

## FMCSA Avoids Credit Agency Requirements

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Trucking companies have been concerned that every time they do a driver safety check, they need to comply with the onerous Fair Credit Reporting Act (FCRA) and its regulations, such as authorization, disclosure, pre-action notice and action notice. A minor misstep can cause a major headache.

Now, trucking companies can continue to do driver safety checks without having to worry about these onerous federal regulations, according to a recent court case.

In the recent *Mowrer v. U.S. Department of Transportation* case, the U.S. Court of Appeals for the District of Columbia ruled that the Federal Motor Carrier Safety Administration (FMCSA) does not act as a consumer reporting agency when it distributes safety records of commercial truck drivers to employers as required by the Safe, Accountable, Flexible, Efficient (SAFE) Transportation Act.

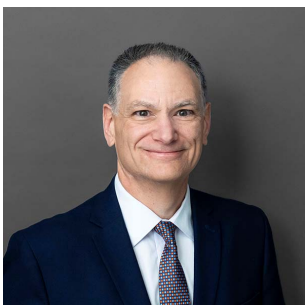
The court relieved the motor carrier agency from the burden of complying with numerous FCRA requirements on the basis that the drivers' safety records were being distributed for safety and enforcement reasons, and not for the purpose of furnishing the records to prospective employers.

At the critical intersection between these two significant federal laws, the appeals court's decision is an important one for the transportation agency, because it relieves the FMCSA of some of the significant burden of FCRA compliance, while still requiring driver's consent, access limited to the prospective employer and a procedure for drivers to correct inaccurate information.

If you have any questions about this case or its implications, please contact [Mike Crocenzi](#).

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