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FREE COMPLIANCE TOOL

New Entrant Safety Audit Checklist

Get ready for your New Entrant Safety Audit. Use this checklist to make sure your records are in order before the auditor arrives. Every item lists the regulation that requires it.

New interstate motor carriers are monitored by FMCSA for 18 months (49 CFR 385.307). During that period FMCSA conducts a safety audit that reviews your safety management controls and a sample of your records, including driver qualification, hours of service, vehicle maintenance, the accident register, and drug and alcohol testing (49 CFR 385.311).

> **When:** Federal law calls for the safety audit within 12 months after a property carrier receives its USDOT number, and within 120 days for passenger carriers (Appendix A to Part 385, citing 49 U.S.C. 31144).
>
> **Automatic failure:** any one of 16 listed violations fails the audit (49 CFR 385.321). Those items are marked AUTOMATIC FAILURE below.
>
> **Failing on overall controls:** even with none of those 16 violations, a carrier fails if the auditor rates its basic safety management controls inadequate in at least three of six areas: general (insurance and registration), driver, operational (hours of service), vehicle, hazardous materials, and accident rate (Appendix A to Part 385).
>
> **If you fail:** FMCSA sends written notice, and you must correct the problems within 60 days, or 45 days for certain passenger and hazmat carriers, or your new entrant registration is revoked (49 CFR 385.319, 385.325).

Drug & Alcohol Testing (Part 382)

- [ ] AUTOMATIC FAILURE Your drug and alcohol testing program is in place from the day you start operating commercial motor vehicles.
  49 CFR 382.115
- [ ] AUTOMATIC FAILURE You are in a random drug and alcohol testing program, and drivers are selected and tested at FMCSA's required minimum annual rates.
  49 CFR 382.305

- [ ] Each driver has a negative pre-employment drug test result on file before first performing safety-sensitive work.
  49 CFR 382.301(a)
- [ ] A pre-employment Clearinghouse query was run on each driver before hire, and a query is run on every driver at least once a year.
  49 CFR 382.701(a) · 49 CFR 382.701(b)
- [ ] Each driver received your written drug and alcohol policy and educational materials.
  49 CFR 382.601
- [ ] AUTOMATIC FAILURE No driver who refused a required test, tested positive for drugs, or tested at 0.04 alcohol or higher is performing safety-sensitive work.
  49 CFR 382.211 · 49 CFR 382.215 · 49 CFR 382.201
- [ ] Testing records are kept for the required periods (for example, positive results and refusals for at least five years).
  49 CFR 382.401

Driver Qualification (DQ) Files (Part 391)

- [ ] A DQ file exists for every driver you employ.
  49 CFR 391.51(a)
- [ ] Completed employment application.
  49 CFR 391.21
- [ ] Motor vehicle record (MVR) from every state where the driver held a license in the past 3 years, requested within 30 days of hire.
  49 CFR 391.23(a)(1)
- [ ] Safety performance history from previous DOT-regulated employers in the past 3 years, requested within 30 days of hire.
  49 CFR 391.23
- [ ] Road test certificate, or an accepted equivalent.
  49 CFR 391.31 · 49 CFR 391.33
- [ ] AUTOMATIC FAILURE Current medical examiner's certificate (for CDL holders, the CDLIS driving record showing medical status), and drivers are physically qualified.
  49 CFR 391.43 · 49 CFR 391.51(b)(6) · 49 CFR 391.11(b)(4)
- [ ] Annual MVR from each licensing state, plus a note of your annual review of the driver's record.
  49 CFR 391.25
- [ ] AUTOMATIC FAILURE Every driver holds a valid CDL where one is required, and no driver is disqualified.
  49 CFR 383.23(a) · 49 CFR 383.51(a) · 49 CFR 391.15(a)

- [ ] DQ files are kept while the driver works for you and for 3 years after.
  49 CFR 391.51(c)

Hours of Service (Part 395)

- [ ] AUTOMATIC FAILURE Every driver makes a record of duty status (logs) unless an exception applies.
  49 CFR 395.8(a)
- [ ] Logs and supporting documents are kept for at least 6 months.
  49 CFR 395.8(k)(1)

Vehicle Inspection, Repair & Maintenance (Part 396)

- [ ] Maintenance records are kept for each vehicle you control for 30 consecutive days or more, and retained for 1 year (and 6 months after the vehicle leaves your control).
  49 CFR 396.3(b) · 49 CFR 396.3(c)
- [ ] AUTOMATIC FAILURE Every vehicle passed a periodic (annual) inspection within the past 12 months, and documentation is on the vehicle.
  49 CFR 396.17
- [ ] Periodic inspection reports are kept for 14 months.
  49 CFR 396.21(b)
- [ ] AUTOMATIC FAILURE Driver vehicle inspection reports (DVIRs) are completed, defects affecting safety are repaired before the vehicle runs again, and reports are kept for 3 months.
  49 CFR 396.11
- [ ] AUTOMATIC FAILURE No vehicle placed out of service is operated before repairs are made.
  49 CFR 396.9(c)(2)

Insurance / Financial Responsibility (Part 387)

- [ ] AUTOMATIC FAILURE Required minimum insurance is in effect before any vehicle operates.
  49 CFR 387.7(a) · 49 CFR 387.9
- [ ] AUTOMATIC FAILURE Passenger carriers: required passenger-carrier minimums are in effect.
  49 CFR 387.31(a)
- [ ] Proof of financial responsibility is kept at your principal place of business.
  49 CFR 387.7(d)

Accident Register (Part 390)

- [ ] An accident register is kept for 3 years after each accident, listing date, city and state, driver name, injuries, fatalities, and any hazmat release.
  49 CFR 390.15(b)(1)
- [ ] Copies of accident reports required by states, other agencies, or insurers are kept with the register.
  49 CFR 390.15(b)(2)

This checklist covers the main record areas named in 49 CFR 385.311 the automatic-failure list in 49 CFR 385.321, and the six-factor review in Appendix A to Part 385. It is a general guide, not legal advice, and is not a complete list of every regulation that may apply to your operation (for example, hazardous materials rules). Always check the current regulation text at ecfr.gov and FMCSA's New Entrant Safety Assurance Program page. Regulation text checked October 2026.

Need help getting ready?

National DOT Audit & Compliance can review your files against this checklist before your audit.

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