

## Commercial Drivers Drug and Alcohol Testing – Part One

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The Federal Motor Carrier Safety Administration (FMCSA) oversees an extensive testing and education program to help employers protect the public against drivers who use controlled substances and/or alcoholic beverages during their work. We will discuss the program in two parts. This part will focus on the actual regulations and who is subject to the program. Part two will discuss compliance and consequences of non-compliance.

Nationally, drivers must comply with the following:

- .04 is the maximum blood alcohol level for persons operating a commercial motor vehicle.
- The driver cannot possess any non-manifested (listed) drugs or alcohol in his vehicle.
- No on-duty use of drugs or alcohol permitted, including avoidance of use within four hours before operation or eight hours following an automobile accident.
- Cannot refuse either a random or post-accident drug or alcohol test.

**Commercial Motor Vehicle Definition** - Under the rules, a commercial motor vehicle is one that has a gross combined weight (GCW) of more than 26,000 lbs.; that is made to carry 16 or more passengers (including driver); or that is used to transport hazardous material.

**Persons Subject to Testing** - Any person who operates a commercial motor vehicle must follow regulations. Affected persons include, full-time, regularly employed drivers (included self-employed operators); casual, intermittent or occasional drivers; leased drivers and independent owner operator contractors who are either directly employed by or under lease to an employer who operates a commercial motor vehicle at the direction of or with the consent of an employer. It's important that businesses be aware that any person who operates a commercial motor vehicle must comply with the program, regardless whether the person has a commercial driver's license. Further, drivers for civic organizations and churches are also subject to the program.

The regulations apply during any time that a driver is performing a safety function. Safety functions include a wide variety of tasks such as:

- While waiting to be dispatched
- During equipment inspection
- Anytime at a vehicle's controls
- During a vehicle's loading/unloading
- During a vehicle's repair

Compliance with the program involves testing for alcohol use as well as for use of marijuana, cocaine, amphetamines, PCP and opiates. Drivers are required to tell their employers when they are using any therapeutic or prescription drugs. Testing must be performed prior to offering employment, within a certain time after an accident, and at random times. If justified, testing can be ordered for a driver. However, that can only take place if a trained person has a reasonable suspicion that the driver is affected by drugs or alcohol. Further, testing is required of employees who are returning to the job after they have been relieved of duty due to a previous, positive test.

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