

DRIVER'S RIGHTS PERTAINING TO RELEASE OF DRIVER INFORMATION UNDER PART 391.23 - FEDERAL MOTOR CARRIER SAFETY REGULATIONS EFFECTIVE OCTOBER 29, 2004

All Motor carriers have the responsibility to make the following investigations and inquiries with respect to each driver employed, other than a person who has been a regularly employed driver of the motor carrier for a continuous period which began before January 1, 1971.

- (a)(1) An inquiry into the driver's driving record during the preceding three years to the appropriate agency of each state in which the driver held a motor vehicle operator's license or permit during the three years; and
- (a)(2) An investigation of the driver's employment record during the preceding three years.
- (b) A copy of the driver record(s) obtained in response to the inquiry or inquiries to each State driver record agency as required must be placed in the Driver Qualification file within 30 days of the date the driver's employment begins and be retained in compliance with 392.51.
- (c) Replies to the investigations of the driver's safety performance history must be placed in the Driver Investigation History file within 30 days of the date the driver's employment begins. The effective date for this requirement is October 29 '04
- (d) A prospective motor carrier must investigate the work performance history from all previous employers of the applicant for which the applicant operated a Commercial Motor Vehicle. The information must also include verification of employment period, general driver identification and employment verification, information pertaining to requirements in part 390.15 - accident involvement information for the previous three years.
- (e) Prospective motor carriers must inquire of past employers as to whether the job performed by the applicant was designated as a safety-sensitive function regulated under Department of Transportation requirements Part 40 FMCSR drug and alcohol testing.

DRIVERS HAVE THE FOLLOWING RIGHTS

1. The right to review information provided by previous employers.
2. The right to have errors in the information corrected by the previous employer and for that previous employer to resend the corrected information to the prospective employer.
3. The right to have a rebuttal statement attached to the alleged erroneous information, if the previous employer and the driver cannot agree on the accuracy of the information.

Drivers who wish to review previous employer provided investigative information must submit a written request to the prospective employer when applying or as late as 30 days after employed or being notified of denial of employment. The prospective employer must provide this information to the applicant within five business days of receiving the written request. If the driver has not arranged to pick up or receive the requested records within 30 days of the prospective employer making them available, the prospective motor carrier may consider the driver to have waived his/her request to review the records.

Drivers wishing to request correction of erroneous information in records must send the request for the correction to the previous employer that provided the records. After October 29, 2004, the previous employer must either correct and forward the information to the prospective motor carrier employer or notify the driver within 15 days of receiving the driver's request to correct the data that it does not agree to correct the data. Drivers wishing to rebut information records must send the rebuttal to the previous employer with instruction to include the rebuttal in the driver's Safety Performance History.

I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THE CONTENTS OF THIS DOCUMENT

Driver's Signature: _____ Date: _____

Driver's Name as it appears on your CDL license (Print) _____