

# FMCSA Notification of Driver Rights

In compliance with 49 CFR Part 40 §391.23 you have certain rights regarding the safety performance history information that will be provided to prospective employers.

## Your Right to Know:

- I) You have the right to review information provided by previous employers.
- II) You have the right to have errors in the information corrected by the previous employer and for that previous employer to re-send the corrected information to prospective employers.
- III) You have the right to have a rebuttal statement attached to the alleged erroneous information, if the previous employer and the driver cannot agree on the accuracy of the information.
- IV) Drivers who have previous DOT regulated employment history in the preceding three years and wish to review previous employer-provided investigative information must submit a written request to prospective employers. This may be done at any time, including when applying, or as late as 30 days after being employed or being notified of denial of employment. Prospective employers must provide this information to the applicant within five business days of receiving the written request. If prospective employers have not yet received the requested information from the previous employer, then the five-day deadline will begin when the requested safety performance history information is received by the prospective employer. If you have not arranged to pick up or receive the requested records within 30 days of prospective employer making them available, the prospective employer may consider you to have waived your request to review the record.

## Your Right to Dispute:

- I) Drivers wishing to request correction of erroneous information in records received from previous employers of this section just send the request for the correction to the previous employer that provided the records to the prospective employer.
- II) The previous employer must either correct and forward the corrected information to the prospective motor carrier employer or notify the driver within 15 days of receiving a driver's request to correct the data that it does not agree to correct the data. If the previous employer corrects and forwards the data as requested, that employer must also retain the corrected information as part of the driver's safety performance history record and provide it to subsequent prospective employers when requests for this information are received. If the previous employer corrects the data and forwards it to the prospective motor carrier employer, there is no need to notify the driver.
- III) Drivers wishing to rebut information in the records received from the previous employer must send the rebuttal to the previous employer requesting that it be included in the Driver's Safety performance history.
- IV) Driver may submit a rebuttal initially without a request for correction or after requesting correction.