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# CONFIDENTIAL

## Driver Investigation History File

For Department of Transportation Compliance

### FILE CONTENTS

- Safety Performance History Records Request

DRIVER'S NAME

DATE OF HIRE

### RECORD RETENTION

This file includes information required to be maintained in a secure location with controlled access in accordance with the Federal Department of Transportation, Code of Federal Regulations, Sections 382.401, 40.333, and 391.53.

#### Driver Investigation History Records:

1. Safety Performance History Records Request (Section 391.23). Retain until 3 years after employment with motor carrier ceases.

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# INSTRUCTIONS FOR COMPLETION OF FORMS

## 1. SAFETY PERFORMANCE HISTORY RECORDS REQUEST:

(391.23) Each motor carrier must investigate each driver's safety performance history with each of the driver's DOT-regulated employers during the preceding three years. The investigation may consist of personal interviews, telephone interviews, letters, or any other method for investigating that the carrier deems appropriate. A written record must

be kept with respect to each previous employer contacted, or good faith efforts to do so, and must include the previous employer's name and address, date of contact or the attempts made, and the information received about the driver. The record must be placed in the driver investigation history file within 30 days of the date the driver's employment begins. The record must be maintained pursuant to Section 391.53. (Form No. 9652 or 9620)

The employer and its agents and insurers must take all precautions reasonably necessary to protect the driver safety performance history records from disclosure to any person not directly involved in the hiring decision or in forwarding the records. The employer's insurer may also access the records, except any alcohol or controlled substances information. (§§391.23(h) and 391.53(a)(1))

## Pre-Employment Safety Performance History Documents

Applicant informed that previous employers will be contacted (§391.21(d)): \_\_\_\_\_  
(date completed)

Applicant notified in writing of his/her due process rights (§391.21(d)): \_\_\_\_\_  
(date completed)

Previous employer information (Use Form #9620 or 9652)

Requested From	Date Requested	Date Rec'd.	Reviewed By

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

## Post-Employment Safety Performance History Documents

Termination date: \_\_\_\_\_ Retain file until: \_\_\_\_\_  
(3 years after termination)

Requested By (prospective employers)	Date Requested	Date Provided

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### Requests to correct information (§391.23(j)(1))

Date Rec'd.	Agree to Correct Data	If No, Date Driver Notified	If Yes, Date Sent to Prospective Employer(s)	Sent to
	<input type="checkbox"/> yes <input type="checkbox"/> no			
	<input type="checkbox"/> yes <input type="checkbox"/> no			
	<input type="checkbox"/> yes <input type="checkbox"/> no			
	<input type="checkbox"/> yes <input type="checkbox"/> no			
	<input type="checkbox"/> yes <input type="checkbox"/> no			

### Rebuttals (§391.23(j)(3))

Date Rec'd.	Date Sent	Sent to

### §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.
- (a)(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.
- (a)(2) This data must only be used for the hiring decision.
- (b) The file must include:
  - (b)(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).
  - (b)(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.