

MOTOR CARRIER SAFETY ACT OF 1963 (EXCERPT)
Act 181 of 1963

480.12m Driver qualification file.

Sec. 2m. (1) The qualification file for an intrastate driver who has been a "regularly employed driver" as defined in 49 C.F.R. 390.5 of a motor carrier of property for a continuous period which began on or before June 10, 1984 and the file for a driver who has been a regularly employed driver of a motor carrier of passengers for a continuous period which began on or before March 3, 1991 shall include all of the following:

(a) The original, or a legible copy, of the medical examiner's certificate issued pursuant to 49 C.F.R. 391.43 and the letter granting a waiver of physical disqualification issued pursuant to section 2k if required or the motor carrier division form MC-25 granting a medical waiver for claiming grandfather rights required by section 2n.

(b) The note relating to the annual review of the driver's driving record required by section 2f.

(c) The records of violations required by 49 C.F.R. 391.27 and a copy of the driver's record from each state in which he or she held a license during the preceding year.

(d) A legible copy of the driver's appropriate license.

(e) Any other matter which relates to the driver's qualification or ability to drive a commercial motor vehicle safely.

(2) The qualification file for a regularly employed driver who was employed by a motor carrier of property after June 10, 1984 and a regularly employed driver of a motor carrier of passengers who has not been regularly employed by the motor carrier for a continuous period which began on or before March 3, 1991 shall include all of the following:

(a) The documents specified in subsection (1).

(b) The driver's application for employment completed in accordance with 49 C.F.R. 391.21 or this act.

(c) The responses of state agencies and past employers to the motor carrier's inquiries concerning the driver's driving record and employment in accordance with 49 C.F.R. 391.23.

(d) The original or a legible copy of the driver's road test and the certificate of driver's road test issued to the driver in accordance with 49 C.F.R. 391.31 or this act, or a legible copy of the license or certificate which the motor carrier accepts as equivalent to the driver's road test in accordance with 49 C.F.R. 391.33.

(3) The qualification file for an intermittent, casual, or occasional driver shall include all of the following:

(a) The original or a legible copy of the medical examiner's certificate required by 49 C.F.R. 391.43 or this act and the letter granting a waiver of a physical disqualification issued pursuant to 49 C.F.R. 391.49 or this act if required.

(b) The original or a legible copy of the driver's road test and the certificate of driver's road test issued to the driver in accordance with 49 C.F.R. 391.31 or this act, or a legible copy of the license or certificate which the motor carrier accepted as equivalent to the road test in accordance with 49 C.F.R. 391.33.

(c) The driver's name, social security number, and a legible copy of the driver's appropriate license.

(d) Any other matter which relates to the driver's qualifications or ability to operate a commercial motor vehicle safely.

(4) A carrier's qualification file for a driver who is regularly employed by another motor carrier, and who is employed by the carrier in accordance with 49 C.F.R. 391.65, shall include a copy of a certificate issued by the regularly employing carrier in accordance with 49 C.F.R. 391.65(a)(2) stating that the driver is fully qualified to drive a commercial motor vehicle.

(5) Driver qualification files and records will be maintained and retained in accordance with the following:

(a) Each driver's qualification file shall be kept at the motor carrier's principal place of business for as long as a driver is employed by that motor carrier and for 3 years thereafter.

(b) The following records may be removed from a driver's qualification file after 3 years from date of execution:

(i) The medical examination and the medical examiner's certificate, or photographic copies, of the driver's physical qualification to drive a commercial motor vehicle as required by 49 C.F.R. 391.43 or 391.64.

(ii) The record of violations submitted by the driver required by 49 C.F.R. 391.27 and the driving record from the applicable state agency as required by subsection (1)(c).

(iii) The note relating to the annual review of the driver's driving record as required by section 2f.

History: Add. 1990, Act 339, Eff. Apr. 2, 1991;—Am. 1995, Act 265, Imd. Eff. Jan. 8, 1996.