

Commercial Driver's License – Department of Transportation Drug & Alcohol Testing Requirements

Generally, all Commercial Driver's License (CDL) drivers who operate commercial motor vehicles (CMVs) subject to the CDL requirements on public roads in the U.S. are performing safety sensitive functions. As a result, these drivers are subject to Department of Transportation (DOT) drug and alcohol testing. This includes all full-time, part-time, intermittent, backup, owner-operators, and international drivers. Drivers who only operate CMVs on private property not open to the public do not require testing.

CDL drivers are subject to each of the following types of tests:

Pre-Employment: A new driver must pass a drug test before an employer can permit them to operate a CMV on a public road. Alcohol testing is permitted only if it applies to all CDL drivers. If a driver is removed from a random testing pool for more than 30 days, they must again be pre-employment tested.

Type of Accident Involved	Citation Issued to the CMV Driver	Test Must Be Performed by Employer
Human Fatality	Yes	Yes
Human Fatality	No	Yes
Bodily Injury With Immediate Medical Treatment Away From the Scene	Yes	Yes
Bodily Injury With Immediate Medical Treatment Away From the Scene	No	No
Disabling Damage to Any Motor Vehicle Requiring Tow Away	Yes	Yes
Disabling Damage to Any Motor Vehicle Requiring Tow Away	No	No

Post-Accident: The chart below summarizes the requirements for post-accident drug and alcohol testing for CDL drivers. The alcohol test must occur within eight hours of the accident, and the drug test must occur within 32 hours of the accident.

Random Testing: CDL drivers are subject to unannounced random testing. A driver may be directed to take a drug test even when at home in an off-duty status. Random alcohol testing may only occur when the driver is on duty or immediately before or after a shift. Drivers must immediately report to the testing location once they are notified that they have been selected for random testing. Delaying arrival may be considered a refusal, which is equivalent to testing positive. Owner-operators are required to belong to a consortium or third-party administrator to ensure compliance with random testing requirements.



Reasonable Suspicion: DOT-trained supervisors can direct drivers to be drug or alcohol tested whenever drivers exhibit signs of drug or alcohol abuse. The decision must be based on observations concerning the appearance, behavior, speech, or body odors of the driver.

Return-to-Duty: Return-to-duty tests are required when an employer wants to permit the employee to return to work in a safety sensitive function and the employee has completed the return-to-duty process. This test is directly observed and replaces pre-employment tests for positive tested and refusal drivers.

Follow-Up: Follow-up drug and alcohol tests are required as prescribed by the Substance Abuse Professional (SAP) who signs the return-to-duty report. These tests consist of a minimum of six unannounced, directly observed tests conducted during the first 12 months following the return-to-duty test. The SAP can prescribe follow-up testing for a maximum of five years for drivers who have tested positive or refused to test. Follow-up testing is in addition to any selections for random testing.

Testing Procedures

Along with alcohol, the regulations require 5-panel testing, which includes testing for the following five classes of substances: marijuana, cocaine, opiates (opium and codeine derivatives), amphetamines and methamphetamines, and phencyclidine (PCP).

A CDL driver must report to the collection site immediately after receiving notification that they have been selected for testing. DOT drug testing only recognizes urinalysis as a valid means for drug testing. If problems are identified, drivers may be required to retest under direct observation. A driver is only permitted three hours to produce a urine specimen. Leaving the collection site before the process has been completed may be declared a refusal.

Once tested, the laboratory will report the analysis to a Medical Review Officer. If the analysis indicates a positive result, the Medical Review Officer will contact the driver to determine whether there are circumstances that would explain the positive result. If there are none, the Medical Review Officer will report a positive result to the employer.

Consequences

A positive test result or a refusal requires the driver to be immediately removed from operating any CMV on public roadways. The employer must provide the driver with a list of acceptable SAPs from which to choose to begin the return-to-duty process. This process must be completed before a positive or refusal driver can legally return to driving CMVs for any employer, including himself.

The impact of testing positive or refusing to test can be devastating for a driver and their family. It often results in extended periods of unemployment, due to the time necessary to complete the return-to-duty process with a qualified SAP and the tendency of employers not to hire drivers with drug or alcohol histories.

Even after completing the return-to-duty process and finding employment, the additional return-to-duty and follow-up testing often adds increased stress and financial strain on the driver.

Additional information and resources on this topic are available at:

<http://www.fmcsa.dot.gov/regulations/drug-alcohol-testing-program>

IMPORTANT NOTICE - The information and suggestions presented by Western National Insurance Company in this Technical Bulletin are for your consideration in your loss prevention efforts. They are not intended to be complete or definitive in identifying all hazards associated with your business, preventing workplace accidents, or complying with any safety related, or other, laws or regulations. You are encouraged to alter them to fit the specific hazards of your business and to have your legal counsel review all of your plans and company policies.