

COMMERCIAL MOTOR VEHICLE DRIVER QUALIFICATION FILES

Pennsylvania's intrastate commercial motor vehicle regulations (67 Pa. Code Chapter 231) provide flexibility for local governments to hire the employees necessary for safe and effective road maintenance operations.

As provided by Chapter 231.8(6), state and local governments with regularly employed drivers who operate commercial motor vehicles in intrastate travel (within Pennsylvania) are exempt from having to maintain certain driver qualification files (DQFs) for those employees, such as requesting information from an applicant's previous employers. Employers can, however, choose on their own to continue to maintain these files.

Although municipalities are exempt from certain record-keeping obligations, they must meet other CDL regulatory requirements. For example, their regularly employed CDL employees must obtain a negative result on a pre-employment CDL drug test and pass a full query from the FMCSA Clearinghouse before they can begin driving a municipality's CDL vehicles (those weighing more than 26,001 pounds). In addition, these employees must possess a valid commercial driver's license, be covered by the employer's random drug and alcohol testing program, and be subject to annual limited queries of the FMCSA Clearinghouse.

Municipal DQFs

Municipalities that require maintenance of a driver qualification file (DQF) as a condition of employment should be familiar with the forms that should be included in the file. The DQF should be kept current and stored in a secure location with controlled access.

The PSATS CDL Program will provide a complimentary set of the forms discussed below. Each form is titled for either the "Employer" or the "Driver" to use. To request a set, send an email to CDL@psats.org with "LTAP DQF" as the subject line.

FORM EMPLOYER HIRING DQF: This form represents the full array of information and records that should be obtained at the time of hire and kept in each CMV driver's qualification file for the duration of their employment. This form also lists additional information that must be obtained to hire an employee who will be operating CDL vehicles.

FORM EMPLOYER ANNUAL DQF: This form represents the full array of information and records that may be needed each additional year of an employee's employment. This information must be kept in the employee's DQF and retained in accordance with the GUIDANCE – EMPLOYER RECORD RETENTION SCHEDULE. Many records maintained in a DQF will not be subject to release under the state's Right to Know law because they will include personal identification information.

To keep track of CDL file requirements, municipalities should take note of the following guidelines:

1. **Written application for employment.** All applicants for CMV employment should provide a written application for employment using FORM DRIVER APPLY.
2. **Pre-CDL employment drug test result.** An applicant for employment that will require the use of a CDL vehicle must obtain a negative result on a pre-CDL employment drug test and be added to the employer's roster of CDL employees prior to performing CDL duties.
3. **Pre-CDL employment Clearinghouse full query.** Prior to performing CDL duties, the prospective employer must determine that the applicant is not prohibited from performing CDL duties by doing a full query in the FMCSA Clearinghouse. The applicant must register in the Clearinghouse before the employer can perform the required full query.
4. **Review the results of the inquiries to state driver licensing agencies.**
 - a. Employers of new CMV employees should obtain, within 30 days of employment, information about the new employee's driving record for the past three years from every state in which the new employee held a valid driver's license and determine if that employee is qualified to operate commercial motor vehicles.

What Qualifies as a Commercial Motor Vehicle (CMV) in PA?

67 Pa. Code Chapter 231.8 defines a CMV as any motor vehicle or combination used on a highway in intrastate commerce to transport passengers or property when the vehicle meets one of the following conditions:

- i. Has a gross vehicle weight rating (GVWR) or gross combination weight rating, or gross vehicle weight or gross combination weight, of 17,001 pounds or more, whichever is greater.
- ii. Is designed or used to transport more than eight passengers (including the driver) for compensation.
- iii. Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation.
- iv. Is a school bus.
- v. Is transporting hazardous materials that are required to be placarded in accordance with department regulations.

- b. Prior to requesting an applicant's driver license report, the employer must obtain written consent from the applicant by using the form APPLICANT CONSENT FOR EMPLOYER TO OBTAIN DRIVER'S LICENSE REPORT.

Employers in Pennsylvania are encouraged to obtain an online PennDOT account for online access to driver records. To sign up at no cost, go to CDL.psats.org, click on the red truck button, and then select "Obtaining Employee Driver's License Reports Online" under the "Member Information Forms" section.

- c. Upon receipt of the applicant's written consent to request their driver license report from PennDOT, the new employer should submit an online request for a copy of that applicant's driving record.
 - d. Using the FORM EMPLOYER HIRING QUALIFY and PennDOT's driving record report, the employer determines if the applicant is qualified to operate a CMV.
 - e. The employer is encouraged to repeat this process at least once every 12 months to regularly determine if an employee remains qualified to operate CMVs. Before requesting future driving records from a new employee, the employer must obtain written consent using the form EMPLOYEE CONSENT FOR EMPLOYER TO OBTAIN DRIVER'S LICENSE REPORT. This form allows the employer to electronically obtain the employee's driving record for the duration of employment.
5. **Obtain employee's signature acknowledging receipt of employer's CDL random drug and alcohol testing personnel policy.** Each employee who will operate CDL vehicles must participate in the employer's random CDL drug and alcohol testing program and must

sign FORM DRIVER POLICY indicating that they have received a copy of the employer's CDL employee drug and alcohol testing policy. This form must be permanently retained in the employee's file.

6. **Pennsylvania New Hire Report and Federal New Hire Report (I-9).** This report must both be filed as appropriate and sent to the state as indicated. Further, all federal I-9 forms must be kept either for three years after the date of hire or for one year after employment is terminated, whichever is later.
7. **Notifications.** New employees should also be given FORM DRIVER ACCIDENT, FORM DRIVER CITATION, and FORM DRIVER CONVICTION and instructed in how to use these forms.

Emergency CDL Hires

Act 131 of 2020 provides municipalities flexibility in allocating staff to snow plowing and ice operations. Under the authority now provided by 75 Pa.C.S. Section 1606(b)(8), municipalities can use any driver who is at least 18 years old and possesses a valid driver's license to operate a CDL vehicle without a commercial driver's license if the vehicle is used within the boundaries of the municipality for the purpose of removing snow or ice from roads by plowing, sanding, or salting.

The municipality must also issue a temporary authorization certificate. This emergency use would kick in if a regular CDL driver is unable to operate the vehicle or the municipality has determined that a snow or ice emergency exists that requires additional assistance.

For a sample of this certificate, go to CDL.psats.org, click on the red truck button, and then select "Temporary Authorization to Operate CDL Vehicle" under the "Driver Forms" section.

MUNICIPAL CMV/CDL DRIVER'S QUALIFICATION FILE TIME-OF-HIRE DOCUMENTS CHECKLIST

Applicant's Name

Applicant's CDL License # and Issuing State

Hire Date, if any

Optional records for hiring public sector CMV driver (required for private sector CMV employment):

Date applicant submits application for employment (FORM DRIVER APPLY)	Date employer requests applicant's driving record from PennDOT	Date employer determines applicant is not prohibited from driving (FORM EMPLOYER HIRING QUALIFY)

Required records for hiring any employee:

Date employer submits PA New Hire form	Date applicant submits completed Federal I-9 form

Required records when hiring public or private-sector CDL driver:

Date of applicant's negative pre-CDL drug test	Date employer verifies applicant's negative results of full Clearinghouse query	Date new employee receives a copy of employer's CDL employee testing policy (FORM DRIVER POLICY)

REMINDER: Medical examiners certificate not required for Pa. state and local government CDL employees.

MUNICIPAL CMV/CDL DRIVER'S QUALIFICATION FILE ANNUAL EMPLOYMENT DOCUMENTS CHECKLIST

Employee's Name

Employee's CDL License # and Issuing State

Hire Date

Optional records for continuing municipal CMV employment (required for private sector CMV employment):

Next calendar year of employment	Date employer requests employee's driving record from PennDOT	Date employer determines employee is not prohibited from driving (FORM EMPLOYER ANNUAL QUALIFY)	Date employee submits notice of traffic citation, if any (FORM DRIVER CITATION)	Date employee submits notice of traffic conviction, if any (FORM DRIVER CONVICTION)	Date employee provides accident report, if any (FORM DRIVER ACCIDENT)

Records for continuing CDL employment public or private-sector CDL employment:

Next calendar year of employment	Date employer conducts annual limited query of CDL employee's records in FMCSA Clearinghouse	Employee received new CDL policy, if changed (FORM DRIVER POLICY)

FORM EMPLOYER ANNUAL DQF