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to verification of medical examiner listing on the National Registry of Certified Medical Examiners required by §391.23(m)(2).

(c) Except as provided in paragraph (d) of this section, each driver's qualification file shall be retained for as long as a driver is employed by that motor carrier and for three years thereafter.

(d) The following records may be removed from a driver's qualification file three years after the date of execution:

(1) The motor vehicle record received from each driver's licensing authority to the annual driver record inquiry required by §391.25(a);

(2) The note relating to the annual review of the driver's driving record as required by §391.25(c)(2);

(3) The medical examiner's certificate required by §391.43(g), a legible copy of the certificate, or, for CDL drivers, any CDLIS MVR obtained as required by paragraph (b)(6)(ii) of this section;

(4) Any medical variance issued by FMCSA, including a Skill Performance Evaluation Certificate issued in accordance with §391.49; or the Medical Exemption letter issued by a Federal medical program in accordance with part 381 of this chapter; and

(5) The note relating to verification of medical examiner listing on the National Registry of Certified Medical Examiners required by §391.23(m).

(Approved by the Office of Management and Budget under control number 2126–004)

[63 FR 33277, June 18, 1998, as amended at 66 FR 49874, Oct. 1, 2001; 69 FR 16721, Mar. 30, 2004; 73 FR 73127, Dec. 1, 2008; 75 FR 28502, May 21, 2010; 77 FR 24133, Apr. 20, 2012; 79 FR 2380, Jan. 14, 2014; 80 FR 22822, Apr. 23, 2015; 83 FR 28782, June 21, 2018; 84 FR 51434, Sept. 30, 2019; 86 FR 32651, June 22, 2021; 86 FR 57076, Oct. 14, 2021; 87 FR 3419, Jan. 21, 2022; 87 FR 13209, Mar. 9, 2022]

§391.53 Driver investigation history file.

(a) Each motor carrier must maintain records relating to the investigation into the safety performance history of a new or prospective driver pursuant to §391.23(d) and (e). This file must be maintained in a secure location with controlled access.

(1) The motor carrier must ensure that access to this data is limited to those who are involved in the hiring decision or who control access to the data. In addition, the motor carrier's insurer may have access to the data, except the alcohol and controlled substances data.

(2) This data must only be used for the hiring decision.

(b) The file must include:

(1) A copy of the driver's written authorization for the motor carrier to seek information about a driver's alcohol and controlled substances history as required under §391.23(f)(1).

(2) A copy of the response(s) received for investigations required by paragraphs (d) and (e) of §391.23 from each previous employer, or documentation of good faith efforts to contact them. The record must include the previous employer's name and address, the date the previous employer was contacted, and the information received about the driver from the previous employer. Failures to contact a previous employer, or of them to provide the required safety performance history information, must be documented.

(c) The safety performance histories received from previous employers for a driver who is hired must be retained for as long as the driver is employed by that motor carrier and for three years thereafter.

(d) A motor carrier must make all records and information in this file available to an authorized representative or special agent of the Federal Motor Carrier Safety Administration, an authorized State or local enforcement agency representative, or an authorized third party, upon request or as part of any inquiry within the time period specified by the requesting representative.

(Approved by the Office of Management and Budget under control number 2126–004)

[69 FR 16721, Mar. 30, 2004, as amended at 84 FR 51434, Sept. 30, 2019]

§391.55 LCV Driver-Instructor qualification files.

(a) Each motor carrier must maintain a qualification file for each LCV driver-instructor it employs or uses. The LCV driver-instructor qualification file may be combined with his/her personnel file.