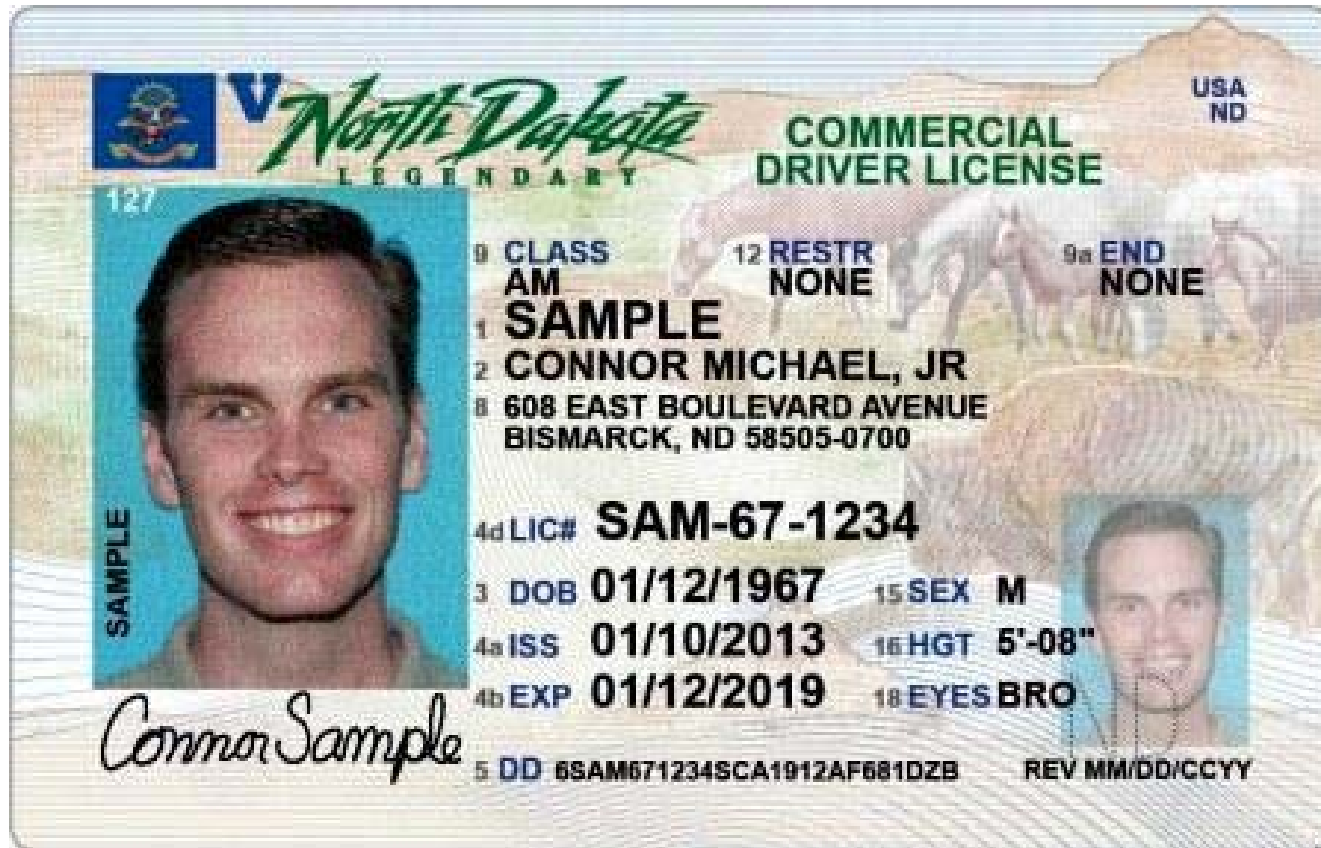
Trucking Safety Seminar

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Driver Qualifications

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DRIVER QUALIFICATION: Not just a CDL.



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49 C.F.R. § 391.11(a)

- No person may drive a commercial motor vehicle unless they are qualified to drive a CMV.
- A motor carrier may not require or permit a person to drive a CMV unless they are qualified to drive a CMV.

49 C.F.R. § 391.11(b)

- (1) At least 21 years of age;
- (2) Can read and understand English well enough to understand traffic signs, speak with police and motor carrier enforcement and to properly make reports and records;
- (3) Can, by training or experience, safely operate the type of CMV they drive;
- (4) Is physically/medically qualified to drive a CMV in accordance with the requirements listed later, in subpart E;

49 C.F.R. § 391.11(b)

- (5) Has a valid CDL from one state (and only one state);
- (6) Has prepared and furnished the motor carrier that employs the driver a list of motor vehicle violations or the certificate as required by § 391.27;
- (7) Is not disqualified under the rules in § 391.15; and
- (8) Has successfully completed a driver's road test and has a certificate of driver's road test, as outlined in § 391.31, or has presented a CDL or a certificate of road test that the motor carrier that employs them has accepted as equivalent to a road test, per § 391.33.

49 C.F.R. § 391.11(b)(1)

Is at least 21 years old

49 C.F.R. § 391.11(b)(2)

Can 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.

Dunn v. Louisiana Dept. of Public Safety & Corrections, 2014 WL 14131469, U.S.D.C., M.D. Louisiana (April 14, 2014).

49 C.F.R. § 391.11(b)(3)

Can, by reason of experience, training, or both, safely operate the type of CMV they drive.

- Tanker, Hazmat, Doubles and Triples.
- Air Brakes or Manual Transmission.
- § 383.93 and § 383.95 (endorsements and restrictions).

49 C.F.R. § 391.11(b)(4)

Is physically qualified to drive a commercial motor vehicle in accordance with subpart E – Physical Qualifications and Examinations of this part

- Part E is 49 C.F.R. §§ 391.41-391.49.
- § 391.43 contains advisory guidance on various medical conditions (out of date as of Dec. 2015).

49 C.F.R. § 391.11(b)(5)

Has a currently valid CDL issued by only one state or jurisdiction

49 C.F.R. § 391.11(b)(6)

Has prepared and furnished the motor carrier that employs them with the list of violations or the certificate as required by § 391.27

- Annual list of violations or a certificate of no violations. § 391.27 provides details for this requirement.

49 C.F.R. § 391.11(b)(7)

Is not disqualified to drive a CMV under the rules in § 391.15

- Suspended, revoked or withdrawn CDL
- Driving a CMV while under the influence of alcohol (only requires 0.04 BAL)
- Driving a CMV under the influence of a Schedule 1 controlled substance
- Transporting, possession or unlawful use of a Schedule 1 controlled substance while on duty
- Leaving the scene of an accident while driving a CMV
- Felony involving the use of CMV
- Driving under an OOS order
- Driving while texting or using handheld cell phone

49 C.F.R. § 391.11(b)(8)

Has successfully completed a driver's road test and has been issued a certificate of driver's road test in accordance with § 391.31, or had presented an operator's license or a certificate of road test which the motor carrier that employs them has accepted as equivalent to a road test in accordance with § 391.33

Other Qualification Requirements

- § 391.21 – Application for Employment
- § 391.23 – Investigation and inquiries
- § 391.25 – Annual inquiry and review of driving record

Driver Qualification File

§ 391.51 requires motor carriers to maintain a driver qualification file for every driver it employs.

- § 391.21
- § 391.23(a)(1)
- § 391.33
- § 391.25(a)
- § 391.25(c)(2)
- § 391.27
- § 391.43(g)

Misc. Regulations in Part 391

- Motor carrier may not permit a person to drive a CMV unless they can determine whether the cargo has been loaded safely and is familiar with proper methods of securing cargo - § 391.13.
- Exemptions from many rules in 391 for farm operations and farm drivers - § 391.2 and § 391.67.

Even these requirements are minimum qualifications

- § 391.1(A) states: “The rules in this part establish **minimum** qualifications for persons who drive commercial motor vehicles as, for, or on behalf of motor carriers. The rules in this part also establish **minimum** duties of motor carriers with respect to the qualifications of their drivers.”