

Recordkeeping



Oregon Department
of Transportation

Motor Carrier
Transportation Division
3930 Fairview Industrial Drive SE
Salem OR 97302-1166

A motor carrier's guide to trouble-free road-use tax audits and safety checks in Oregon

Motor Carrier Transportation Division road-use tax auditors and safety investigators will tell you that one of the most frustrating parts of their job is working with motor carriers who have failed to keep good records.

Without an accounting of truck operations, auditors can't verify road use tax reports and payments. In that case, they know they'll have to make an assessment of the operations and it can lead to a finding of additional taxes or fees due, plus late payment, penalty, and interest charges.



Without proper safety records, investigators can't tell if a company is using mechanically safe trucks and qualified drivers and is following all the rules. In the interest of public safety, they have to take

a stern position, insist that the company change its ways, and take any necessary enforcement actions.

Here's why a motor carrier should view good recordkeeping as a way to spare trouble and save money:

- Late payment charges amount to an additional 10 percent of any road use taxes or fees due.
- Penalty charges vary. If the additional assessment exceeds by at least 5 percent but not more than 15 percent of the taxes or fees due, a 5 percent penalty is added. If the additional assessment exceeds by more than 15 percent of the taxes or fees due, a 20 percent penalty is added. If a road use tax report is not filed, a penalty of 25 percent of the taxes or fees due is added.
- Interest charges can then add up. Every additional assessment bears interest at the rate of 1 percent per month, or fraction of a month, until paid.
- Keeping inadequate safety records or failing to provide records can result in fines of varying amounts. Inadequate or missing records violations are subject to one count x \$100 for each missing record. So, for example, a record required to be in a driver file that is missing is one count, whereas missing log book pages are one count for each day a log book was required and not completed. Failing to provide records when a safety investigator requests them is subject to 10 days x \$100 plus suspension of authority.

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Oregon Weight-Mile Tax Recordkeeping

Road-use tax auditors are responsible for verifying weight-mile tax reports and payments for operations in Oregon. Each motor carrier account is reviewed every three years. Audit periods vary but usually encompass the previous three years of tax filings. But if there is no tax report filed for a reporting period, there is no statute of limitations. Auditors complete hundreds of weight-mile tax audits each year and assess millions in unreported taxes and fees. It's not always bad news, however, because audits also result in credits as any overpayment caused by an incorrect report is refunded to the carrier. For every account that is assigned to an audit, many more are screened and cleared by staff. Auditors screen over 30,000 accounts each year to determine which warrant close scrutiny.

All motor carriers must maintain records of their operations for a period of three years and must produce these records for inspection upon request. ODOT must give the carrier a reasonable time and place to produce the requested records. Oregon law provides that ODOT shall be reimbursed by the motor carrier if its representatives travel outside the State of Oregon to examine operational records.

All carriers must maintain records containing the following information for each vehicle:

- Origin and destination points.
- Oregon entry and exit points.
- Actual Oregon miles for each trip.
- Pickup and delivery points in Oregon for each trip.
- Routes of travel for each trip.
- Dates of each trip.
- Daily beginning and ending odometer or other mileage recording device readings for each vehicle.
- Load tickets and/or bills of lading for each shipment.
- Identification of any exempt miles claimed, which shall include beginning and ending odometer or other mileage recording device readings for the exempt portion of each trip.
- If repeated trips are made to and from the same locations, a one-time recording of odometer or other mileage recording device readings for the exempt portion of those trips may be applied to the total number of trips.
- Carriers operating motor vehicles that are issued or required to obtain an annual variance permit under ORS 818.200(1) (a) to (c) with a combined weight of more than 80,000 pounds shall also provide for each reporting period the number of axles in the vehicle configuration, and a record of changes of operation. A change of operation occurs when the vehicle configuration remains the same but the actual weight of the vehicle and load changes from over 80,000 pounds to 80,000 pounds or under. Empty movements are not changes in operation.
- Carriers operating motor vehicles in multiple configurations shall provide the number of miles operated in each motor vehicle configuration for each trip.



All registrants that pay registration fees via registration trip permits must retain a copy of each registration trip permit.

Records generated from on-board recording devices, vehicle tracking systems, or other electronic data recording systems may be used in lieu of, or in addition to, the records required in this rule provided that the electronic records meet all the requirements of sections (1) through (3) of OAR 740-055-0120, and are provided in printed format upon request.

If operating under the International Registration Plan and International Fuel Tax Agreement, carriers must maintain all records pertaining to such operations as required by IRP and IFTA.



International Registration Plan Recordkeeping



DOT Motor Carrier Transportation Division road-use tax auditors check that Oregon-based carriers participating in the IRP are in compliance with requirements related to their operations in other states and provinces. Audits may cover the current registration year plus three previous registration years.

Motor carriers participating in the IPR are required to preserve the records upon which the apportioned registration application is based for a period of three years after the close of the registration year.

There is a 20 percent assessment per jurisdiction if adequate records are not provided to the auditor. If adequate records are not provided in the next audit, there is a 50 percent assessment per jurisdiction. Any further audits conducted for which adequate records are not provided will result in a 100 percent per jurisdiction assessment. Records need to be sufficient and appropriate to allow the auditor to verify the distance reported on the application in order to be evaluated as “Adequate”.

The registrant must record all movement of apportioned vehicles including loaded, empty, deadhead and/or bobtail distance. The registrant must also record all distance traveled by apportioned vehicles under trip permits.

Records must contain the following elements:

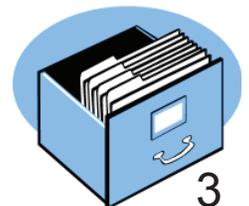
- Date of trip (starting and ending).
- Trip origin and destination.
- Route of travel.
- Beginning and ending reading from the odometer, hubometer or similar device for the trip.
- Total trip distance traveled.
- Distance traveled by jurisdiction.
- Unit number or vehicle identification number.

Records produced wholly or partly by a vehicle-tracking system, including a GPS must also include:

- The original GPS or other location data.
- Date and time of each GPS or other system reading.
- Location of each GPS or other system reading.
- Calculated distance between each GPS or other system reading.

Records must also include summaries:

- A. A summary of the Fleet’s operations for each month, which includes both the full distance traveled by each apportioned vehicle in the fleet during the calendar month, and the distance traveled in the month by each apportioned vehicle in each jurisdiction;
- B. A summary of the Fleet’s operation for each quarter, which includes both the full distance traveled by vehicles in the fleet during the quarter, and the distance traveled in each jurisdiction by the vehicles in the fleet during the quarter; and
- C. A summary of the quarterly summaries.



International Fuel Tax Agreement Recordkeeping

ODOT Motor Carrier Transportation Division road-use tax auditors check that Oregon-based carriers participating in the IFTA are in compliance with requirements related to their operations in other states and provinces.

Every motor carrier with an IFTA license is required to maintain records that substantiate what is reported on their IFTA Tax Returns. Carriers must keep operational records for four years from the due date of each return or the filing date, whichever is later.

Effective January 1, 2017, a new inadequate records assessment will be imposed in accordance with IFTA for not maintaining or providing adequate records at the time of audit. If the base jurisdiction determines that the records produced by the licensee for audit do not, for the fleet as a whole, meet the criterion for the adequacy of records, or the licensee produces no records for audit, the base jurisdiction shall impose an additional assessment by either: adjusting the reported fleet MPG to 4.00; or reducing the reported MPG by twenty percent.

Distance records required:

- Date of trip (starting and ending).
- Trip origin and destination.
- Route of travel.
- Beginning and ending odometer or hubometer reading of the trip.
- Total trip miles.
- Intermediate trip stops.
- Miles by jurisdiction.
- Vehicle identification number or unit number.
- Vehicle fleet number.
- Licensee's name.

Fuel records required:

- Purchaser's name.
- Seller's name and address.
- Date of purchase.
- Fuel type.
- Price per gallon.
- Unit number.
- Number of gallons received.
- Separate totals must be compiled for each fuel type, and retail fuel purchased must be accounted for separately from bulk fuel purchases.

Distance records produced wholly or partly by a vehicle-tracking system, including a GPS must also include:

- Original GPS or other location for the vehicle.
- Location of each GPS or other system reading.
- Total distance traveled by the vehicle.
- Distance traveled in each jurisdiction.
- Route of travel.
- Vehicle identification number or unit number.
- Date and time of each GPS or other system reading at intervals sufficient to validate the total distance traveled in each jurisdiction.
- Beginning and ending reading from the odometer, hubometer engine control module (ECM), or similar device.
- Calculated distance between each GPS or other system reading.

Bulk fuel records required, if applicable:

- Date of withdrawal.
- Number of gallons.
- Fuel type.
- Unit number.
- Purchase and inventory records to substantiate that tax was paid.
- Bulk fuel inventory reconciliations must be maintained, and records must distinguish fuel placed in qualified vehicles from other uses.



Records must include monthly distance and fuel summaries. These summaries are to include the fleet's operations reported on the corresponding quarterly tax return, and include the distance traveled by and the fuel placed into each vehicle in the fleet during the quarter, both in total and by jurisdiction.

Oregon charges heavy trucks a weight-mile tax for road use, rather than a fuel tax. Motor carriers operating trucks with a combined weight over 26,000 pounds can buy fuel in Oregon without paying a fuel tax if they carry proof that they're paying the weight-mile tax. They'll need a valid temporary or permanent Oregon Weight Receipt and Tax Identifier, a valid Temporary Pass, or an Oregon Commercial or Oregon Apportioned license plate with a valid sticker. Without such credentials, the fuel provider must charge fuel taxes. (Some stations charge the fuel tax anyway because they can't back it out of the purchase.)



When carriers paying weight-mile taxes also pay Oregon state fuel tax, they can request a refund of the Oregon state fuel tax when they file their weight-mile tax report with ODOT Motor Carrier Transportation Division. But a claim for credit cannot be processed unless it's supported by proper documentation from the actual seller of the fuel. Claims cannot be based on receipts that lack the required information. They also cannot be based on invoices from processing/billing companies like Voyager and SC Fuels when fuel is purchased at retail stations because they are not the actual seller of the fuel. The processing/billing company invoices will be accepted, however, when the billing relates to a cardlock station. In that case, the processing/billing company is considered the "seller." Those receipts and invoices still must confirm that Oregon state fuel tax was paid for fuel purchased for a weight-mile-tax-paying vehicle.

Oregon Administrative Rule 740-055-0110 — Fuel Purchase Records and Refunds —

1. All motor carriers must obtain an invoice covering every purchase of motor vehicle fuel and preserve the same for a period of three years subject to inspection by the Department or its representatives at all reasonable times.
2. Such invoice must disclose: (a) Date and location of purchase; (b) From whom purchased; (c) Kind of fuel and number of gallons purchased; (d) Oregon Weight Receipt and Tax Identifier number or temporary pass number of the vehicle if fuel is delivered directly into such vehicle; and (e) Amount of fuel tax paid.
3. Motor carriers purchasing fuel in Oregon may claim a credit for Oregon state fuel tax paid at the pump. Carriers shall deduct the amount of fuel tax paid from the highway use tax due on the highway use tax report for the period in which the fuel was purchased. Motor carriers taking a deduction on the highway use tax report for fuel tax paid shall attach a copy of all fuel invoices for which credit is claimed. Carriers who purchase fuel in bulk shall attach to the highway use tax report for the period in which the fuel was dispensed into a motor vehicle copies of invoices from fuel suppliers indicating Oregon state fuel tax paid and fueling records showing fuel dispensed for each motor vehicle.
4. Motor carriers may submit a written request for refund of Oregon state fuel tax paid up to three years after purchase. A written request for refund may be granted for any Oregon fuel tax paid but not deducted from the highway use tax report for the period in which the fuel was purchased. Motor carriers requesting refund must attach copies of all invoices. No such refund will be issued until an audit has been performed.

EXCEPTION TO 740-055-0110(2): Invoices may disclose the Oregon Commercial or Oregon Apportioned license plate number instead of the Weight Receipt and Tax Identifier number or Temporary Pass number.

Claims for fuel tax credits will be rejected if they are not supported by invoices from the actual seller of the fuel that contain the date and location of the purchase, the fuel supplier, the kind of fuel and gallons purchased, the Oregon weight-mile tax credential number assigned to the vehicle — Oregon Commercial or Apportioned license plate number, Oregon Weight Receipt and Tax Identifier number, or Temporary Pass number — and the amount of Oregon fuel tax paid.

As more motor carriers use unattended cardlock stations, it's also important they know their fuel supplier is required to collect the Oregon fuel tax unless a carrier has a signed Exemption Certificate on file with the supplier. Each carrier must complete this two-page form to note the reason for purchasing ex-tax fuel and list the qualified vehicles. Once the Certificate is filed, the fuel supplier can issue an "ex-tax card" for each vehicle to use when filling up.

While the Exemption Certificate is a key foundational document, the fueling summary report is critical for justifying ex-tax fuel purchases. Oregon Administrative Rules in Division 170, governing fuel licenses and records, list the same requirements for documenting purchases on invoices from non-retail stations as the Division 740 rules governing invoices from retail stations. So if the fuel purchase invoice does not show a carrier's Oregon plate or weight-mile tax credential, the carrier can't claim a credit on its weight-mile tax report and ends up paying BOTH the fuels tax and weight-mile tax.

Questions? Contact ODOT's Fuels Tax Group at 503-378-8150 or 888-753-2525.



Motor Carrier Safety Recordkeeping

Motor carriers must meet a number of different recordkeeping requirements for safety purposes. There is a need to keep records related to both vehicles and drivers at each trucking company's office, all ready to be produced if requested by a state or federal safety investigator.

If a carrier were to develop a bad score in one of the Behavior Analysis and Safety Improvement Categories of the CSA safety measurement system, it may prompt a visit by an investigator to check particular records and safety practices or conduct a complete safety compliance review. Carriers can save considerable time and trouble if they keep good records at the office.

Motor carriers with good recordkeeping can save time and trouble on the road during routine roadside inspections by having the following records ready to show an inspector:

- Driver's license.
- Medical examiner's certificate (non-CDL drivers only).
- Medical waiver (Skills Performance Evaluation), if applicable.
- Record of duty status (logbook), either paper or electronic.
- Trip receipts
- Shipping/delivery papers or manifest.
- Vehicle registration for each unit.
- Oregon Weight Receipt and Tax Identifier.
- Current annual inspections for each unit.



Roadside Inspections

Driver Responsibility: A driver who receives an inspection report from an Oregon inspector must deliver the report to the motor carrier as soon as possible.

Certification of Repairs: The motor carrier is to examine the inspection report and ensure that any violations or defects noted on the report are corrected before next dispatch. The carrier must sign the report to certify that all violations have been corrected, and return the report to the indicated address within 15 days after the inspection.

Record Retention: A copy of the report must be retained by the motor carrier for 12 months from the date of inspection.



Vehicle-Related Safety Records



Maintenance Records

Motor carriers must maintain the following information for every vehicle they have controlled for 30 days or more:

- Vehicle description: company number, make, serial number, year, and tire size.
- Routine inspections and maintenance: type and date.
- All repairs and maintenance: description and date.
- For buses: records of tests done on pushout windows, emergency doors, and emergency marking lights.

Maintenance records must be retained for one year at the location where the vehicle is stored and for six months after the carrier sells the vehicle.

Periodic Inspections

Every commercial motor vehicle used in interstate commerce, including each unit in a combination, requires a periodic inspection every 12 months. The inspection must include all items described in the Minimum Periodic Inspection Standards (Part 393, Appendix G). Any defective parts or accessories discovered during the inspection shall be repaired promptly. The original or a copy of the periodic

inspection report must be retained by the motor carrier for 14 months from the report date. Documentation (report, sticker, or decal) of the most recent periodic inspection must be kept on or in the vehicle.

The periodic inspection may be performed by the motor carrier or an outside repair shop.

If the inspector performing the annual inspection is an employee of the motor carrier or the outside repair shop, the carrier must ensure that the inspector is qualified. To be qualified, the inspector must understand inspection criteria in Part 393, Appendix G, and have the mechanical knowledge and ability necessary to inspect and identify defective components. Inspectors must have gained experience or training by either completing a State, Federal, or Canadian training program in commercial vehicle safety inspections or having at least one year of equivalent training, experience, or both.

Driver / Vehicle Inspection Reports

At the end of each driving day, the driver must inspect his/her vehicle. The inspection must cover all items in the pre-trip inspection plus wheels and emergency equipment. If violations are found the driver must complete a Driver / Vehicle Inspection Report. The driver should list any safety-related defects, or those items likely to cause a breakdown. Each

report needs the following three signatures:

- **Driver** – at the end of the driving day, certifying the defects found, or that no defects were discovered.
- **Carrier/mechanic** – before the next trip, certifying that the defects were repaired.
- **Driver** – before the next trip, acknowledging that the carrier/mechanic signed for the repairs.

The reports must be kept on file for at least three months, but need not be in the driver's possession.

Note: Driver / vehicle inspection reports are not required for driveaway towaway operations, or for a motor carrier operating only one CMV or CMV combination (power unit with trailers).

Hazardous Materials

Some hazmat carriers are required to maintain records related to hazmat registration, shipping papers, training, incidents (spills), and security plans. Also, some hazmat cargo tank carriers are required to maintain records related to manufacturer's certificates and testing. Contact the Oregon DOT safety specialists for more about these requirements.



Brake Inspections

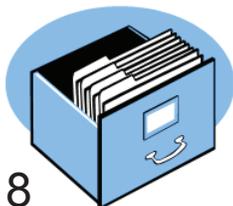
Each motor carrier must ensure that any employee responsible for brake inspection, maintenance, or repairs has the mechanical knowledge and ability necessary to perform those tasks.

Employees must have gained experience or training by one of the following:

- Completing a training program sponsored or approved by a State, Federal agency, Canadian Province, or labor union in brake servicing or inspection.
- Completing at least one year of equivalent brake-related training, experience, or both.
- Passing the CDL air brake inspection test.

Documentation of Qualifications

Motor carriers must retain evidence of an inspector's qualifications until one year after the inspector ceases to perform inspections for the carrier. However, no evidence is required for a brake inspector who passed the CDL air brake test.



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Financial Responsibility

Federal regulations require that motor carriers must have proof of the minimum level of insurance at the company's principal place of business. Proof consists of one of the following:

- Form MCS 90 (90B for passenger carriers) – Insurance endorsement issued by an insurer.
- Form MCS-82 (82B for passenger carriers) – Surety bond issued by a surety.
- Documents authorizing carrier to self-insure.

Accident Register

Motor carriers must maintain an accident register for three years after the date of each accident. The accident register must contain at least the following information:

- Date and place of accident.
- Driver's name.
- Number of injuries and fatalities.
- Hazardous materials (other than fuel) released, if any.
- Copies of all accident reports required by governmental entities or insurers.



Driver-Related Safety Records

Driver Qualification File (CFR Part 391.51)

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

- **APPLICATION FOR EMPLOYMENT (CFR Part 391.21, Part 383.35)**
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.
- **INQUIRY TO STATE AGENCIES (CFR Part 391.23)**
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.



- **ANNUAL REVIEW OF DRIVING RECORD (CFR Part 391.25)**
At least once every 12 months, the motor carrier must obtain and review the driver's driving record, both personal and employment-related.

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/pages/records/business.aspx#ars

- **ANNUAL DRIVER'S CERTIFICATION OF VIOLATIONS (CFR Part 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 (CFR Part 391.31, Part 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 (CFR Part 380.401)**
The Longer Combination Vehicle driver must successfully complete LCV driver training and be issued a Driver-Training Certificate. For more information see LCV Training requirements.
- **ENTRY-LEVEL DRIVER CERTIFICATE (CFR Part 380.509, Part 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 requirements.
- **MEDICAL EXAMINATION (CFR Part 391.41 - 391.49)**
Every two years drivers must pass a physical exam conducted by a health care professional who is listed on the National Registry for Certified Medical Examiners. Proof of the physical exam must be kept in the Driver Qualification File. Proof must be a CDLIS printout from DMV or a copy of the medical exam certificate. Non-CDL drivers must carry the medical examiner's certificate when they drive. If the driver holds a CDL the certificate is mailed to the DMV, and the driver is not required to carry the certificate for more than 15 days after the date of the physical.



Driver-Related Safety Records (continued)

Driver Record of Duty Status

Every driver shall prepare a record of duty status (driver's daily log) in his/her own handwriting for each 24-hour period, unless operating under an exemption.

The driver's log must be kept current to the last change of duty status.



The driver must have the current day's log plus the previous 7 consecutive days in his/her possession.

The driver must turn in the original log sheet to the motor carrier within 13 days. The logs must be kept on file for at least 6 months.

Retention periods will be greater if the logs are used for other purposes such as tax reporting.

Occasional Drivers

A first time or occasional driver must give the motor carrier a signed statement showing the total hours on duty during



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the last seven days, and the last time the driver went off duty.

Short-Haul - 100 Air-Mile Radius Drivers

A driver is exempt from completing the driver's daily log if all of the following are true:

- The driver operates within 100 air-miles of the normal work reporting location.
- The driver returns to the work reporting location and is released from work within 12 hours.
- The driver completes a time card for each day showing: The time the driver reports for duty, the time the driver is released from duty, the total hours on duty.

Short-Haul - Non-CDL Vehicles

A driver is exempt from completing the driver's daily log if all of the following are true:

- The driver operates a property-carrying CMV not requiring a CDL.
- The driver operates within 150 air-miles of the normal work reporting location.

- The driver returns to the work reporting location and is released from work at the end of each day.
- The driver completes a time card for each day showing: The time the driver reports for duty, the time the driver is released from duty, the total hours on duty.

Note: The start and stop times for each time card must show AM or PM, or be recorded in military time. Each time card must also include the driver's name and date. The time cards must be kept on file for at least 6 months, but need not be in the driver's possession.

Automatic On-Board Recording Devices

Alternatively, motor carriers may require a driver to use an automatic on-board recording device to record the hours of service. The driver must still have in his/her possession the duty status records in



Driver-Related Safety Records (continued)

automated or written form, for the previous 7 consecutive days.

All hard copies of the duty status records must be signed by the driver. Each commercial motor vehicle must also have an information packet which contains:

- (1) An instruction sheet.
- (2) A supply of blank log book forms.

The devices must be registered with FMCSA. To determine if an ELD is registered with FMCSA, refer to www.fmcsa.dot.gov/devices.

There are three exceptions to the requirement to use an ELD:

- Drivers operating vehicles built before model year 2000 as indicated by the power unit VIN may continue to use paper logs.

paper logs for more than 8 days within any 30-day period.

For more information on Electronic Logging Devices visit the FMCSA website at: www.fmcsa.dot.gov/elds

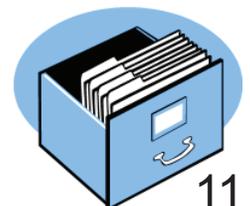


Electronic Logging Devices

Beginning December 18, 2017, all drivers required to keep a log book will be required to use an Electronic Logging Device, or they may continue to use an automatic on-board recording device if the automatic on-board recording device was installed prior to December 18, 2017.

ELDs must meet very specific requirements as spelled out in FMCSR Part 395, Subpart B.

- Drivers involved in driveaway-towaway operations where the vehicle being driven is part of the shipment being delivered may continue to use paper logs.
- Drivers involved in short haul operations (as defined in FMCSR 395.1(e)) may use paper logs as long as they are not required to use



Driver Investigation History File

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 (CFR Part 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 (CFR Part 391.23)**
The motor carrier must inquire about all accidents the driver was involved in, and obtain all accident information listed in CFR Part 390.15(b).
- **DRUG/ALCOHOL HISTORY (CFR Part 40.25, Part 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/pages/records/business.aspx

Alcohol and Controlled Substance Testing

An employer shall maintain all records related to the controlled substances and alcohol program in a secure location with limited access, made available within two business days to any authorized government personnel. The records shall be kept on file based on the following retention periods:

- **Five years:** All records related to any violations of the controlled substances or alcohol standards described in Subpart B (examples: positive test results, SAP evaluations) and records related to the administration of the program.
- **Two years:** Records related to the collection process.
- **One year:** Negative and canceled test results.
- **Indefinite period:** Training records.

LCV Driver-Instructor Qualification File

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 CFR Part 380.101 through 380.401.



— Specialists available to help with questions —
Motor Carrier Road Use Tax and Safety Offices

