

## Previous Employers Must Give Info on Past Drivers

In order to make it easier for motor carriers to hire a prospective driver with a good safety record, previous employers must make information available to the hiring motor carrier. The hiring motor carrier is also responsible for reviewing prospective driver's driving safety records in order to make an informed decision for hiring safe drivers.

The hiring motor carrier is required to tell the prospective driver that they have the right to review, request a correction, or refute information that a previous employer provided in a driver's safety history.

The rule limits the liability of those who provide and use the prospective driver's safety records.

Previous employers must respond within 30 days to questions from a hiring motor carrier reviewing a prospective driver. Previous employers must go back three years to confirm employment and provide information about:

- Crash involvement
- Alcohol and controlled substance violations
- Rehabilitation efforts
- Reversion to alcohol or controlled substances if rehab was unsuccessful

Motor carriers must begin to keep information on their own drivers' vehicle accidents for three years, starting with accidents that occurred after April 29, 2003. Employers must also notify driver-applicants of their right to review the information obtained from previous employers and their right to correct errors on that information.

Carriers who fail to comply are subject to citations and penalties. The rule applies to all motor carrier employers regulated by FMCSA regulations whose employees apply to work for a motor carrier in interstate commerce.

### ***Filing Requirements***

Beginning **October 29, 2004**, employers will be required to maintain all accident and drug/alcohol testing information obtained from previous employers, as well as drivers' authorizations to obtain that information. The records are to be kept confidential and should only be used for the hiring decision, although the non-drug/alcohol-related information can be shared with insurers. According to the FMCSA, the documents can be placed in a "driver investigation history file" or combined with drug/alcohol files.

Source: The Safety Sentinel, May-June 2004