



The
Record Retention Memo
 is your one-stop reference to see
 what you need to keep on file and
 how long you need to keep it.

Drugs & Alcohol (Parts 40 and 382)

DOCUMENT(S) TO BE RETAINED

RETENTION PERIOD

Records related to the education and training of:
 breath alcohol technicians (BATs),
 screening test technicians (STTs),
 supervisors, and drivers.

2 years
 after the person ceases
 To perform
 Those functions

Required documentation includes:
 Materials on drug and alcohol awareness,
 Including a copy of company policy

Documentation of compliance with requirement to
 provide drivers with educational material,
 including driver's signed receipt of materials
 Documentation of supervisor training
 Documentation of BAT training (§40.51(a))
 Certification that training complies with the rules.



Drugs & Alcohol (Parts 40 and 382)

DOCUMENT(S) TO BE RETAINED

RETENTION PERIOD

1. Alcohol test results* with concentration of 0.02 or more
2. Verified positive drug test results
3. Documentation of refusals
4. Calibration documentation
5. Evaluation and referral records, including:
 - Records pertaining to SAP's determination of a need for assistance
 - Records concerning a driver's compliance with SAP's recommendations.
6. Records related to program administration, including:
 - Agreements with collection sites, labs, BATs, MROs, and consortia
 - Names and positions of officials and their role in the employer's testing program
 - Semiannual laboratory statistical summaries of urinalysis (§40.111(a))
 - Company testing policy and procedures

5 years



Drugs & Alcohol (Parts 40 and 382)

DOCUMENT(S) TO BE RETAINED


RETENTION PERIOD


7. Annual calendar year summary
- *"Test results" includes:
- Copy of alcohol test form, with results;
 - Copy of drug test chain of custody form;
 - Documents sent to the employer by the MRO;
 - Documentation of any refusal to submit;
 - Documents provided by a driver to dispute results;
 - And Previous employer test results (see §§382.301(c) and 40.25, outlined below)

See §40.333 and §382.401.

5 years



Drugs & Alcohol (Parts 40 and 382)	
<u>DOCUMENT(S) TO BE RETAINED</u>	<u>RETENTION PERIOD</u>
<p>Records related to the collection process (except EBT calibration records):</p> <ul style="list-style-type: none"> Collection logbooks (if used); Documents related to the random selection process; Documentation of BAT training; Documentation of reasoning for reasonable suspicion testing; Documentation of reasoning for post-accident testing; Documents verifying a medical explanation for the inability to provide adequate breath or urine for testing; and Consolidated annual calendar year summaries. 	<div style="background-color: #f08080; padding: 5px; display: inline-block;">2 years</div>
<p>See §40.333 and §382.401.</p>	

Drugs & Alcohol (Parts 40 and 382)	
<u>DOCUMENT(S) TO BE RETAINED</u>	<u>RETENTION PERIOD</u>
<ol style="list-style-type: none"> 1. Negative and cancelled drug test results* 2. Alcohol test results with concentration less than 0.02 <p>**“Test results” includes:</p> <ul style="list-style-type: none"> Copy of alcohol test form, with results; Copy of drug test chain of custody form; Documents sent to the employer by the MRO; Documentation of any refusal to submit; Documents provided by a driver to dispute results; <p>and</p> <ul style="list-style-type: none"> Previous employer test results (see §§382.301(c) and 40.25, below) 	<div style="background-color: #f08080; padding: 5px; display: inline-block;">1 year</div>
<p>See §40.333 and §382.401.</p>	

Drugs & Alcohol (Parts 40 and 382)

DOCUMENT(S) TO BE RETAINED

RETENTION PERIOD

For employers using the exception to pre-employment testing in §382.301(b):

- Names and addresses of the testing programs in which the prospective employee participated;
- Verification that the driver participates or participated in the program(s);
- Verification that the program(s) conforms to Part 40;
- Verification that the driver is qualified under the rules of Part 40, including that the driver has not refused to be tested for controlled substances;
- The date the driver was last tested for controlled substances; and
- The results of any tests taken within the previous six months and any other violations of Subpart B.

5 years
for any
positive results,
1 year for negative
results

Note: An employer who uses but does not employ a driver more than once per year to operate CMVs must obtain the above information at least once every six months.

See §382.301(c).



Driver Training (Part 380)

DOCUMENT(S) TO BE RETAINED

RETENTION PERIOD

Entry-level driver training certificate (§380.509).

Employment + 1 year

Longer Combination Vehicle (LCV) Driver-Training Certificate (§380.401) or Certificate of Grandfathering (§380.111).

Unspecified

LCV driver-instructor qualification file, including:

- Evidence that the instructor has met the requirements of §380.301 or 380.303; and
- A copy of the individual's currently valid CDL with the appropriate endorsements. (§391.55)

For as long as the
company employs or
uses the instructor



CDLs (Part 383)

DOCUMENT(S) TO BE RETAINED

RETENTION PERIOD

Notification for conviction for driver violations.
 Must include the information listed in §383.31(c).
 Note: Notifications of CDL suspensions (§383.33) have no recordkeeping requirements.
 See §383.31 and the interpretations to §391.27.

3 years

Financial Responsibility (Part 387)

DOCUMENT(S) TO BE RETAINED

RETENTION PERIOD

1. Form MCS-90 or MCS-82, or an FMCSA document authorizing self-insurance, for motor carriers.
2. Form MCS-90B or MCS-82B for passenger carriers.
 See §387.7(d) and §387.31(d).

Continuously



Accidents (Part 390)

DOCUMENT(S) TO BE RETAINED

RETENTION PERIOD

1. Accident register.
2. Copies of accident reports required by states, other governmental entities, or insurers.
 See §390.15(b).

3 years

Driver Qualification (Part 391)

DOCUMENT(S) TO BE RETAINED

RETENTION PERIOD

1. Application for employment (§391.21),
2. Motor vehicle record from states (§391.23) (must be obtained within 30 days of employment),
3. Road test form and certificate (§391.31(g)), or license or certificate accepted in lieu of road test (§391.33),
4. Medical exam certificate (original or a copy)* (§391.43(g)),
5. Any letter granting a waiver of a physical disqualification*,

Employment + 3 years



Driver Qualification (Part 391)

<u>DOCUMENT(S) TO BE RETAINED</u>	<u>RETENTION PERIOD</u>
6. Annual review of driving record* (§391.25), 7. List of violations* (§391.27), 8. Any other matter relating to a driver's qualifications or ability to drive a motor vehicle safely, 9. Previous-employer inquiries for drivers hired before October 30, 2004 (§391.23), and 10. Certificate of training, for drivers transporting highway route controlled Class 7 (radioactive) materials (§397.101(e)).	Employment + 3 years

*The following may be removed 3 years after execution:
 Medical examiner's certificate,
 Annual motor vehicle record from state(s),
 Note relating to annual review of driving record,
 Annual list of violations (prepared by the driver),
 And Letter granting a waiver of a physical disqualification.

See §391.51.



Driver Qualification (Part 391)

<u>DOCUMENT(S) TO BE RETAINED</u>	<u>RETENTION PERIOD</u>
Safety performance history of driver/applicants (i.e., previous employer information), including name and address, date of contact (or attempts made), and information received about a driver/applicant (§391.23) (must be placed into file within 30 days of hire).	Employment + 3 years
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 (d).	
Corrections or rebuttals received from former or current drivers concerning their safety performance histories (§391.23(j)) (should be placed in appropriate file where corrected or rebutted information is stored).	

NOTE: Drug/alcohol inquiries sent to a driver's former employer(s) in compliance with §391.23 are deemed to be in compliance with the inquiries required under §40.25(b).



Driver Qualification (Part 391)

DOCUMENT(S) TO BE RETAINED

RETENTION PERIOD

A record of each inquiry received from other employers concerning a driver's safety performance history, and the response, including the date, the party to whom it was released, and a summary identifying what was provided (§391.23(g)(4)).

One year

Multiple- employer drivers (Part 391)

DOCUMENT(S) TO BE RETAINED

RETENTION PERIOD

Keep the following records for a multiple-employer driver:

Employment
+ 3 years

Medical exam certificate, original or a copy (§391.43(g)),

Road test form and certificate (§391.31(g)), or license or certificate accepted in lieu of road test (§391.33),

Driver's name and social security number, and identification number, type, and issuing state of motor vehicle operator's license. See §391.63.



Drivers from other employers (Part 391)

DOCUMENT(S) TO BE RETAINED

RETENTION PERIOD

For drivers furnished by other motor carriers, keep the signed certificate required in §391.65(a)(2). See §391.65.

3 years

Medical Qualification (Part 391)

DOCUMENT(S) TO BE RETAINED

RETENTION PERIOD

Driver must carry the original or a copy of the medical examiner's certificate.

Continuously

Note: The medical "long form" is not required. The long form is supposed to stay in the medical examiner's files (see the last paragraph of "Instructions for performing and Recording Physical Examinations" in §391.43).

See §391.41(a).



Hours of Service (Part 395)

DOCUMENT(S) TO BE RETAINED

RETENTION PERIOD

For all 100-air-mile-radius drivers, "accurate and true time records" showing:

6 Months

The time the driver reports for duty each day,
The time the driver is released from duty each day,

Total number of hours on duty each day, and
Total time on duty for the preceding 7 days for drivers used for the first time or intermittently.

See §395.1(e)(5).

DOCUMENT(S) TO BE RETAINED

RETENTION PERIOD

For drivers used intermittently, a signed statement giving:

6 Months

The total time on duty during the immediately preceding 7 days, and

The time at which the driver was last relieved from duty.

See §395.8(j)(2).



Hours of Service (Part 395)

DOCUMENT(S) TO BE RETAINED

RETENTION PERIOD

Records of duty status (driver logs) and all supporting documents.

"Supporting documents" are listed in Question 10 in the interpretations to Sec. 395.8.

6 Months from date of receipt

Logs must be submitted within 13 days of completion (§395.8 (i)).

See §395.8(k)(1).

A copy of each log for the previous 7 consecutive days (whether hand-written or electronic)

7 days

See §395.8(k)(2) and §395.15(b)(4).



Hours of Service (Part 395)

DOCUMENT(S) TO BE RETAINED

RETENTION PERIOD

For companies using on-board recording devices that use location codes instead of city/state information, a list of the location codes showing all possible location identifiers.

Unspecified

See §395.15(d)(2).

For drivers using on-board recording devices:

Unspecified

An instruction sheet describing in detail how data may be stored and retrieved from the automatic on board recording system; and

A supply of blank driver's records of duty status graph grids sufficient to record the driver's duty status and other related information for the duration of the current trip.

See §395.15(g).



Hours of Service (Part 395)

DOCUMENT(S) TO BE RETAINED

RETENTION PERIOD

For companies using on-board recording devices, "a certificate obtained from the manufacturer certifying that the design of the automatic on board recorder has been sufficiently tested to meet the requirements of this section and under the conditions it will be used."

Unspecified

See §395.15(i)(1).

DOCUMENT(S) TO BE RETAINED

RETENTION PERIOD

For companies using on-board recording devices, a second (back-up) copy of the electronic hours-of-service files, by month.

6 Months

See §395.15(i)(10).



Inspections/ Maintenance (Part 396)

DOCUMENT(S) TO BE RETAINED

RETENTION PERIOD

For any motor vehicle controlled for 30 days or more:
 An identification of the vehicle including co. number (if so marked), make, serial number, year, and tire size, and vehicle owner's name if the motor carrier does not own the vehicle;
 A means to indicate the nature and due date of the various inspection and maintenance operations to be performed;
 A record of inspection, repairs and maintenance indicating their date and nature; and

A record of tests conducted on pushout windows, emergency doors, and emergency door marking lights on buses.

1 year and for 6 months after the vehicle leaves Your control

See §396.3(b).



Inspections/ Maintenance (Part 396)

DOCUMENT(S) TO BE RETAINED

RETENTION PERIOD

Copy of roadside inspection form.
 See §396.9(d)(3)(ii).

12 months from date of inspection

1. Original DVIR (driver's vehicle inspection report),
 2. Certificate of repairs, and
 3. Certification of driver's review.
- Note pre-trip requirements in §392.7 and §396.13. Only §396.13 has recordkeeping requirements.

3 months

See §396.11(c)(2) and Question 18 in the interpretations.



Inspections/ Maintenance (Part 396)

<u>DOCUMENT(S) TO BE RETAINED</u>	<u>RETENTION PERIOD</u>
Documentation of periodic inspection (a report or other document such as a sticker or decal). See §396.17(c) and §396.23(a).	Continuously
Evidence of an individual's qualifications to conduct annual inspections. See §396.19(b).	Until 1 year after employee stops performing inspections
Periodic inspection report (original or copy). See §396.21(b)(1).	14 months
Evidence of a brake inspector's qualifications. See §396.25(e).	Until 1 year after employee stops performing inspections

21

Hazmat (Part 397)

<u>DOCUMENT(S) TO BE RETAINED</u>	<u>RETENTION PERIOD</u>
Signed receipt documenting that hazmat driver has received a copy of the regulations and emergency instructions per §397.19(a). Applies to transportation of explosives only. See §397.19(b).	One year
A written route plan, for transporting highway route controlled Class 7 (radioactive) materials, per 397.101(d).	Unspecified
Certificate of training, for drivers transporting highway route controlled Class 7 (radioactive) materials, per §397.101(e).	Employment + 3 years

Other (Part 379)

<u>DOCUMENT(S) TO BE RETAINED</u>	<u>RETENTION PERIOD</u>
Business records. See Part 379 for details. This regulation is a "holdover" from when the Interstate Commerce Commission regulated trucking (before the FMCSA was created).	See Regulation

22