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Driver Qualification Files as Your First Line of Defense

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Today's Agenda

What we'll cover in this webinar

- 01 Why DQ Files Matter**
A look at recent cases
- 02 Checking the Regulatory Boxes**
What federal and state regulations actually require
- 03 Beyond Box Checking**
Hiring safe drivers & building defensible files
- 04 The Underwriting Perspective**
How insurers view your hiring practices
- 05 Hot Topics & Takeaways**
ELP, ELDT/TPR, med cards & action steps

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PART 1

Why DQ Files Matter

Real litigation. Real verdicts. Real consequences.

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The Litigation Landscape

Why plaintiff attorneys love DQ files

100% Plaintiff verdict rate When driver history issues raised	87.5% Plaintiff verdict rate Unfavorable hiring practice cases	\$3.9M Median verdict amount In improper hiring/onboarding cases
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Source: ATRI - Understanding the Impact of Nuclear Verdicts on the Trucking Industry (June 2020); Trucking Litigation: A Forensic Analysis (Dec 2025)

The DQ file is Exhibit A in every negligent hiring claim. Every gap is a gift to plaintiff counsel.

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Florida Case Study #1

U-Turn Crash (Aug 2025)

THE FACTS

Driver executed an illegal U-turn at an 'Official Use Only' access point on Florida's Turnpike. A minivan traveling ~80 mph had no time to brake.

Singh: Indian national, entered the U.S. illegally in 2018. Issued a notice to appear in immigration court.

Failed the CDL written test in Washington state 10 times between March–April 2023. Eventually got a full-term CDL from WA due to staff training

Post-crash FMCSA ELP assessment: correct responses to 2 of 12 verbal questions. Correctly identified 1 of 4 highway traffic signs.

FMCSA launches investigation, focusing on driver qualification

OUTCOME

TBD. 3 killed. Driver criminally charged.

What was missing:

- Proper initial vetting
- ELP assessment
- MVR & license review

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Florida Case Study #2

Connor Dzion | 1st Billion dollar jury verdict

THE FACTS

Driver 1 (AJD Business Services, Inc.): distracted by cell phone and did NOT have a CDL. His truck flipped, blocking all highway lanes.

Driver 2 (Kahkashan Carrier, Inc., Canada): traveling at 70 mph on cruise control. Data recorder showed he did not attempt to brake until 1 second before impact. Not ELP proficient; couldn't read flashing road signs. Well over HOS limits.

AJD: an operator with no CDL was dispatched. No DQ file could have been complete — there was nothing to put in it. The absence of that credential was direct evidence of the carrier's indifference to safety.

Kahkashan: allowed unqualified operator to drive 15 hours straight. No proper vetting. Fed reptile theory.

OUTCOME

\$1B jury verdict

What was missing:

- Not checking compliance boxes
- No MVRs
- No ELP
- Improper licenses

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PART 2

Checking the Regulatory Boxes

49 CFR Part 391 — The minimum standard, not the goal.

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Minimum Qualification Standards

Carriers have an obligation to ensure drivers meet these minimum standards

Minimum Qualification

- 21 years old
- Read/speak English sufficient to read signs and converse with law enforcement
- Valid license
- By reason of training/experience, can safely operate a CMV

Physical Qualification

- Drivers must be medically certified by a DOT medical examiner at least once every 2 years
- Physical capability to perform job tasks (pre-trip, cargo securement, etc.)

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DQ File Requirements — Initial Onboarding

49 CFR Part 391 — What goes in the file at hire

<p>Driver Application</p> <p>Driver must complete and sign a DOT-compliant driver application.</p>	<p>§ 391.21</p>	Length of employment + 3 yrs
<p>Road Test Certificate</p> <p>Must pass a road test or provide CDL copy in lieu. Certificate or original CDL kept in file. Consider testing skills aligned to your fleet's loss trends (backing, lane changes, etc.)</p>	<p>§ 391.31(e)</p>	Length of employment + 3 yrs
<p>Previous Employer Inquiries</p> <p>Investigate employment with any DOT-regulated employer in preceding 3 years. Document all attempts and responses.</p>	<p>§ 391.23</p>	Length of employment + 3 yrs
<p>Initial Motor Vehicle Report</p> <p>Order MVR from every state where driver was licensed in past 3 years.</p>	<p>§ 391.23</p>	Length of employment + 3 yrs

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DQ File Requirements — Ongoing Updates

49 CFR Part 391 — Continuous compliance obligations

<p>License / CDL Copy</p> <p>Keep current license in file; update with every renewal.</p>	<p>§ 391.23</p>	Current version
<p>MVR (Periodic Update)</p> <p>Annual MVR required. CDL drivers: additional MVR upon new medical certification.</p>	<p>§ 391.25</p>	Current + last 3 years
<p>Medical Examiner's Certificate</p> <p>DOT physical required at least every 2 years. CDL drivers: MVR showing current medical cert.</p>	<p>§ 391.43</p>	Current + last 3 years
<p>National Registry Verification</p> <p>Verify medical examiner is listed on FMCSA National Registry at time of exam. Document verification.</p>	<p>§ 391.51</p>	Current + last 3 years
<p>Annual Review of Driving Record</p> <p>Review MVR annually to confirm driver still meets minimum qualification standards.</p>	<p>§ 391.25</p>	Current + last 3 years

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DQ File Requirements — Special Circumstances		
Required only when applicable to your operations		
 <p>LCV Training Certificate Required for drivers of longer combination vehicles.</p>	§ 380.401	Length + 3 yrs
 <p>Hazmat Training Certificate Required for drivers hauling hazardous materials. Periodic retraining required.</p>	§ 177	3 years
 <p>Drug Policy Receipt CDL driver must receive a copy of carrier's drug/alcohol testing policy and sign acknowledgment.</p>	§ 382.601	Length + 3 yrs
 <p>Pre-Employment Drug Screen Result Negative result required before CDL driver operates a CDL-sized vehicle.</p>	§ 382.301	1 year
 <p>Clearinghouse Consent / Query Pre-employment and annual queries required for CDL drivers. Keep query results and driver consent.</p>	§ 382.701	3 years

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PART 3

Beyond Box Checking

Building files that demonstrate genuine due diligence.

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Before the File

Who are you hiring?

Driver Demographics

- What % of drivers have < 2 years experience?
- How many hired in the last 12 months?
- Turnover rate vs. loss experience correlation?

The Reality

- Less experienced drivers may be all that's available
- Onboarding, training, and supervision must compensate
- Demographics shape exposure; the DQ file documents how you managed it

The risk profile starts before the file — in recruiting strategy.

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The Driver Application — More Than a Form

Reconciling and acting on what you learn

What to look for in applications

- Employment gaps — what happened during gaps?
- Unexplained short tenures at prior carriers
- Accidents, violations, or terminations disclosed?
- MVR inconsistencies
- Addresses/states that don't match license history
- Missing or incomplete sections

Best practice: Document your review

- Create a written review/interview memo
- Note every gap you asked about and the answer
- Record why you made the hiring decision
- Document any discrepancies found and resolved
- Get answers in writing when possible

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MVR/PSP Review — Reading Between the Lines

An MVR isn't just a compliance checkbox

What to actually look for

- License class & endorsements match operation
- Suspension or revocation history
- Pattern of speeding violations
- Recent moving violations — type, frequency
- Accident history — at-fault vs. not

Red flags to take seriously

- Multiple violations in prior 12 months
- Any DUJ/DWI or refusal to test
- Reckless driving conviction
- Distracted driving violations
- Disqualifying CDL offenses

Document your conclusions

- Written review notation in file
- Date reviewed, reviewer's name
- Decision: qualified, conditionally qualified, or disqualified
- If qualified despite flags — document why
- Annual review must be formal, not a glance
- Blank forms are not evidence of review

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Previous Employer Verifications

Key inquiries that are often missed

"We sent a fax and never heard back"

What the regulation requires (§ 391.23)

- Contact every DOT-regulated employer for past 3 years
- Ask specifically about employment history and accidents (& drug/alcohol history for non-CDL drivers; CDL handled through Clearinghouse)
- Document good faith attempts (at least 2 attempts)
- Keep all responses (even "no record" responses)
- Obtain signed release from driver

What best practice looks like

- Fax + email + phone follow-up, all documented
- Set a callback deadline — escalate if no response
- Ask specific safety questions, not just dates of employment
- Do not hire until inquiry complete (or document why)
- Use PSP report as a supplemental verification tool

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Road Tests & Continuous License Monitoring

The underutilized tools in your hiring arsenal

Road Tests — More Than a Checkbox

Make it substantive:
Test in the actual vehicle class the driver will operate. Test the route type (city, highway, backing).

Document thoroughly:
Use a detailed road test form noting specific skills observed, not just pass/fail.

Who conducts it matters:
Evaluator should be qualified — their credentials should be documented too.

CDL holders:
You may accept CDL in lieu of road test — but is it a good idea??

Continuous License Monitoring

Annual MVR pulls are the regulatory floor — not the gold standard.

Continuous monitoring services alert you within 24-48 hours of any license activity:

- Suspensions and revocations
- New violations added to record
- DUI/DWI arrests (state dependent)
- License class or endorsement changes
- Medical certificate expirations (CDL)

Best practice: Enroll every regulated driver in continuous monitoring on day one.

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PART 4

The Underwriting Perspective

How insurers review your hiring practices.

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How Underwriters View Your DQ Files

The file is both a compliance document and a risk signal

What underwriters look for at submission

- Minimum hiring age and experience standards
- **Ability to articulate your hiring process and demonstrate consistent application**
- Written MVR review process with documented outcomes
- Prior employer verification depth — not just attempts
- Pre-employment drug screen consistency
- Clearinghouse query rate (100% for CDL fleet?)
- Annual review completion rate across fleet
- Driver disqualification history — do they act on findings?

Common gaps that cost you at renewal

- MVR frequency below annual threshold
- Previous employer verification that's a single fax
- Medical certificates expired before renewal
- No written hiring criteria or scoring rubric
- No documented disqualification decisions
- Clearinghouse queries missing for any CDL driver
- Road test forms that are blank or unsigned

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"Knew or Should Have Known"

Negligent hiring explained

A carrier is exposed if it knew — or, through reasonable investigation, should have known — that a driver posed an unreasonable risk to others.

The DQ File as Exhibit A

In litigation, plaintiff counsel's first subpoena is your DQ files. Every missing document is evidence of what you didn't know — and should have.

Documentation = Due Diligence

If it isn't in the file, it didn't happen. Verbal conversations, informal checks, and 'we always do that' don't hold up in deposition.

The Underwriter's View

Insurers apply the same standard during submission review. Incomplete files signal exposure — and may affect coverage terms, limits, or premiums.

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Hot Topics in Driver Qualification

Issues reshaping how DQ compliance works right now

<h3 style="margin-top: 0;">Non-Domiciled CDLs</h3> <hr style="border: 0.5px solid #c00000;"/> <p>New FMCSA rules and federal/state legislation significantly limit pool of drivers eligible for non-domiciled CDLs. ~200,000 existing NDCDL holders at risk of losing them. Carriers need to be vigilant.</p>	<h3 style="margin-top: 0;">ELP Enforcement</h3> <hr style="border: 0.5px solid #c00000;"/> <p>Enhanced ELP enforcement is leading to thousands of OOS violations each month. Carriers must ensure all drivers are proficient in English before allowing them to operate.</p>
<h3 style="margin-top: 0;">Medical Certificate Timing</h3> <hr style="border: 0.5px solid #c00000;"/> <p>CDL driver med cert must be uploaded to CDLIS by the state — carriers must verify. Failure to track CDL-specific med cert requirements is a growing concern.</p>	<h3 style="margin-top: 0;">Drug & Alcohol Clearinghouse</h3> <hr style="border: 0.5px solid #c00000;"/> <p>Many carriers still do not use the Clearinghouse for CDL drivers, as required. This has become a top 5 violation discovered in DOT investigations.</p>

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Key Takeaways

What to do when you leave this webinar

<p>1 Audit your DQ files now — before an FMCSA auditor or plaintiff attorney does it for you.</p>	<p>4 Consider enrolling drivers in continuous license monitoring. Annual MVR pulls are the minimum, not the standard.</p>
<p>2 Application review must be documented. If you didn't write it down, it didn't happen.</p>	<p>5 Treat the annual review as a genuine qualification decision — not an administrative task.</p>
<p>3 Previous employer verification must go beyond a single contact attempt. Pursue, document, escalate.</p>	<p>6 Verify Clearinghouse queries are complete and consent forms are in the file for every CDL driver.</p>

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Questions?

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