

MOTOR CARRIER SAFETY

PARTS 380/391/OAR 740 – Qualification of Drivers; Long Combination Vehicle Requirements; Entry-Level Driver Requirements

Motor carriers must ensure that all drivers of commercial motor vehicles meet the minimum qualifications specified in Part 391.

**General Driver Requirements
391.11**

A driver must meet the following requirements:

- Be in good health and physically able to perform all duties of a driver.
- Be at least 21 years of age for interstate commerce, or 18 years of age for intrastate commerce.
- Speak and read English well enough to converse with the general public, understand highway traffic signs and signals, respond to official questions, and be able to make legible entries on reports and records.
- Be able to drive the vehicle safely.
- Know how to safely load and properly block, brace, and secure the cargo.
- Have only one valid operator’s license.

**Driver Qualification File
391.51**

Every motor carrier must have a qualification file for each driver employed. The file must include:

<p>• APPLICATION FOR EMPLOYMENT (391.21, 383.35)</p> <p>Besides basic driver information as outlined in 391.21, the employment application shall include detailed information of all license suspensions, and a 3-year history of moving violations, accidents, and employers (10-year employer history for CDL drivers). The driver-applicant must sign the application certifying its accuracy.</p>
<p>• INQUIRY TO STATE AGENCIES (391.23)</p> <p>Within 30 days of hire, the motor carrier must obtain the driver’s driving record, both personal and employment-related, for the preceding three years. The inquiry must be made to all states where the driver was licensed.</p>
<p>• ANNUAL REVIEW OF DRIVING RECORD (391.25)</p> <p>At least once every 12 months, the motor carrier must obtain and review the driver’s driving record, both personal and employment-related.</p> <p><i>Note: Convictions, accidents, and suspensions from a driver's driving record may automatically be obtained through the Oregon DMV's Automated Reporting System (ARS). For information, visit the DMV Web site at: www.oregon.gov/ODOT/DMV/records/business.shtml#ars</i></p>

MOTOR CARRIER SAFETY

PARTS 380/391/OAR 740 - Qualification of Drivers; Long Combination Vehicle Requirements; Entry-Level Driver Requirements

- **ANNUAL DRIVER'S CERTIFICATION OF VIOLATIONS (391.27)**

At least once every 12 months, the motor carrier must require each driver to provide a list of all moving violations for the previous 12 months. Drivers who have provided information required by 383.31 need not repeat that information in this annual list of violations.

- **ROAD TEST (391.31, 391.33)**

The driver must successfully complete a road test and be issued a certificate, or provide the motor carrier with a copy of the driver's CDL or previous certificate showing that the driver has already completed a road test. However, a copy of the CDL alone is not sufficient for any driver required to have a double/triple trailer or tank vehicle endorsement.

- **LCV DRIVER CERTIFICATE (380.401)**

The LCV (Longer Combination Vehicle) driver must successfully complete LCV driver training and be issued a Driver-Training Certificate. For more information see LCV Training below.

- **ENTRY-LEVEL DRIVER CERTIFICATE (380.509, 380.511)**

The entry-level driver must successfully complete entry-level driver training and be issued a training certificate. For more information see Entry-Level Training below.

- **MEDICAL EXAMINATION (391.41 - 391.49)**

The driver must pass a physical examination conducted by a licensed health care professional every two years. The driver is then issued a Medical Examiner's Certificate which must be carried while operating a CMV, and a copy of the certificate must be kept in the Driver Qualification File.

Physical Requirements 391.41

A driver is physically qualified to driver if that driver:

- Has no loss or major impairment of a foot, leg, hand, or arm, or has been granted a Skill Performance Evaluation (SPE) Certificate under 391.49 (interstate operations), or waiver of physical disqualification under OAR 740-100-0010(2)(e) (intrastate operations).
- Has no clinical diagnosis of diabetes requiring insulin for control.
- Has no clinical diagnosis of any disqualifying heart disease.
- Has no clinical diagnosis of high blood pressure likely to interfere with CMV operation.
- Has no clinical diagnosis of epilepsy.
- Has 20/40 vision or better with corrected lenses. Can recognize traffic signal colors.
- Has enough hearing to perceive a forced whisper.
- Has no drug or alcohol abuse problems.
- Has no other physical or mental disorder likely to interfere with CMV operations.

MOTOR CARRIER SAFETY

PARTS 380/391/OAR 740 - Qualification of Drivers; Long Combination Vehicle Requirements; Entry-Level Driver Requirements

**Medical Waivers
391.49 /
OAR 740-100-
0010(2)(e)**

A driver unable to pass a physical examination may be eligible for an interstate SPE Certificate granted by FMCSA, or an intrastate waiver of physical disqualification granted by ODOT. For more information, call (503) 378-5916.

**Driver
Investigation
History File
391.53**

Every motor carrier must have an investigation file for each driver that includes the driver's *Safety Performance History*. Within 30 days of hire, the motor carrier must contact the previous employers within the past three years to obtain and verify the information listed below. Previous employers are required to release the information. A written record must be kept of all contact results. The file must be considered confidential and only be allowed limited access.

• **DRIVER IDENTIFICATION / EMPLOYMENT VERIFICATION (391.23)**

The motor carrier must obtain general employment data about the driver, such as name, date of birth, starting and ending dates, and job responsibilities.

• **ACCIDENT HISTORY (391.23)**

The motor carrier must inquire about all accidents the driver was involved in, and obtain all accident information listed in 390.15(b).

• **DRUG/ALCOHOL HISTORY (40.25, 391.23)**

The motor carrier must obtain information about whether the driver had any drug/alcohol violations and whether the driver completed a rehabilitation program. This information must only be obtained from employers where the applicant drove CDL-required vehicles, and must only be made with the driver's written authorization.

The motor carrier must also ask the applicant about all positive pre-employment tests or refusals for motor carriers within the last **two years** who did not hire the driver.

Note: Records of positive drug tests may also be obtained from the Oregon DMV, with the driver's written permission. For information, visit the DMV Web site at:

www.oregon.gov/ODOT/DMV/records/business.shtml#drug

MOTOR CARRIER SAFETY

PARTS 380/391/OAR 740 - Qualification of Drivers; Long Combination Vehicle Requirements; Entry-Level Driver Requirements

Limited Exemptions

The following specific conditions and types of drivers are exempt from certain Part 391 requirements:

Drivers employed before January 1, 1971 (391.61)

A driver who has been a regular employee of a motor carrier for a continuous period that began before January 1, 1971, is exempt from:

- Application for employment.
- Employment verification.
- Initial inquiry to state agencies.
- Road test.

Multiple-employer drivers (391.63)

If a motor carrier employs a driver who is employed as a driver by more than one motor carrier, the motor carrier must have:

- Driver's name and social security number.
- License number, state, and type of license.
- Medical examiner's certificate.
- Road test or equivalent.
- Controlled substances / alcohol program requirements.

Drivers furnished by other motor carriers (391.65)

A motor carrier using a driver regularly employed by another motor carrier must contact the other motor carrier and obtain a signed certificate verifying the driver's name and signature, the driver's qualifications, and the expiration date of the medical examiner's certificate. The driver must still meet the controlled substances / alcohol program requirements.

Certain farm vehicle drivers (391.2, ORS 825.024)

Some farm vehicle drivers are exempt from Part 391.

Private intrastate carriers (OAR 740-100-0010(2)(d))

A driver who is employed by a private intrastate carrier is exempt from Part 391 if the driver operates a CMV that is 26,000 lbs. or less GVWR, and is not transporting placarded hazardous materials. The driver must still have a valid driver's license.

MOTOR CARRIER SAFETY
PARTS 380/391/OAR 740 - Qualification of Drivers;
Long Combination Vehicle Requirements; Entry-Level Driver Requirements

LONGER COMBINATION VEHICLE (LCV) TRAINING REQUIREMENTS

Definition
380.105 *Longer combination vehicle (LCV)* is any combination of a truck-tractor and two or more trailers with a gross vehicle weight (GVW) greater than 80,000 pounds.

Driver
Requirements
380.107 / 380.203 /
380.205 A driver who wishes to operate an LCV shall first complete an LCV driver-training program. To qualify for the training program, the driver must have a:

- Class A CDL with a double/triple trailer endorsement; and
- Clean driving record for the previous 6 months operating a vehicle combination requiring a Class A CDL.

Driver-Training
Certificate
380.401 Each driver who completes the LCV driver training shall be issued a certificate. A copy of the certificate shall be maintained in the driver's qualification file.

Driver-Instructor
Requirements
380.301 / 380.303 LCV driver training may only be given by a qualified driver-instructor. The qualifications required are based on whether the driver-instructor is a *classroom instructor* or *skills instructor*.

LCV Driver-
Instructor
Qualification File
391.55 A motor carrier must have a qualification file for each LCV driver-instructor it employs or uses. The file must include:

- Proof of the instructor's qualifications; and
- A copy of the instructor's CDL with the appropriate endorsement(s).

Note: For further information on the LCV driver training requirements, see 380.101 through 380.401.

MOTOR CARRIER SAFETY
PARTS 380/391/OAR 740 - Qualification of Drivers;
Long Combination Vehicle Requirements; Entry-Level Driver Requirements

ENTRY-LEVEL DRIVER TRAINING REQUIREMENTS

Definition 380.502	<i>Entry-level driver</i> is a driver with less than one year of experience driving a CMV with a CDL.
Requirements 380.503	<p><u>All</u> entry-level drivers subject to the CDL requirements of Part 383 must receive entry-level driver training. The training must include instructions in the following four areas:</p> <ul style="list-style-type: none">• Driver qualification requirements• Hours of service• Driver wellness *• Whistleblower protection <p>* <i>See also company policy requirements under Part 382.601.</i></p>
Training Certificate 380.509 / 380.513	<p>Each driver who completes the entry-level driver training shall be issued a certificate. A copy of the certificate shall be maintained in the driver's qualification file.</p> <p><u>Note:</u> <i>For further information on the entry-level driver training requirements, see 380.500 through 380.513.</i></p>

BRAKE INSPECTOR QUALIFICATION

Brake Inspector Qualification	See 396.25 for brake inspection, maintenance, and repair qualifications.
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