

Question of the Week?



How long do I have to keep records and documents that are required by the Federal Motor Carrier Safety Regulations?

Answer: It depends on which documents we are talking about. The record retention requirements vary greatly. I have summarized the retention requirements by subject to allow you to easily follow. I have also indicated the section of the regulation where the record retention requirements are located.

Driver Qualifications CFR 391.

Regulation	Document	Retention Period
391.51 (c)	Complete driver qualification file	3 years after date of termination
391.51 (d)	Driver Applications	3 years after date of termination
391.51 (d) 4	Medical Certificate and long form	3 years from date of execution
391.51 (d) 2	Annual Review	3 years from date of execution
391.51 (d) 3	Certification of violations	3 years from date of execution
391.51 (d) 5	Physical waiver	3 years from date of execution
391.51 (d) 1	Annual motor vehicle record (MVR)	3 years from date of execution
391.23 (a) 1	Initial MVR at time of hire	3 years after date of termination

Drug and Alcohol testing Records

382.401 (b)(1)(i)	Records of Alcohol tests with .02 or greater result	5 years
382.401 (b)(1)(ii)	Records of driver verified positive controlled substance test results	5 years
382.401 (b)(1)(iii)	Documentation of refusals to take required alcohol and/or drug test	5 years
382.401 (b)(1)(iv)	Driver evaluations and referrals	5 years
382.401 (b)(1)(v)	Calibration documentation to testing devices	5 years
382.401 (b)(1)(vi)	Administrative records of the Alcohol controlled substance testing programs	5 years
382.401 (b)(1)(vii)	A copy of each annual calendar year summary required by 382.403(only those carriers selected)	5 years
382.401(2)	Records relating to the alcohol and controlled substances collection process	2 years
383.401(3)	Record of negative and cancelled controlled substance results and alcohol tests with a concentration of less than .02	1 year



382.401(4)	Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers shall be maintained by the employer while the individual performs the functions which require the training and for *2 years after ceasing to perform these functions	Indefinite*
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Hours of Service Documentation

395.8 (k)	Record of duty status and all supporting documents, and time records	6 months
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Accident Records

390.15 (b)	Accident Register and Files	3 years after the date of each accident
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Inspection and Maintenance

396.3 (c)	Maintenance files as required by 396.3 (b)	1 year plus 6 months after vehicle leaves carriers control.
396.9 (d)(3)(ii)	Copy of roadside inspections	12 months
396.11 (c)(2)	Driver vehicle inspection report	3 months
396.19 (b)	Annual inspector certification	During employment and 1 year thereafter
396.25 (e)	Brake inspector certification	During employment and 1 year thereafter.

Proactive vs. Reactive Safety and Loss Control Program

Which One Do You Have?

At the end of the year you should be evaluating your safety and loss control program to determine your performance over the year. Where do you stand compared to last year and the year before? Ongoing analysis programs are vital to a proactive and productive safety and loss control program. It always amazes me that companies cannot tell me what their accident frequency rate is and how it compares to years past. Accident frequency should be determined throughout the year no less than quarterly to determine trends and be proactive in controlling losses. Accident frequency rates can be calculated by multiplying the total number of accidents for a period of time by one million and then dividing by the total number miles for the same period.



Accident frequency rate can be determined for DOT recordable, preventable recordable, non-preventable, by region, by fleet, driver supervisor, injury, etc. However, accident frequency rates are just one piece of the overall safety analysis program that is in place to provide you with a sense of direction of where your program is going. Other areas of your internal analysis program should include, driver turnover frequency, DOT violation analysis (Hours of Service, Drug and Alcohol, driver file), Osha violations, workers compensation injuries, etc.

Another analysis tool that you should review monthly is CSA and SMS provided to you by the FMCSA at:

www.saftersys.org or <http://csa.fmcsa.dot.gov>

A sound Proactive Safety and Loss control program will adequately address the following areas:

- Driver Selection
- Driver recruiting
- Carrier-based training
- Management-driver communications
- Driver safety-performance evaluation
- Safety incentives, Behavior-based safety
- On-board safety monitoring
- Event-data recorder
- Accident investigation
- Improved driver scheduling and dispatching
- Fatigue management
- Carrier-based medical programs
- Preventive maintenance and vehicle inspection
- Advanced safety technologies, Industry-based safety standards and certification

