

Recordkeeping Requirements of the Federal Motor Carrier Safety Regulations

The following table summarizes the recordkeeping requirements of the Federal Motor Carrier Safety Regulations under 49 CFR Parts 40, 382, 383, 387, and 390-399. See also §390.29 for general recordkeeping requirements, and §390.31 for information concerning photocopies.

TOPIC	DOCUMENT(S) TO BE RETAINED	RETENTION PERIOD	RETENTION LOCATION
Drugs & Alcohol (Parts 40 and 382)	<p>Records related to the education and training of:</p> <ul style="list-style-type: none"> • breath alcohol technicians (BATs), • screening test technicians (STTs), • supervisors, and • drivers. <p>Required documentation includes:</p> <ul style="list-style-type: none"> • Materials on drug and alcohol awareness, including a copy of company policy • Documentation of compliance with requirement to provide drivers with educational material, including driver's signed receipt of materials • Documentation of supervisor training • Documentation of BAT training (§40.51(a)) • Certification that training complies with the rules. <p>See §40.333 and §382.401.</p>	2 years after the individual ceases to perform those functions	<p>In a secure location with controlled access.</p> <p>Note: If combined with other files (personnel or driver qualification files, for example) then <u>all</u> the files must be secured.</p>
	<ol style="list-style-type: none"> 1. Alcohol test results* with concentration of 0.02 or more 2. Verified positive drug test results 3. Documentation of refusals 4. Calibration documentation 5. Evaluation and referral records, including: <ul style="list-style-type: none"> ○ Records pertaining to SAPs determination of a need for assistance ○ Records concerning a driver's compliance with SAPs recommendations. 6. Records related to program administration, including: <ul style="list-style-type: none"> ○ Agreements with collection sites, labs, BATs, MROs, and consortia ○ Names and positions of officials and their role in the employer's testing program ○ Semiannual laboratory statistical summaries of urinalysis (§40.111(a)) ○ Company testing policy and procedures 7. Annual calendar year summary 	5 years	

<p>*Test results includes:</p> <ul style="list-style-type: none"> • Copy of alcohol test form, with results; • Copy of drug test chain of custody form; • Documents sent to the employer by the MRO; • Documentation of any refusal to submit; • Documents provided by a driver to dispute results; and • Previous employer test results (see §§382.301(c) and 40.25, outlined below) <p>See §40.333 and §382.401.</p>		
<p>Records related to the collection process (except EBT calibration records):</p> <ul style="list-style-type: none"> • Collection logbooks (if used); • Documents related to the random selection process; • Documentation of BAT training; • Documentation of reasoning for reasonable suspicion testing; • Documentation of reasoning for post-accident testing; • Documents verifying a medical explanation for the inability to provide adequate breath or urine for testing; and • Consolidated annual calendar year summaries. <p>See §40.333 and §382.401.</p>	2 years	
<ol style="list-style-type: none"> 1. Negative and cancelled drug test results* 2. Alcohol test results with concentration less than 0.02 <p>*Test results includes:</p> <ul style="list-style-type: none"> • Copy of alcohol test form, with results; • Copy of drug test chain of custody form; • Documents sent to the employer by the MRO; • Documentation of any refusal to submit; • Documents provided by a driver to dispute results; and • Previous employer test results (see §§382.301(c) and 40.25, below) <p>See §40.333 and §382.401.</p>	1 year	

	<p>For employers using the exception to pre-employment testing in §382.301(b):</p> <ul style="list-style-type: none"> Names and addresses of the testing programs in which the prospective employee participated; Verification that the driver participates or participated in the program(s); Verification that the program(s) conforms to Part 40; Verification that the driver is qualified under the rules of Part 40, including that the driver has not refused to be tested for controlled substances; The date the driver was last tested for controlled substances; and The results of any tests taken within the previous six months and any other violations of Subpart B. <p>Note: An employer who uses but does not employ a driver more than once per year to operate CMVs must obtain the above information at least once every six months.</p> <p>See §382.301(c).</p>	5 years for any positive results, 1 year for negative results	
Driver Training (Part 380)	Entry-level driver training certificate (§380.509).	Employment + 1 year	Personnel or Driver Qualification file
	Longer Combination Vehicle (LCV) Driver-Training Certificate (§380.401) or Certificate of Grandfathering (§380.111).	Unspecified	Driver Qualification file
	LCV driver-instructor qualification file, including: <ul style="list-style-type: none"> Evidence that the instructor has met the requirements of §380.301 or 380.303; and A copy of the individuals currently valid CDL with the appropriate endorsements. (§391.55) 	For as long as the company employs or uses the instructor	LCV Driver-Instructor Qualification file or personnel file
CDLs (Part 383)	<p>Notification for conviction for driver violations. Must include the information listed in §383.31(c).</p> <p>Note: Notifications of CDL suspensions (§383.33) have no recordkeeping requirements.</p> <p>See §383.31 and the interpretations to §391.27.</p>	3 years	Driver Qualification file
Financial Responsibility (Part 387)	<ol style="list-style-type: none"> Form MCS-90 or MCS-82, or an FMCSA document authorizing self-insurance, for motor carriers. Form MCS-90B or MCS-82B for passenger carriers. <p>See §387.7(d) and §387.31(d).</p>	Continuously	Unspecified
Accidents (Part 390)	<ol style="list-style-type: none"> Accident register. Copies of accident reports required by states, other governmental entities, or insurers. <p>See §390.15(b).</p>	3 years (or one year for accidents occurring on or before 4/29/03)	Unspecified

<p>Driver Qualification (Part 391)</p>	<ol style="list-style-type: none"> 1. Application for employment (§391.21), 2. Motor vehicle record from states (§391.23) (must be obtained within 30 days of employment), 3. Road test form and certificate (§391.31(g)), or license or certificate accepted in lieu of road test (§391.33), 4. Medical exam certificate (original or a copy)* (§391.43(g)), 5. Any letter granting a waiver of a physical disqualification*, 6. Annual review of driving record* (§391.25), 7. List of violations* (§391.27), 8. Any other matter relating to a drivers qualifications or ability to drive a motor vehicle safely, 9. Previous-employer inquiries for drivers hired before October 30, 2004 (§391.23), and 10. Certificate of training, for drivers transporting highway route controlled Class 7 (radioactive) materials (§397.101(e)). <p>*The following may be removed 3 years after execution:</p> <ul style="list-style-type: none"> • Medical examiner's certificate, • Annual motor vehicle record from state(s), • Note relating to annual review of driving record, • Annual list of violations (prepared by the driver), and • Letter granting a waiver of a physical disqualification. <p>See §391.51.</p>	<p>Employment + 3 years</p>	<p>Driver Qualification file</p> <p>Note: May be combined with personnel file.</p> <p>Note: The long medical exam form is to be kept in the office of the medical examiner (see Medical Qualification, below).</p>
	<p>Safety performance history of driver/applicants (i.e., previous employer information), including name and address, date of contact (or attempts made), and information received about a driver/applicant (§391.23) (must be placed into file within 30 days of hire).</p> <p>A copy of the drivers written authorization for the motor carrier to seek information about a drivers alcohol and controlled substances history as required under §391.23(d).</p> <p>Corrections or rebuttals received from former or current drivers concerning their safety performance histories (§391.23(j)) (should be placed in appropriate file where corrected or rebutted information is stored).</p> <p>NOTE: Drug/alcohol inquiries sent to a drivers former employer(s) in compliance with §391.23 are deemed to be in compliance with the inquiries required under §40.25(b).</p>	<p>Employment + 3 years</p>	<p>Driver Investigation History File in a secure location with controlled access</p> <p>Note: May be combined with personnel file, Driver Qualification file, Drug/Alcohol file, etc., but must be in a secure location with limited access.</p>

	A record of each inquiry received from other employers concerning a drivers safety performance history, and the response, including the date, the party to whom it was released, and a summary identifying what was provided (§391.23(g)(4)).	One year	Unspecified
Multiple-employer drivers (Part 391)	<p>Keep the following records for a multiple-employer driver:</p> <ul style="list-style-type: none"> • Medical exam certificate, original or a copy (§391.43(g)), • Road test form and certificate (§391.31(g)), or license or certificate accepted in lieu of road test (§391.33), • Driver's name and social security number, and • Identification number, type, and issuing state of motor vehicle operator's license. <p>See §391.63.</p>	Employment + 3 years	Driver Qualification file
Drivers from other employers (Part 391)	<p>For drivers furnished by other motor carriers, keep the signed certificate required in §391.65(a)(2).</p> <p>See §391.65.</p>	3 years	Driver Qualification file
Medical Qualification (Part 391)	<p>Driver must carry the original or a copy of the medical examiners certificate.</p> <p>Note: The medical long form is not required. The long form is supposed to stay in the medical examiners files (see the last paragraph of Instructions for performing and Recording Physical Examinations in §391.43).</p> <p>See §391.41(a).</p>	Continuously	On drivers person
Hours of Service (Part 395)	<p>For all 100-air-mile-radius drivers, accurate and true time records showing:</p> <ul style="list-style-type: none"> • The time the driver reports for duty each day, • The time the driver is released from duty each day, • Total number of hours on duty each day, and • Total time on duty for the preceding 7 days for drivers used for the first time or intermittently. <p>See §395.1(e)(5).</p>	6 months	Unspecified
	<p>For drivers used intermittently, a signed statement giving:</p> <ul style="list-style-type: none"> • The total time on duty during the immediately preceding 7 days, and • The time at which the driver was last relieved from duty. <p>See §395.8(j)(2).</p>	6 months	Unspecified
	<p>Records of duty status (driver logs) and all supporting documents. Supporting documents are listed in Question 10 in the interpretations to Sec. 395.8. Logs must be submitted within 13 days of completion (§395.8(i)). See §395.8(k)(1).</p>	6 months from date of receipt	Unspecified

	<p>A copy of each log for the previous 7 consecutive days (whether hand-written or electronic)</p> <p>See §395.8(k)(2) and §395.15(b)(4).</p>	7 days	In vehicle
	<p>For companies using on-board recording devices that use location codes instead of city/state information, a list of the location codes showing all possible location identifiers.</p> <p>See §395.15(d)(2).</p>	Unspecified	In vehicle and at principal place of business.
	<p>For drivers using on-board recording devices:</p> <ul style="list-style-type: none"> • An instruction sheet describing in detail how data may be stored and retrieved from the automatic on board recording system; and • A supply of blank drivers records of duty status graph grids sufficient to record the drivers duty status and other related information for the duration of the current trip. <p>See §395.15(g).</p>	Unspecified	In vehicle
	<p>For companies using on-board recording devices, a certificate obtained from the manufacturer certifying that the design of the automatic on board recorder has been sufficiently tested to meet the requirements of this section and under the conditions it will be used.</p> <p>See §395.15(i)(1).</p>	Unspecified	Unspecified
	<p>For companies using on-board recording devices, a second (back-up) copy of the electronic hours-of-service files, by month.</p> <p>See §395.15(i)(10).</p>	6 months	A different physical location than where the original data is stored
Inspections/ Maintenance (Part 396)	<p>For any motor vehicle controlled for 30 days or more:</p> <ul style="list-style-type: none"> • An identification of the vehicle including co. number (if so marked), make, serial number, year, and tire size, and vehicle owners name if the motor carrier does not own 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 pushout windows, emergency doors, and emergency door marking lights on buses. <p>See §396.3(b).</p>	1 year and for 6 months after the vehicle leaves your control	Where the vehicle is either housed or maintained
	<p>Copy of roadside inspection form.</p> <p>See §396.9(d)(3)(ii).</p>	12 months from date of inspection	Principal place of business or where vehicle is housed

	<ol style="list-style-type: none"> 1. Original DVIR (drivers vehicle inspection report), 2. Certificate of repairs, and 3. Certification of drivers review. <p>Note pre-trip requirements in §392.7 and §396.13. Only §396.13 has recordkeeping requirements.</p> <p>See §396.11(c)(2) and Question 18 in the interpretations.</p>	3 months	Principal place of business or where vehicle is housed or maintained
	<p>Documentation of periodic inspection (a report or other document such as a sticker or decal).</p> <p>See §396.17(c) and §396.23(a).</p>	Continuously	In or on vehicle
	<p>Evidence of an individuals qualifications to conduct annual inspections.</p> <p>See §396.19(b).</p>	Until 1 year after employee stops performing inspections	Unspecified
	<p>Periodic inspection report (original or copy).</p> <p>See §396.21(b)(1).</p>	14 months	Where the vehicle is housed or maintained
	<p>Evidence of a brake inspectors qualifications.</p> <p>See §396.25(e).</p>	Until 1 year after employee stops performing inspections	Principal place of business or where employee is based
Hazmat (Part 397)	<p>Signed receipt documenting that hazmat driver has received a copy of the regulations and emergency instructions per §397.19(a). Applies to transportation of explosives only. See §397.19(b).</p>	1 year	Unspecified
	<p>A written route plan, for transporting highway route controlled Class 7 (radioactive) materials, per §397.101(d).</p>	Unspecified.	In drivers possession, and filed with the FMCSA and shipper.
	<p>Certificate of training, for drivers transporting highway route controlled Class 7 (radioactive) materials, per §397.101(e).</p>	Employment + 3 years	Driver Qualification file, and in drivers immediate possession
Other (Part 379)	<p>Business records. See Part 379 for details. This regulation is a holdover from when the Interstate Commerce Commission regulated trucking (before the FMCSA was created).</p>	See regulation	See regulation