



# S3 Conference

Screening ❖ Safety ❖ Strategy

*Hosted by DISA Global Solutions*

- ## Workforce and Driver Compliance: Driver Qualifications



# HELLO!

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## Driver Qualification Process





- ❖ Driver qualifications must comply with full federal and state compliance.
- ❖ Protect your company from costly lawsuits and legal risks.
- ❖ Ensure safe, reliable transportation of goods and passengers.
- ❖ Most importantly: "SAVE LIVES."



- ❖ Be at least 21 years old.
- ❖ Be able to read and speak English.
- ❖ Be able to operate a commercial motor vehicle safely.
- ❖ Be physically qualified to drive a commercial motor vehicle.



- ❖ Has a license issued only by one state or jurisdiction.
- ❖ Not being disqualified from driving a commercial motor vehicle (CMV).
- ❖ Hold a driver's road test certificate or equivalent, including a Longer Combination Vehicle (LCV) driver training certificate if required.



- ❖ The name and address of the motor carrier.
- ❖ The applicant's name, address, date of birth, and social security number.
- ❖ The addresses where the applicant has resided during the past 3 years.
- ❖ The date of the application.



- ❖ Complete information on each unexpired commercial motor vehicle operator's license or permit.
- ❖ The applicant's detailed experience in the operation of motor vehicles.
- ❖ A list of all motor vehicle accidents over the past 3 years.



- ❖ Investigate and document a driver's safety performance history over the past three years.
- ❖ Investigations can be conducted through interviews, phone calls, letters, or other methods, and all efforts must be documented.
- ❖ The PSP program provides access to a driver's crash and inspection history to support informed hiring decisions.



### **Records must be obtained within 30 days of the start date and should include:**

- ❖ Driver identification and employment verification details.
- ❖ Information about any accidents, including details when available.
- ❖ Records of violations related to alcohol and controlled substances.



### **Additional documents that must be kept in the DQ file:**

- ❖ Release form(s) authorizing previous employers to share records.
- ❖ Notes or responses received from previous employers.
- ❖ If applicable, the forms for drivers to dispute or correct information from previous employers.



## Motor Carriers:

- ❖ Must request a Motor Vehicle Record (MVR) from all states where a driver held a license during the past three years.
- ❖ Must document good-faith efforts to obtain it and certify that no record exists.
- ❖ Review the MVR records.
- ❖ The MVR must be added to the driver's qualification file within 30 days of employment.



## Drivers must pass a medical examination:

- ❖ Non-CDL holders:
  - The carrier must keep a copy of the certificate in the DQ file.
- ❖ CDL holders:
  - The motor carrier must obtain the CDLIS MVR from the driver's licensing state and file it in the DQ file.
  - CDL drivers must also submit a copy of their medical examiner's certificate to their State Driver's Licensing Agency.



**Be aware of current FMCSA waivers, enforcement discretion notices, and states on the list that haven't completed implementation.**



### **The Skill Performance Evaluation (SPE) program:**

- ❖ For drivers operating in interstate commerce.
- ❖ SPE certification allows CMV drivers with missing or impaired limbs to drive across state lines if they can demonstrate safe driving ability with a prosthetic device.
- ❖ If the driver passes the driving test, he or she will receive an SPE certificate.



## Employers must conduct:

- ❖ Inquiries in the Clearinghouse to ensure drivers are not prohibited from performing safety-sensitive duties.
- ❖ Inquiries of other non-FMCSA DOT-regulated employers that employed the driver within the previous three years.



### Employers must:

- ❖ Register with the Clearinghouse.
- ❖ Ensure the driver is registered with the Clearinghouse.
- ❖ Check the Clearinghouse before hiring CDL drivers for safety-sensitive roles.
- ❖ Conduct annual checks for all employed CDL drivers.
- ❖ Report any violations of the drug and alcohol program.



### **Must include a D&A policy that:**

- ❖ includes all elements required by § 382.601;
- ❖ is plain and simple;
- ❖ emphasizes the importance of a drug- and alcohol-free workplace, especially for safety-sensitive functions;
- ❖ provides resources and access to the EAP and other helpful resources; and
- ❖ ensures every driver receives the policy and signs a receipt.



- ❖ A pre-employment negative test result must be obtained before performing safety-sensitive functions.
- ❖ Random:
  - Selections must be conducted using a scientific method.
  - Every selected employee must be tested, and those not tested must be documented.
  - Alternates may be used (in limited quantities).
  - Keep track of testing to ensure testing rates are met at the end of the year.



### **After a crash involving a CMV on a public road, surviving drivers should:**

- ❖ Fatality Accident: Always.
- ❖ Bodily Injury Accident or Tow-Away Accident (citation):
  - 2-8 hours for alcohol testing.
  - 32 hours for drug testing.

If tests are not completed within the required time limits, carriers must document the reason.



## Required when employers observe specific, contemporaneous, and articulable signs of alcohol or controlled substance violations in drivers

- ❖ **Alcohol:** Observations may include physical, behavioral, speech, or body odor indicators and must occur during, immediately before, or immediately after the driver performs safety-sensitive functions.
- ❖ **Controlled Substances:** Observations may include physical, behavioral, speech, or body odor indicators, as well as signs of chronic effects or withdrawal.



### Important Considerations:

- ❖ A trained supervisor or company official must conduct observations.
- ❖ A written record of the observations must be prepared and signed by the supervisor or a company official within 24 hours.
- ❖ Alcohol Timeline: 2 hours (delay) and 8 hours (stop).
- ❖ Controlled Substances timeline: 32 hours.
- ❖ Driver Restrictions: If a concentration of less than 0.02 is shown or within 24 hours.



### **An employer's direct awareness that a driver has used alcohol or controlled substances includes:**

- ❖ Direct observation of the driver using alcohol or drugs.
- ❖ A traffic citation for driving a CMV under the influence.
- ❖ Driver's admission, except in a voluntary self-identification program.
- ❖ Remove the driver from performing or continuing safety-sensitive functions.
- ❖ Information from previous employers.



49 CFR § 391.11(b)(2). “Drivers must demonstrate the ability to read, write, and speak English sufficiently to respond to official inquiries, understand highway traffic signs, and complete reports and records.



Enforcement policy dated May 22, 2025, regarding ELP.

## **Roadside inspections in English, using a two-step ELP assessment:**

- ❖ Evaluates the driver's ability to respond to official inquiries in English without external aids, such as interpreters or translation tools.
- ❖ Assesses the driver's understanding of U.S. highway signs and signals.

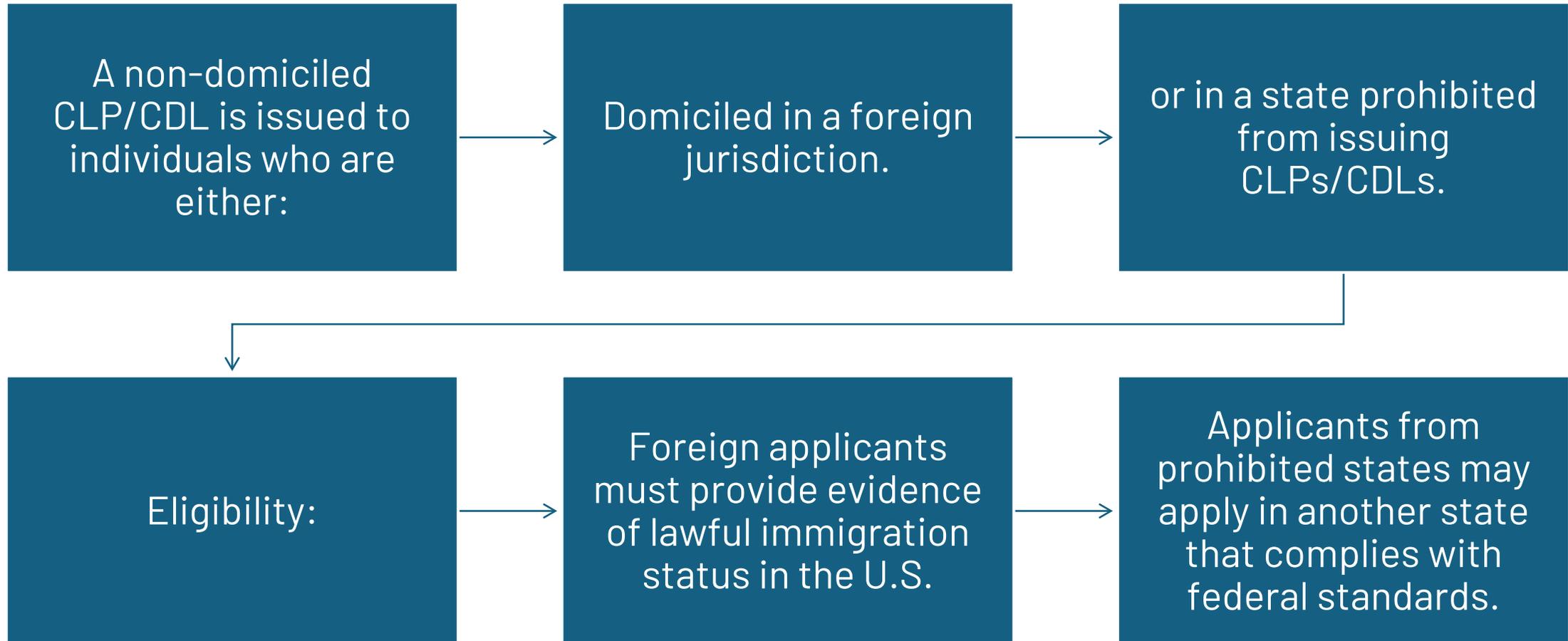


- ❖ Drivers who fail the ELP assessment will be cited for violations, placed out of service, and potentially disqualified.
- ❖ Provide exemptions for hearing-impaired drivers who write and speak in English.
- ❖ Drivers in U.S.-Mexico border zones will be cited only for violations.
- ❖ The policy took effect May 22, 2025, with uniform enforcement beginning June 25, 2025, including it in the North American Standard Out-of-Service criteria.



## Regulatory requests:

- ❖ October 22, 2025 - Petition for Rulemaking – Require that Failure to Meet the English Language Proficiency Requirements in Title 49 CFR § 391.11(b)(2) Result in a Driver Being Placed Out of Service.
- ❖ November 6, 2025 - Requested that the FMCSA publicly release the non-redacted enforcement policy document regarding English language proficiency requirements under 49 CFR § 391.11(b)(2).





- ❖ Applicants must meet the same requirements as regular CLP/CDL applicants (certifications, tests, and documentation).
- ❖ Foreign applicants are not required to surrender their foreign licenses.
- ❖ Proof of domicile is not required for foreign applicants.



- ❖ The term "Non-domiciled" must be prominently displayed on the CLP/CDL.
- ❖ Validity is limited to the earlier of the expiration date on the applicant's I-94/A or one year.



### Downgrade:

- ❖ States must downgrade the non-domiciled CLP/CDL within 30 days if the applicant loses lawful immigration status.

### Renewal:

- ❖ Must be conducted in person.



FMCSA issued an interim final rule on September 29, 2025. Key provisions include:

### **Restricting eligibility to:**

- ❖ Foreign individuals with lawful status in specific employment-based nonimmigrant categories,
- ❖ U.S. territory residents, and
- ❖ individuals from states with decertified CDL programs.



- ❖ Requiring non-citizen applicants (excluding lawful permanent residents) to present valid foreign passports and Form I-94/94A showing specific visa categories (H2-B, H2-A, E-2) for all license-related actions.
- ❖ Mandating state driver licensing agencies (SDLAs) to verify documents via the SAVE system.



- ❖ Requiring SDLAs to retain application documents for at least two years.
- ❖ Ensuring that license expiration dates align with the Form I-94/94A expiration date or one year, whichever is sooner.
- ❖ Requiring in-person presence for license renewals.
- ❖ Downgrading licenses if the holder becomes ineligible.



- ❖ Non-domiciled CDLs are currently under federal review due to an FMCSA Interim Final Rule issued on September 29, 2025, that tightened requirements for issuance and verification.
- ❖ A court stay on November 13, 2025, has paused enforcement, leaving many states unwilling to issue these licenses and drivers uncertain about renewals.
- ❖ Recommended action: monitor CDL records regularly for compliance issues until the courts resolve the matter.



“Cabotage is the transportation of property or passengers within a country. International commerce involves goods entering or leaving the United States.”



- ❖ Foreign truck drivers may qualify for B-1 visitor status for business purposes.
- ❖ Drivers must meet general entry requirements, including proof of foreign residence, intent to depart the U.S., financial means, and admissibility.
- ❖ Canadian drivers need a passport or an enhanced ID, while Mexican drivers require a valid passport and a visa.



## Deliver

Deliver shipments from Canada/Mexico to U.S. locations and pick up return shipments for Canada/Mexico.

## Deadhead

Deadhead trailers within the U.S. if the trailer is the one the driver entered or will depart with.

## Perform

Perform activities necessary for international commerce, such as loading and unloading international cargo.

# Driver Violations (Roadside)



Number	Cite	Description	Violations	Out of Service
5	391.41APC	Medical certificate	47,740	45,967
8	383.23A2L CDLN	Operates a CMV and does not possess a valid CDL.	38,115	37,722
13	391.41AMC PC	No possessing a valid medical certificate.	25,049	5,094
14	391.11B2Z	Border Zone - Driver cannot satisfy the English language proficiency	23,498	102
16	383.23A2	Operating a CMV without a CDL	18,786	18,470
18	391.11B2Q	Driver cannot read and speak the English language	16,173	8,953

Source: FMCSA Analysis & Information at <https://ai.fmcsa.dot.gov/AI/>

# Driver Violations (Investigations)



Number	Cite	Description	Investigations	Violations
2	382.701A	Failing to conduct a pre-employment query	19,823	19,871
4	382.701B1	Failing to conduct an annual query	17,510	17,554
5	382.711B	Failing to register in the Clearinghouse.	9,931	9,937
9	382.301A (C)	Using a driver before receiving a pre-employment result	8,137	8,162
11	391.51B2 (C)	Inquiries into driving record not kept in DQ file	6,650	7,063
15	383.37A (A)	Driver with suspended/revoked/etc. CDL	5,922	5,974
18	391.51A (A)	Failing to maintain driver qual. file	5,077	5,507

Source: FMCSA Analysis & Information at <https://ai.fmcsa.dot.gov/AI/>



Status (2025)	Numbers
All Drivers (with at least one violation).	324,996
CDL/CLP holders in Prohibited Status	200,767
CDL/CLP holders in Not- Prohibited Status	124,229

Source: FMCSA Drug and Alcohol Clearinghouse at <https://clearinghouse.fmcsa.dot.gov/Learn/News>



**THANKS!**

Any questions?

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