



Motor Carrier

Background Screening
Best Practices for
Commercial Drivers



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Foreword

As a business operating under the Department of Transportation's (DOT) Federal Motor Carrier Safety Administration (FMCSA), there are certain background checks that are required by law. And there are additional checks that motor carriers may consider doing to help ensure that they recruit and retain the best possible employees.

A rigorous and consistent background screening program can help:

- Employers comply with regulatory requirements
- Provide protection from non-compliance penalties
- Reduce the risk of accidents
- Prevent theft and other criminal behaviors
- Provide protection from claims of negligent hiring and retention
- Improve the hiring process to quickly onboard qualified candidates

In this eBook, we review some of the basic FMCSA commercial driver screening requirements. We also provide an overview of HireRight's various transportation services that can help facilitate compliance with these DOT requirements, improve your time-to-hire turnaround, and lower your overall screening costs.



FMCSA Mandated Pre-Employment Background Checks

Prior to hiring a new driver, companies must do the following:

- ✓ Obtain the motor vehicle record (MVR) from each state that the candidate held a motor vehicle operator's license during the previous three years
- ✓ Investigate the driver's safety performance history for previous three years by inquiring about the following from each DOT regulated employer:
 - General driver identification and employment verification information
 - History of the driver's drug and alcohol testing results, including any violations
 - Details regarding any accidents, if applicable
- ✓ Query the FMCSA Commercial Driver's License Drug & Alcohol Clearinghouse
- ✓ Conduct a pre-employment drug test (a negative result is mandated for CDL drivers)
- ✓ Obtain an original or copy of the medical examiner's certificate and any medical variances

Now that we have reviewed the basic pre-employment guidelines, let's take a more in-depth look at each of the stated requirements.

The DOT requires that motor carriers and other covered companies maintain a driver qualification file for all employees who operate a commercial vehicle.

Requirement #1

Motor Vehicle Records (MVR)

(49 CFR §391.23 & §391.25)

The FMCSA requires employers to obtain and review a motor vehicle record from every state in which a driver has held a license or permit during the previous three years. In addition, at least once every 12 months, companies are required to obtain motor vehicle records from every state in which their drivers held a commercial license or permit during that time.

Employers must review the records of drivers they employ to determine whether their drivers meet the minimum requirements to be qualified to operate a commercial motor vehicle (49 CFR §391.15). Weighted considerations should be given to violations, such as speeding, reckless driving, and operating while under the influence of alcohol or drugs. These considerations should be documented in a policy and applied consistently to every driver.

Copies of MVRs must be added to the driver qualification file within 30 days of employment and must be kept for three years.

Do companies need to order annual MVRs for their drivers if they participate in Motor Vehicle Record monitoring programs?

The FMCSA has stated that an Employer Notification System (49 CFR § 391.25) that automatically sends updates to the requestor on driver's license status, crashes, and convictions satisfies the need for annual MVRs.

Driver monitoring may therefore replace the annual MVR requirement for many states, check with your background screening provider for further details.



HireRight **Driving Record Solutions** to Help you Fulfill Requirement #1

Motor Vehicle Records – HireRight offers a number of MVR options including a direct interface to all 50 states plus the District of Columbia, which allows us to securely capture the most current driver record data quickly and efficiently.

Immediate report turnaround times are available from 48 states based on service level, allowing you to make faster hiring decisions. Information includes the status of a candidate's driver's license, license type, endorsements, restrictions and suspensions. Accidents, violations, and driving related convictions are included when reportable and available from the state.

Additional Services to Consider:

Need help validating where your candidate held a CDL?

Commercial Driver's License Information System (CDLIS+)

Prior to requesting motor vehicle records, it is important to make sure that you are checking all states where a driver may have held a license. To help identify these states, we offer CDLIS+. This report verifies the current state and license number of a driver as well as any prior licenses held.

Want to receive accident or roadside inspection information?

FMCSA Pre-Employment Screening Program (PSP)

PSP records provide information on the most recent five years of DOT-recordable crash data and three years of roadside inspection information. Unlike MVRs which typically only include traffic-related convictions, PSP reports list all violations a driver has occurred in any state, even those that did not result in the issuance of a citation. Most data contained in the PSP report is not found in any other single source and may only be used for pre-employment screening purposes.

Requirement #2

Employment Verification

(49 CFR §391.23)

For candidates applying to operate a commercial motor vehicle, companies are required to verify the candidate's previous employment history for the past three years. This verification must be completed within 30 days of the driver's starting employment date.

Companies must ensure that employment verification efforts incorporate all the questions required by the DOT to satisfy Section 391.23 of the Federal Motor Carrier Safety Regulations. Under the regulations, the following information must be obtained:

- General Employment Information
- DOT Recordable Accident Details
 - Previous employers must either send a record of the accidents or confirm that there were no accidents or violations
 - Previous employers are free to give other accident data, but it is not a requirement

As part of the DOT Employment Verification process, employers must notify candidates that they have the right to review the information provided by their former employers. They may also dispute information they believe is inaccurate or submit a rebuttal to the information.

Documentation

Employment verifications must be documented and kept in the driver investigation file, including any good-faith efforts to contact a previous employer that was unsuccessful (notate actions and dates). Failure to comply with the employment verification requirements may result in a fine and/or civil liability.





HireRight Employment Verification Solutions to Help you Fulfill Requirement #2

Checking a driver's previous employment history can take a significant amount of time and effort. Previous employers may not be easy to get ahold of and may sometimes be reluctant to provide the detailed information required. HireRight can help obtain these verifications.

DAC Employment History File

HireRight's detailed driver work history database stores employment histories on terminated drivers for 2,500+ carriers and contains more than 6 million records. Records in the database may contain the period of service, equipment operated, loads hauled, driver status/experience, reason for leaving, rehire eligibility, number of accidents/details, and truck driving school performance.

- Instant access to driver work records
- Members earn credit for termination records contributed to the database
- Contains driver work records from many companies no longer in business

DOT Manual Employment Verification Services

In addition to the DAC Employment History File, HireRight can provide employment verifications through our team of skilled researchers knowledgeable about DOT regulations. Consistent research methodologies and processes are used to conduct thorough verifications.

- HireRight's platform provides status updates on progress of request(s)
- Helps speed up time to hire and reduces administrative costs
- Contacts attempts are thoroughly documented

Requirement #3

DOT Drug/Alcohol Verification

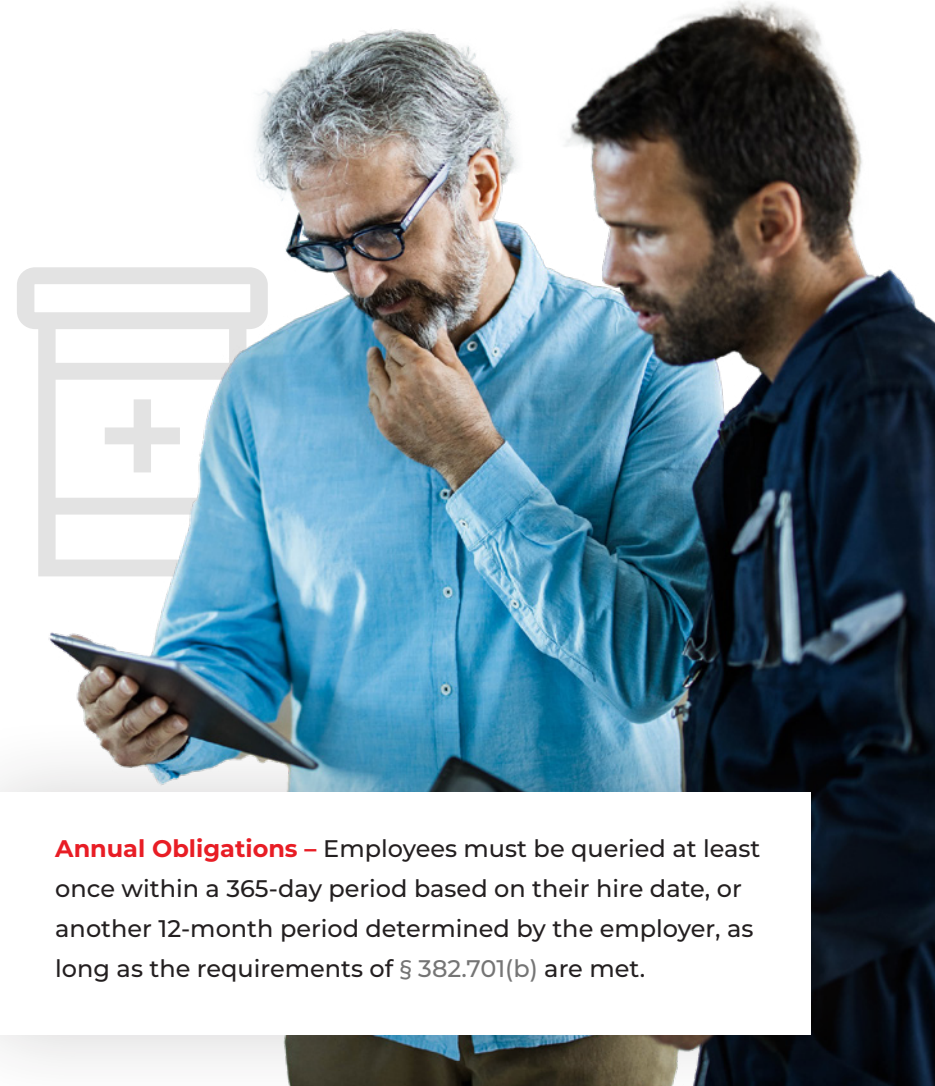
(49 CFR §382.701)

FMCSA Drug & Alcohol Clearinghouse

The Clearinghouse is a central repository for employers to query and determine if their prospective or current drivers have incurred any drug or alcohol program violations that would prohibit them from operating a commercial motor vehicle on public roads. The Clearinghouse contains records of violations pertaining to 49 CFR Part 382, Subpart B, including positive drug or alcohol test results, refusals to test, return-to-duty completion, and follow-up testing plans.

Employers of commercial drivers must use the Clearinghouse to:

- Conduct a full query as part of each pre-employment driver investigation process
- Conduct limited queries at least annually for every driver they employ
- Report drug and alcohol program violations (§ 382.705(b)(5))
- Record the negative return-to-duty (RTD) test results and the date of successful completion of a follow-up testing plan for any driver they employ with unresolved drug and alcohol program violations



Annual Obligations – Employees must be queried at least once within a 365-day period based on their hire date, or another 12-month period determined by the employer, as long as the requirements of § 382.701(b) are met.

Requirement #3

DOT Drug/Alcohol Verification

(continued)

Caveat to the Clearinghouse Rule

If a prospective driver worked for a company regulated by a DOT agency other than the FMCSA (such as the FRA, FTA or FAA) during the three-year timeframe, employers are required to manually request drug and alcohol violation information from those previous employers.

In order to obtain the information, companies must provide previous employers with a copy of the driver's written consent to release the information. If there is no violation information to report the previous employer is required to send a response confirming the non-existence of any such data.

The following information is required to complete a verification:

1. If the driver violated alcohol and controlled substance prohibitions under Subpart B of Part 382 of the FMCSA regulations or 49 CFR Part 40.
2. If the driver failed to undertake or complete a rehabilitation program prescribed by a substance abuse professional pursuant to 49 CFR §382.605 or 49 CFR Part 40, Subpart O.
3. Any testing violations for drivers who successfully completed a rehabilitation referral.





HireRight DOT Drug & Alcohol Verification Solutions to Help you Fulfill Requirement #3

FMCSA Drug and Alcohol Clearinghouse Queries

HireRight can conduct pre-employment and annual queries of the FMCSA Clearinghouse on your behalf for all drivers subject to drug and alcohol testing under 49 CFR Part 382.

- Pre-employment, full and limited queries available
- Saves time over manually querying the database for each driver
- Supports batch ordering for large volumes of annual driver queries

Limited Query

A limited query will show if a driver's Clearinghouse record has any information about resolved or unresolved drug and alcohol program violations. It will not release any specific violation information.

Full Query

A full query allows the employer to see detailed information about any drug and alcohol program violations in a driver's Clearinghouse record.

Manual DOT Drug & Alcohol Verifications

For employers with prospective drivers who worked for a company regulated by a DOT agency other than the FMCSA during the three-year timeframe, HireRight also offers manual drug and alcohol verifications through our team of skilled researchers who are knowledgeable about DOT regulations. The verification covers the candidate's drug/alcohol violation history including whether the driver violated the alcohol and controlled substances prohibitions. Positive test confirmation and SAP referral information is provided if applicable.

- Status updates provided on progress of requests
- Consistent research methodologies help obtain complete information
- Helps eliminate confusion over the types of questions to be answered

Requirement #4

Pre-Employment Drug Testing

(49 CFR 382.301)

All candidates who wish to drive a commercial motor vehicle for employment purposes (permanent or temporary assignments) must be given pre-employment drug tests. Prior to conducting the test, employers must provide the driver with educational materials explaining the Controlled Substances and Alcohol Use and Testing requirements and the employer's policy and procedures to meet the requirements (49 CFR §382.601). A driver-candidate may not be allowed to perform as a driver unless the employer has a verified negative controlled substances test result from a Medical Review Officer (MRO).

The only specimen types approved for pre-employment DOT drug tests are urine and oral fluid. The specimens are analyzed for the following five categories of drugs/metabolites:

- Marijuana metabolites/THC
- Opioids (Codeine, Morphine, 6-AM (heroin), Hydrocodone, Hydromorphone, Oxycodone, Oxymorphone)
- Phencyclidine (PCP)
- Cocaine
- Amphetamines (Amphetamine, Methamphetamine, MDMA, MDA)

Companies may test for additional controlled substances under their own authority provided that:

1. A separate specimen sample is collected under company authority.
2. Drivers are informed that testing for additional controlled substances is not required under the DOT regulations.
3. The non-DOT specimen is collected after the DOT specimen.

It is also important to establish the exact purpose of each testing process so that drivers are not confused or unclear about what is required of them by the DOT controlled substances testing regulations and procedures, versus additional requirements imposed by company's policy.

Written Policy & Supervisor Training Requirements

The FMCSA regulations require that companies develop a written policy on controlled substances use and alcohol misuse in the workplace and that the policy be provided to every driver.

49 CFR §382.601 identifies the required content of the materials to be made available to each driver and requires the employer to maintain a statement signed by each employee certifying receipt of the policy/educational materials.

Additionally, employers must provide training to all persons who supervise drivers subject to the regulations, in accordance with 49 CFR §382.603. The purpose of this training is to enable supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing described in 49 CFR §382.307. The training must include at least 60 minutes on alcohol misuse and 60 minutes on controlled substances use (120 minutes total).



Requirement #5

DOT Physical Examination & Medical Certification

(49 CFR §391.43)

Employers must obtain an original or copy of the medical examiner's certificate issued in accordance with 49 CFR §391.43 and any medical variance on which the certificate is based. Employers must also verify that the driver was certified by a medical examiner listed on the [National Registry of Certified Medical Examiners](#) and place the records in the driver qualification file before allowing the driver to operate a CMV. The physical qualification regulations for drivers in interstate commerce are outlined in 49 CFR §391.41.

The certificate is valid for two years; however, drivers with specific medical conditions may require more frequent certifications. A person's qualification to drive is determined by a medical examiner who is knowledgeable about the driver's functions and whether a particular condition would interfere with the driver's ability to operate a CMV safely.



Must a Driver Returning from an Illness or Injury Undergo a Medical Examination if Their Current Medical Certificate Has Not Expired?

The FMCSA does not require another examination unless the injury/illness impaired the driver's ability to perform their normal duties which would render the driver medically unqualified.

Source: www.fmcsa.dot.gov/medical/driver-medical-requirements/must-driver-who-returning-illness-or-injury-undergo-medical



Ongoing Drug/Alcohol Testing Requirements

Drivers must participate in a drug and alcohol testing program meeting FMCSA requirements that includes reasonable suspicion, post-accident, random, return-to-duty and follow-up drug and/or alcohol testing throughout employment. Companies may be required to report their participation in these programs to the DOT annually and maintain appropriate records in accordance with applicable regulations in the event of an audit. Employers who fail to meet these requirements or to produce records when asked (typically within 48 hours) by the DOT are generally considered non-compliant and may be subject to penalty fines or out-of-service orders.

Post-Accident Testing

Employers are required to test their drivers for alcohol and controlled substances as soon as practicable following an accident (49 CFR §382.303). Alcohol tests should be administered within two hours and no later than eight hours following the accident and controlled substance tests should be administered within 32 hours.

Random

CDL drivers must be randomly tested throughout the year (49 CFR §382.305). A drug test must be administered each time the employee's name is selected from the pool. Alcohol testing, however, may only be conducted just before, during, or just after the performance of safety-sensitive functions.

Reasonable Suspicion

Drivers who appear to be under the influence of drugs or alcohol can be immediately tested (49 CFR §382.307). Supervisors will need to be trained on how to detect the symptoms of driver impairment (49 CFR §382.603).

Return-to-Duty and Follow-Up

An individual who tested positive, refused to test or otherwise violated the prohibitions of 49 CFR Part 382 Subpart B must be immediately removed from performing safety-sensitive functions until successful completion of the return-to-duty process (49 CFR §382.309) with a DOT-qualified substance abuse professional. Return-to-duty testing is directly observed, and a negative result is required before resuming driving duties. This testing is prescribed by the substance abuse professional for a minimum of six directly observed tests in 12 months but can be extended an additional four years.



HireRight DOT Drug & Alcohol Testing & Physical Exam Services

HireRight offers a wide range of drug testing and occupational health services to help employers meet their Department of Transportation compliance requirements. We've simplified the ordering process for you by providing convenient electronic scheduling, affordable prices, numerous testing/exam options and consistent quality results.

- Expansive network of clinic locations and collection sites – 26,000+
- Candidates/employees can select their own preferred testing locations
- Schedule multiple health and testing services in one convenient order
- Certified Medical Review Officers verify drug testing report results
- In-house Medical Team available to review physical exam results
- Dedicated drug and health customer service team
- Real-time visibility and reporting throughout testing process





Service Offered:

Urine Testing - Testing is conducted for the presence of illicit substances using Federal Custody and Control Forms (CCF).

Alcohol Testing - HireRight offers breath, saliva, and blood alcohol testing options for DOT random, reasonable suspicion, post-accident and follow-up testing. In the event of an accident, HireRight offers 24/365 support assistance and can help you set up an alcohol testing appointment or dispatch a mobile testing unit as practicable.

DOT Physical Exams - Exam services are available for drivers through an extensive, nationwide network of medical clinics with qualified examiners listed in the FMCSA National Registry of Certified Medical Examiner database. The exam can be ordered and managed online with real-time tracking of event statuses and results. A full report including exam details is provided along with an image of the original exam report.

Oral Fluid Testing - Oral fluid has recently been approved for federally mandated drug testing; it is simple and economical to use. Multiple testing panel options are available including tests for prescription drugs.

Hair Testing - Hair testing is the only drug testing method able to detect patterns of repetitive drug use up to 90 days. A small sample of hair is collected under direct supervision either onsite or at a designated collection facility. Five panel tests (including synthetic opiate detection) check for the most commonly abused drugs.

Random Program Management - HireRight can help facilitate employers' compliance with their federally mandated random testing requirements. Multiple random pool options are available and HireRight will work with you to set up the annual testing percentages and frequencies that you identify for random draws. Employers can view real-time testing results, access historical draw and roster details, and generate statistical reports for preparation of annual DOT MIS reports.

Post-Accident & Reasonable Suspicion - Emergency post-accident alcohol and drug testing services are available 24 hours a day, 365 days a year by simply calling the designated toll-free number. Staff is on-hand to immediately answer questions, help document incidents, and schedule services at a testing facility or dispatch an on-site mobile collector as practicable. Thorough documentation is provided for your company records.



With the Basics Covered – Which **Other Services** Might Prove Valuable?

Many employers choose to conduct more comprehensive pre-and post-employment checks than what the FMCSA requires. These additional checks, which often can be done for minimal cost, can prove to be invaluable.

Driver Record Monitoring

While annual MVR reviews help you meet regulatory requirements, they only capture a snapshot in time of a driver's performance. Ongoing monitoring provides employers with actionable information to get ahead of issues before they become problems.

Finding the best driver record monitoring solution takes considerable time and effort. That's why HireRight has partnered with industry-leading service providers who offer budget-friendly solutions. Driver records are continuously monitored, and alerts are provided when changes occur such as license suspensions, downgrades/revocations, moving violations, accidents, DUI/DWI convictions, and invalid licenses.

Electronic Driver Qualification File (DQF) Management

HireRight has teamed up with leading DQF workforce management solution partners to offer integrated DQF management solutions. The system monitors your driver files to identify missing, expiring, or incomplete documents. Color-coded dashboards and graphs provide a 360-degree view of your total compliance status with drill-down and extensive reporting capabilities.

Identity Services (Form I-9 & E-Verify)

All employers in the United States must ensure their employees meet U.S. Citizenship and Immigration Services' (USCIS) employment eligibility requirements. This includes completing all Form I-9 requirements to verify the identity and employment authorization of each new employee in accordance with Federal Form I-9 requirements. Our electronic Form I-9 and E-Verify solution provides you with advanced technology and tools to help you manage your Form I-9 and E-Verify workflows effectively and help you to comply with U.S. employment eligibility requirements.

Criminal Background Services

Criminal background searches are invaluable when making hiring decisions. Employers who consistently screen candidates for a history of criminal activity are better shielded from accusations of negligent hiring or retention. A thorough, comprehensive screening program helps to demonstrate due diligence and may help prevent a number of potential problems.

Have You Considered Staged Ordering for a Greater Return on Your Screening Investment?

A phased or staged screening program may be able to help improve turnaround time, maximize your return-on-investment and maintain your regulatory compliance. This enables companies to eliminate unqualified candidates at each stage and focus their screening resources on the most qualified candidates for employment.

While the following offers examples only, employers can work with their legal counsel and their screening provider to create screening packages based upon individual company needs and specific job category requirements.



Phase One:
Candidate Pre-Screening



Phase Two:
Core Screening



Phase Three:
Conditional Screening



Phase Four:
Ongoing Employee Screening

Some examples of products that may be included in each phase for motor carriers seen below.



Phase One: Candidate Pre-Screening

Initial screens are conducted to remove those candidates who do not meet a company's minimum hiring criteria (which may include regulatory requirements) from consideration and to determine whether to move the candidate to the next stage of the screening process.

- Motor Vehicle Record
- DAC Employment History File Search
- Commercial Drivers' License Information System Plus (CDLIS+)
- Social Security Number (SSN) Verification



Phase Two: Core Screening

Once it has been determined that the candidate meets the basic qualifications, more extensive screening can be done to help ensure the most qualified candidate is selected.

- Manual Employment Verification (if records are not found in DAC File Search)
- FMCSA Drug & Alcohol Clearinghouse – Pre-Employment Query
- * Manual Drug & Alcohol History Verification
- Pre-Employment Screening Program (PSP)
- Criminal Package (in accordance with any applicable federal, state, or jurisdictional restrictions)

* Manual drug/alcohol history verifications may be needed to help bridge the gap for candidates previously employed by companies that were not regulated by FMCSA. The Clearinghouse only contains drug/alcohol violation information for FMCSA-regulated companies.



Phase Three: Conditional Screening

The final step in pre-employment screening once it has been determined that the candidate meets the basic qualifications and is qualified for the position. This may include pre-employment drug testing and health screenings regulated companies are required to conduct for certain positions (such as drivers).

- Pre-Employment Drug Test
- DOT Physical Exam



Phase Four: Ongoing Employee Screening

Regulations require certain screens to be performed periodically after an applicant is hired. In addition, it's important to continue to screen employees to ensure they still conform to the organization's employment standards.

- Annual MVR Review
- FMCSA Drug & Alcohol Clearinghouse – Annual Employee Query (when applicable)
- Random Selection Drug and Alcohol Testing
- Post-Accident and Alcohol Testing
- Reasonable Suspicion Drug and Alcohol Testing
- DOT Physical Exams, (when applicable) valid for up to 24 months
- Monthly Driver Record Monitoring

Why Choose HireRight for Your Driver Background Screening Services?

HireRight provides comprehensive background and drug screening services to help motor carriers meet and exceed their required DOT pre-and-post hire driver screening requirements. With **fast report turnaround times, affordable pricing, and personalized support**, we can help you hire drivers quickly and efficiently. Our system seamlessly integrates with leading applicant tracking and driver qualification file systems for easy ordering and file management.

Scalable Solutions

Transportation companies vary in size and needs, so HireRight offers a variety of solutions – from simple self-service packages that get you up and running quickly to highly scalable solutions for even the largest organization.

Cost Savings

We can help you select the right screening products for the various stages of your hiring process, saving you time and money while helping ensure compliance at every step.

Fast Turnaround Times

Our express products (MVR Express, DAC Employment History File, CDLIS+ and PSP) deliver instant results to help you determine if your candidates meet your hiring criteria.

Simplified Ordering Process

With one single order, HireRight can provide motor vehicle records and/or pre-employment screening program (PSP) reports based on state licensing information returned by the Commercial Driver's License Information System (CDLIS).

Increased Efficiencies with ATS Integrations

HireRight's signature platform is integrated with most leading applicant tracking systems (ATS) enabling you to hire faster, better and easier.

Consolidated Billing

Drug testing and background screening results can be consolidated into one easy-to-read report. Consolidation provides a reduction in paperwork and actions required by your accounting team.

In-house Transportation Industry Expertise

Our customer service team, product managers and support staff have extensive expertise with the various industry regulations and the products available to help support your screening program.

Easy Implementation

Clients often assume that such sophisticated solutions must require a lengthy implementation process. HireRight can analyze your needs, train staff, and have organizations ready in less time than you'd think – with little to no impact on your IT team.

Fostering a Safer Work Environment

The regulatory requirements and unique liabilities facing motor carriers poses significant challenges. Following industry standard best practices for both pre-employment and ongoing screening helps ensure that the best qualified candidates are hired, and a safer work environment is attained—thereby helping to reduce liabilities and risks.

As a reminder, when pre-employment screening is conducted by ordering a background report from a background screening company (such as HireRight), consumers are afforded the rights and protections of the Fair Credit Reporting Act (FCRA) and similar state laws. Employers must also comply with the FCRA and similar state laws. Employers should discuss their compliance obligations under the FMCSA, FCRA, and all other relevant laws and regulations with their legal counsel. HireRight assumes no obligation to notify customers of proposed or enacted updates to these laws or regulations.

Armed with this information, you can have greater confidence about your hiring decisions and regulatory compliance.



About HireRight

HireRight is a leading global provider of technology-driven workforce risk management and compliance solutions. We provide comprehensive background screening, verification, identification, monitoring, and drug and health screening services for approximately 38,000 customers across the globe. We offer our services via a unified global software and data platform that tightly integrates into our customers' human capital management systems enabling highly effective and efficient workflows for workforce hiring, onboarding, and monitoring.

For more information, visit: www.HireRight.com.

HireRight Legal Notice:

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CONTACT US

North America

Tel: **800.400.2761** U.S. and Canada

Tel: **+1 949.428.5800** Worldwide

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www.hireright.com/transportation/solutions

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