

## What type of employment verification is required for professional drivers?

Federal Regulations (49 CFR Section 391.21(b)(10) require an employer to have a “motor vehicle” driver applicant complete an application for employment, which includes the names and addresses of the applicant’s employers (whether a driving job or not) for the previous 3 years.

With respect to drivers of “commercial motor vehicles” over 26,001 lbs for which, as you know, a CDL is required, subsection (b)(11) requires that employers have a driver applicant complete an application for employment, which includes the names and addresses of the applicant’s employers (driving jobs only) for an additional 7 years beyond the first three.

Although the regulations require that employers of CDL drivers go back a total of 10 years, the regulations do not prohibit them from asking for additional information... say, beyond the prescribed 10 year period. Such a requirement to go beyond 10 years would be an internal carrier human resources/employment policy and not a regulation.

To read the full regulation: <http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrruletext.aspx?reg=r49CFR391.21-b-2>

Notwithstanding an employer’s initial responsibility to check a driver’s driving record with each state DMV that issued a driver license for the preceding three years under Section 391.23(a)(1)... and its annual driver record review requirement under Section 391.25, Section 391.23(a)(2) requires an employer to inquire about a driver’s safety performance history with the applicant’s previous USDOT-regulated employers for the previous three years.

Employers must show a good faith effort to contact these past employers and they are encouraged to report carriers that fail to cooperate/respond to such inquiries to the FMCSA pursuant to Section 386.12.