



WHO DO I TEST? Best Practices What Employers Need to Know

When are tests administered?

DOT drug and alcohol tests include:

- **Pre-Employment** – An employer must receive a negative drug test result before permitting a CDL driver to operate a CMV (§382.301).
- **Post-Accident** – Drug and alcohol tests may be required after crashes according to the following chart (§382.303).

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

- **Random** – CDL drivers must be randomly tested throughout the year (§382.305); an employer who employs only himself/herself as a driver, who is not leased to a motor carrier, shall implement a random testing program of two or more covered employees in the random testing selection pool as a member of a consortium (see §382.305 interpretation 11).
- **Reasonable Suspicion** – Drivers who appear to be under the influence of drugs or alcohol can be immediately test (§382.307). You need to train CDL driver supervisors to detect the symptoms of driver impairment (§382.303).
- **Return-to-duty** – Required for drivers who tested positive, refused, or otherwise violated the prohibitions of 49 CFR Par 382 Subpart B; and who have completed the return-to-duty process with a DOT-qualified substance abuse professional. This test is directly observed, and a negative result is required before resuming driving duties (§382.309 and §40.305).
- **Follow-up** – Required for drivers who tested positive, refused, or otherwise violated the prohibitions of 49 CFR Part 382 Subpart B; and who have completed the return-to-duty process with a DOT-qualified substance abuse professional, and have tested negative for a return-to-duty test. This testing is prescribed by the substance abuse professional for a minimum of 6 directly observed tests in 12 months, but can be extended an additional four years (§382.311 and §40.307).

Information provided by Federal Motor Carrier Safety Administration (FMCSA) – <https://www.fmcsa.dot.gov/>.

