


# EHS Daily Advisor [\(https://ehsdailyadvisor.blr.com/\)](https://ehsdailyadvisor.blr.com/)

 [\(http://www.facebook.com/EHSDailyAdvisor/\)](http://www.facebook.com/EHSDailyAdvisor/)  [https://twitter.com/intent/follow?screen\\_name=EHSDailyAdv](https://twitter.com/intent/follow?screen_name=EHSDailyAdv)  [\(https://www.linkedin.com/company/EHSDailyAdvisor/\)](https://www.linkedin.com/company/EHSDailyAdvisor/)

[eNewsletter Signup \(https://ehsdailyadvisor.blr.com/subscribe/\)](https://ehsdailyadvisor.blr.com/subscribe/) | [About Us \(https://ehsdailyadvisor.blr.com/about/\)](https://ehsdailyadvisor.blr.com/about/) | [Advertise \(https://simplifymediagroup.com/?webSyncID=bd9a9c88-7dab-4d23-6d27-e13594b87bc6&sessionGUID=c7173527-a2d4-3e0c-bd66-3281d06eaa28\)](https://simplifymediagroup.com/?webSyncID=bd9a9c88-7dab-4d23-6d27-e13594b87bc6&sessionGUID=c7173527-a2d4-3e0c-bd66-3281d06eaa28)



## Stay Informed! Sign up for the EHS Daily Advisor Newsletter

### EHS ADMINISTRATION, TRANSPORTATION

## FMCSA Shifts Driver Record Responsibilities to Carriers

By Guy Burdick, EHS Daily Advisor | Mar 11, 2022

| [EHS Administration \(https://ehsdailyadvisor.blr.com/category/ehs-administration/\)](https://ehsdailyadvisor.blr.com/category/ehs-administration/), [Transportation \(https://ehsdailyadvisor.blr.com/category/driving-safely/\)](https://ehsdailyadvisor.blr.com/category/driving-safely/)

**Updated: Mar 11, 2022**

Motor carriers now must obtain motor vehicle records (MVRs) annually for their drivers from Canadian and Mexican licensing authorities, as well as from State Driver's Licensing Agencies, under a March 9 Federal Motor Carrier Safety Administration (FMCSA) final rule (<https://www.govinfo.gov/content/pkg/FR-2022-03-09/html/2022-04930.htm>) (87 *Federal Register (FR)* 13192).



([https://ehsdailyadvisor.blr.com/app/uploads/sites/2/2022/03/shutterstock\\_1116717956.jpg](https://ehsdailyadvisor.blr.com/app/uploads/sites/2/2022/03/shutterstock_1116717956.jpg))

The FMCSA is dropping the requirement for commercial motor vehicle (CMV) drivers to self-report convictions for traffic violations. The final rule, which becomes effective May 9, removes the drivers' record of violations requirement (49 Code of Federal Regulations (CFR) §391.27).

Under §391.27, carriers had to require their drivers to prepare and submit a record of convictions for traffic violations or a certificate of no violations.

The agency stated that the drivers' reporting requirement duplicates the motor carriers' duty to make annual inquiries to obtain drivers' MVRs.

The rule also amends driver hiring requirements. When hiring a driver, carriers must make an inquiry to the driver's licensing authority where the driver holds a motor vehicle operator's license or permit or has held one during the preceding 3 years to obtain the driver's MVR.

Motor carriers may use third-party driver information services to contact driver's licensing authorities, but carriers are responsible for the accuracy of the information.

Annually, the change will save \$3.5 million, according to the FMCSA, as drivers will no longer need to spend time preparing a list of convictions or a certificate of no convictions, and carriers will no longer need to file the lists or certificates in their driver qualification files.

## **Trump-era proposals withdrawn**

On March 9, the FMCSA also withdrew two proposed rules. The agency withdrew (<https://www.govinfo.gov/content/pkg/FR-2022-03-09/html/2022-04966.htm>) a notice of proposed rulemaking (NPRM) to allow driver applicants to take the commercial driver's license (CDL) general and specialized knowledge tests in a state other than their state of domicile (87 *FR* 13249). The proposal also would have required the applicant's state of domicile to accept knowledge test results from the testing state.

State driver's licensing agencies told the FMCSA they would need to make significant changes to accommodate the receipt of out-of-state knowledge test results.

The withdrawn proposal was originally published July 29, 2019 (84 *FR* 36552).

The agency also withdrew (<https://www.govinfo.gov/content/pkg/FR-2022-03-09/html/2022-04968.htm>) an NPRM to allow states to permit a third-party skills test examiner to administer the CDL skills test to applicants the examiner also had provided skills training to (87 *FR* 13247).

The practice currently is prohibited under FMCSA regulations.

The FMCSA received 95 comments on the NPRM, according to the agency. Several organizations and state driver's licensing agencies submitted comments, and most opposed the NPRM, citing concerns about fraud, conflict of interest, or examiner bias. Commenters argued that allowing the same individual to train and test an applicant could undermine the integrity of the skills testing process, negatively impacting CMV safety.

The states that commented on the proposal (Minnesota, Missouri, Oregon, Virginia, and Washington) also raised concerns that the proposal could negatively impact safety by undermining the integrity of skills testing.

The withdrawn proposal was originally published July 9, 2019 (84 *FR* 32689).

Share This Article:    

**PRINT ([HTTPS://EHS DAILY ADVISOR.BLR.COM/2022/03/FMCSA-SHIFTS-DRIVER-RESPONSIBILITIES-TO-CARRIERS/](https://ehsdailyadvisor.blr.com/2022/03/fmcsa-shifts-driver-responsibilities-to-carriers/))**

Tags: CMV drivers (<https://ehsdailyadvisor.blr.com/tag/cm-v-drivers/>), FMCSA (<https://ehsdailyadvisor.blr.com/tag/fmcsa/>)