**§391.63 Multiple-employer drivers.**

## Guidance Q&A

***Question 3:*** Must a motor carrier that employs an intermittent, casual, or occasional driver to operate a CMV, as defined in §383.5, (1) require the driver to prepare and submit an employment application in accordance with §391.21 and (2) conduct the background investigation of the driver’s previous employers required by §391.23?

***Guidance:*** §391.63(a) (1)-(2) exempts from compliance with §§391.21 and 391.23 motor carriers that use intermittent, casual or occasional drivers to operate CMVs with a gross vehicle (or combination) weight rating (GVWR/GCWR) of 10,001 pounds or more. These exemptions also apply to carriers operating the heavier CMVs subject to parts 382 and 383.

However, the more limited driver information and motor carrier investigation required by parts 382 and 383 are not covered by §391.63. Therefore, a carrier using intermittent, casual or occasional drivers to operate CMVs with a GVWR/GCWR of 26,001 pounds or more need not require an employment application in accordance with §391.21, but the driver must furnish the information required by §383.35(c). The carrier may conduct a background investigation of the driver’s previous employers (§383.35(f)), and it must investigate his/her previous alcohol and controlled substance test results (§382.413).