

Minimum Training Requirements for Entry-Level CDL Drivers

49 CFR 380



380.500 - Compliance Dates

Effective Date of Compliance July 20, 2004

Employers must ensure that entry level drivers who first began operating a CMV in interstate commerce between July 20, 2003 – October 18, 2004, has received the required training no later than October 18, 2004.

380.51 Applicability

All entry level drivers who drive in interstate commerce and are subject to the CDL requirements must comply.

380.502 Definitions

The definitions in part 383 apply to this part

Entry-level driver – a driver with less than one year of experience operating a CMV with a CDL in interstate commerce

Entry-level driver training – training a CDL driver receives in driver qualification requirements; hours of service; driver wellness and whistle blower protection

380.503 Entry-level driver training requirements

Driver qualification requirements 391subparts B and E

Medical certification, medical examination procedures, general qualification responsibilities, and disqualifications based on various offenses, orders and loss of driving privileges

380.503 Entry-level driver training requirements

Hours of Service of drivers Part 395

The limitations of driving hours, the requirements to be off duty for certain periods of time, record of duty status preparation, and exceptions.

Fatigue countermeasures as a means to avoid crashes

380.503 Entry-level driver training requirements

Driver wellness

Basic health maintenance including diet and exercise

The avoidance of excessive use of alcohol

380.503 Entry-level driver training requirements

Whistleblower protection

The right of an employee to question the safety practices of an employer without the employee's risk of losing a job or being subject to reprisals for simply stating a safety concern

380.505 Proof of training

An employer who uses an entry-level driver must ensure the driver has received a training certificate

380.507 Driver's responsibility

Entry-level drivers must receive the training required.

380.509 Employer responsibilities

Ensure each entry-level driver who first began operating a CMV requiring a CDL in interstate commerce after July 20, 2003 receives training

A copy of the driver's training certificate must be placed in the driver's personnel or qualification file

All records required by this part must be made available for inspection at the employer's principal place of business within 2 days after request

380.511 Recordkeeping Responsibilities

The employer must keep the records for as long as the employer employs the driver and for 1 year thereafter

380.513 Required information on training certificate

The training provider must provide a certificate or diploma to the entry-level driver

380.513 Required information on training certificate

The certificate/diploma must contain the following 7 items:

- Date of certificate issuance

- Name of training provider

- Mailing address of training provider

- Name of driver

- Statement that the driver has completed training

- Printed name of the person attesting that the driver has received the required training

- Signature of the person attesting that the driver has received the required training

QUESTIONS



Part 391.23

Investigation and Inquiries

Changes effective
October 29, 2004



Part 391.23(a)(1) and (a)(2)

- An inquiry into the driver's driving record during the preceding 3 years from the appropriate state agency
- An investigation of the driver's safety performance history with DOT regulated employers during the preceding 3 years

Parts 391.23(b) & (c)

- A copy of the state driving record must be obtained within 30 days of employment
- This record must be retained in the DQ file forever
- If no driving record exists a document showing a good faith effort must be retained
- Replies to the investigations of the driver's performance or a good faith effort must be placed in the DQ file within 30 days of hire
- Investigation may consist of personal & telephone interviews, letters or any other methods.
- A written record of such contact or good faith effort must be retained

Parts 391.23(c)(2)

- The record must include the following information: previous employer's name, address, the date the previous employer was contacted or attempts made, and the information received about the driver
- Failures to contact a previous employer or of them to provide the required information must be documented

Part 391.23(c)(3)

- Prospective employers should report failures of previous employers to respond to the Federal Motor Carrier Safety Administration. {Per the requirements in 386.12}
- EXCEPTION: A driver with no previous employment working for a DOT regulated employer documentation that no investigation was possible must be placed in their DQ file, within 30 days of hire

Part 391.23(d)

Minimum Requirements

- General driver id and employment verification
- Data elements as specified in 390.15(b)(1) for accidents involving the driver occurred in the 3 years preceding date of employment
- Any DOT recordable accidents
- Any accidents the previous employer may wish to provide that are retained pursuant to 390.15(b)(2)

PART 391.23(e)(1),(2)&(3)

In addition to the investigation the prospective motor carrier must investigate all previous DOT regulated employers the previous 3 years that required alcohol and controlled substance testing

Whether the driver violated the alcohol and controlled substances prohibitions under subpart B of part 382 or 49 CFR part 40

PART 391.23(e)(1),(2)&(3)

Whether a driver failed to undertake or complete a rehabilitation program prescribed by a SAP {If the previous employer does not know this information the prospective motor carrier must obtain documentation of the drivers successful completion of the program

A driver who successfully completed the SAP program, information on whether the driver had the following testing violations: Alcohol test with .04 or higher; positive drug test; refusal to be tested

PART 391.23(f)

A prospective motor carrier must provide to the previous employer the driver's written consent for the release of the information meeting the requirements of 40.321(b) for the release of the information

If a driver refuses to provide written consent, the prospective motor carrier must not permit the driver to driver a CMV

PART 391.23(g)(1)

- Previous employers must respond to each request defined in paragraphs (d) and (e) of this section within 30 days after request is received.
- If there is no safety performance history information to report, the previous employer are required to send a response confirming the non-existence of such information {including driver id information and dates of employment}

PART 391.23(g)(2)& (3)

Take all precautions necessary to ensure the accuracy of the records

Provide specific contact information in case the driver chooses to contact the previous employer regarding correction or rebuttals

PART 391.23(g)(4) & (5)

Keep a record of each request and response for one year, including date, party to whom it was released and a summary identifying what was provided.

EXCEPTION: Until May 1, 2006, carriers need only provide information for accidents that occurred after April 29, 2003

PART 391.23(h)

The release of information under this section may take any form that reasonably ensures confidentiality, including letters, faxes, or e-mail.

The previous employer, its agents and insurers must take all precautions reasonably necessary to protect the driver's record from disclosure to any person not directly involved in forwarding the records.

Except: the previous employer's insurer, the previous employer may not provide any alcohol or controlled substance information to them

Additional Parts

- 391.23(i)(1) –(2) – Driver's rights to review, have errors corrected and have rebuttal statements attached
- 391.23(j)(1) –(6) – Driver's rights regarding corrections from the previous employer and time frame to get all information completed

PART 391.23(k)(1)

The prospective motor carrier employer must use the information described in paragraphs (d) and (e) as part of deciding whether to hire the driver

PART 391.23(k)(2)

The prospective employer, its agents and insurers must take all precautions reasonably necessary to protect the records from disclosure to any person not directly involved in the hiring process

Questions

