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Revised 2026-10-21

DOT driver file audit checklist

Every record a carrier keeps for a driver under 49 CFR Part 391 and the Clearinghouse rules, with the regulation behind each item and the 2025–2026 changes.

In the driver qualification file

The file a carrier must keep for each driver it employs (49 CFR 391.51). It can be combined with the personnel file.

- [ ] **Employment application, completed and signed**

  49 CFR 391.21

  It must be on the carrier's form and include 3 years of addresses, each unexpired CDL or permit, driving experience, 3 years of accidents and convictions, any license denial or suspension, 3 years of employers (plus 7 more years for CDL jobs) and the signed certification.

- [ ] **Motor vehicle record from each licensing state (3-year history)**

  49 CFR 391.23(a)(1), (b)

  Request it within 30 days of the driver's start date and file the copy within those 30 days. If a state sends nothing, document your good-faith effort.

- [ ] **Road test evidence**

  49 CFR 391.31(e), 391.33, 391.44(d)

  Keep one of: the road test certificate; a copy of the CDL or of a road test certificate issued in the last 3 years that you accepted as equivalent; or the written statement and driver certification when no road test is required.

- [ ] **Annual motor vehicle record**

  49 CFR 391.25(a)

  Request it at least every 12 months, covering at least the previous 12 months, from every state that licensed the driver to operate a commercial vehicle in that period.

- [ ] **Note on the annual review of the driving record**

  49 CFR 391.25(c)(2)

  The note records who did the review and the date. The review itself weighs rule violations, accidents and traffic convictions.

- [ ] **Medical certification status from the CDLIS motor vehicle record**

  49 CFR 391.51(b)(6)(ii), 391.23(m)(2) CDL drivers

  Since June 23, 2025 the state posts a CDL or permit holder's medical status on the CDLIS record, so obtain that record from the current licensing state and file it. Verify and document the type of operation the driver self-certified. A Federal Register notice published October 8, 2026 (2026-20649) states that as of October 12, 2026, drivers licensed outside Alaska—and their employers—may no longer rely on a paper copy of the certificate; the notice renews the paper-copy exemption for Alaska-licensed drivers for one year.

- [ ] **Medical examiner's certificate, original or legible copy**

  49 CFR 391.51(b)(6)(i), 391.43(g) Drivers who do not need a CDL

  Non-CDL drivers still receive the certificate from the examiner, and the carrier files a copy before the driver operates a commercial vehicle.

- [ ] **Note verifying the examiner is on the National Registry**

  49 CFR 391.23(m)(1), 391.51(b)(8)(i) Drivers who do not need a CDL

  Verify that the examiner was listed on the National Registry of Certified Medical Examiners on the day the certificate was issued, and note it. The same note for CDL drivers was required only through June 22, 2025.

- [ ] **Medical variance, Skill Performance Evaluation certificate or medical exemption**

  49 CFR 391.51(b)(6)(iii), (b)(7), 391.49 · Only when the driver holds one

  If medical certification rests on an FMCSA variance, file the variance documents. File a Skill Performance Evaluation certificate or a federal medical program exemption when the driver has one.

Before the driver starts: hiring checks

These checks come before the driver performs safety-sensitive work. Some live in the driver qualification file, some in separate files.

- [ ] **Pre-employment Clearinghouse query, with the driver's consent**

  49 CFR 382.701(a), 391.23(f)(2)

  Run a full query before the first safety-sensitive function. If the driver refuses consent, you must not permit them to operate a commercial vehicle. Keep a record of the query for 3 years.

- [ ] **Verified negative pre-employment drug test result**

  49 CFR 382.301

  The driver cannot perform safety-sensitive work until you hold a verified negative result, unless the limited exception applies. Drug and alcohol testing records are kept under Part 382, apart from the qualification file.

- [ ] **Driver's written consent to seek alcohol and drug history from previous employers**

  49 CFR 391.23(f)(1), 391.53(b)(1)

  Without this consent the driver must not be permitted to operate a commercial vehicle for you. Keep it in the driver investigation history file.

- [ ] **Safety performance history from previous DOT-regulated employers (3 years)**

  49 CFR 391.23(c)–(e), 391.53(b)(2)

  File each reply, or your documented good-faith efforts, within 30 days of the start date: employer name and address, date contacted, and what you received on accidents and on alcohol and drug history. If the driver had no DOT-regulated employer in that period, document that no investigation was possible.

- [ ] **Written notice of the driver's rights to review, correct or rebut this information**

  49 CFR 391.21(d), 391.23(i)

  Give it before any hiring decision, with the notice that previous employers will be contacted. The application form is a common place to do both.

Kept separately, with limited access

Not everything about a driver belongs in the qualification file.

- [ ] **Driver investigation history file**

  49 CFR 391.53

  Keep it in a secure location open only to people involved in the hiring decision. Replies for a driver you hire are retained while the driver is employed and for 3 years afterward, and made available to FMCSA or state enforcement on request.

- [ ] **Drug and alcohol testing records**

  49 CFR Part 382

  Testing records follow their own recordkeeping rules. Keep them in a separate, confidential file rather than the qualification file.

Every 12 months

Recurring work that keeps the file current.

- [ ] **Annual motor vehicle record, review and note**

  49 CFR 391.25

  See the annual review items above. The old annual list of violations (§ 391.27) is now reserved and no longer required.

- [ ] **Annual Clearinghouse query**

  49 CFR 382.701(b)

  With the driver's consent a limited query is enough. If it shows information exists, run a full query within 24 hours or take the driver off safety-sensitive work until you do.

- [ ] **Medical certification still current**

  49 CFR 391.45

  A driver must be examined at least every 24 months, and more often in some cases, such as every 12 months for insulin-treated diabetes. CDL drivers' status comes from the current CDLIS record.

Keeping and removing records

- [ ] **Keep the file for the whole employment plus 3 years**

  49 CFR 391.51(c)

  This is the default retention period for the qualification file.

- [ ] **Remove only what the rule allows, 3 years after execution**

  49 CFR 391.51(d)

  You may remove the annual MVR, the annual review note, the medical certificate or CDLIS record, any variance or exemption, and the National Registry note once they are 3 years old. Everything else stays.

Sources, checked against the eCFR and the Federal Register on 2026-10-21

- 49 CFR 391.51 — General requirements for driver qualification files
- 49 CFR 391.21 — Application for employment
- 49 CFR 391.23 — Investigation and inquiries
- 49 CFR 391.25 — Annual inquiry and review of driving record
- 49 CFR 391.53 — Driver investigation history file
- 49 CFR 382.701 — Drug and Alcohol Clearinghouse
- Federal Register, Oct. 8, 2026 — Paper medical examiner's certificate (NRII)

A general reference for motor carriers, not legal advice. Follow your written policy and the current rules.