

PART 391

Qualification of Drivers

Applicability (391.1)

Persons who drive commercial motor vehicles are subject to minimum qualification as specified in 49 CFR Part 391. The rules in this part also establish minimum duties of motor carriers with respect to the qualifications of their drivers. As well, a motor carrier who employs himself/herself as a driver must comply with both the rules in this part that apply to motor carriers and the rules in this part that apply to drivers (i.e. owner operators with authority).

General Exemptions (391.2)

■ Farm custom operation

The rules in 49 CFR Part 391 do not apply to a driver who drives a commercial motor vehicle controlled and operated by a person engaged in custom-harvesting operations, as specified in 49 CFR section 391.2(a), if the commercial motor vehicle is used to—

- Transport farm machinery, supplies, or both, to or from a farm for custom harvesting operations on a farm; or
- Transport custom harvested crops to storage or market.

■ Apiarian industries

The rules in 49 CFR Part 391 do not apply to a driver who is operating a commercial motor vehicle controlled and operated by a beekeeper engaged in the seasonal transportation of bees as specified in 49 CFR section 391.2(b).

■ Certain farm vehicle drivers

As specified in 49 CFR section 391.2(c), the rules in 49 CFR Part 391 do not apply to a farm vehicle driver except a farm vehicle driver who drives an articulated (combination) commercial motor vehicle as defined in 49 CFR section 390.5. (For limited exemptions for farm vehicle drivers of articulated commercial motor vehicles reference 49 CFR section 391.67.)

Driver Requirements/Responsibilities (391.11 & 391.13)

A driver must meet the following requirements and responsibilities:

- Be at least 21 years of age;
- Speak and read English well enough to converse with the general public, understand highway traffic signals, respond to official questions, and be able to make legible entries on reports and records;
- Be able to drive the vehicle safely;
- Be in good health and physically able to perform all duties of a driver;
- Possess a valid medical certificate;
- Have only one valid commercial motor vehicle operator's license;
- Provide an employing motor carrier with a list of all motor vehicle violations or a signed statement that driver has not been convicted of any motor vehicle violations during the past 12 months. A disqualified driver must not be allowed to drive a commercial motor vehicle for any reason;
- Qualified to drive a CMV;
- Pass a driver's road test or equivalent; and,
- Know how to safely load and properly block, brace, and secure the cargo.

Driver Qualification File Checklist (391.51)

Every motor carrier must have a qualification file for each regularly employed driver.

The file must include:

DRIVER'S APPLICATION FOR EMPLOYMENT (391.21)

A person will not be allowed to drive a commercial motor vehicle unless he/she has completed and signed an application for employment.

DRIVING RECORD FROM STATE AGENCY (INQUIRY) — 3 YEARS (391.23(a)(1) & (b))

The driver's driving record for the preceding three years.

