

DOT-CDL Post-Accident Testing

Summary of Requirements - 49 CFR Part 382.303

When must the employer conduct a post-accident drug test?

The FMCSA requires the employer to test as soon as practicable following an accident involving a commercial motor vehicle on a public road in commerce, each of its surviving drivers

- Who was performing safety sensitive functions if the accident involved the loss of human life (**fatality**); or
- Who receives a **citation** within **32 hours** of the accident under State or local law for a moving violation arising from an accident, if the accident involved **either**:
 - injury of any person requiring **medical treatment away from the accident scene**, or
 - a **vehicle has to be towed** from the accident scene

The following chart may be used to help determine if a DOT test needs to be done:

Type of accident involved	Citation issued to the CMV driver	Test must be performed by employer
i. Human fatality	YES	YES
	NO	YES
ii. Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
iii. Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

IMPORTANT: FMCSA/DOT **DOES NOT** authorize or allow a post-accident test to be conducted under their authority for any other reason. Any other testing an employer would conduct would have to fall under their company/corporation policy apart from the DOT accident.

REMINDERS:

- Only select DOT for test type in the eScheduling process if the accident meets the DOT definition for an accident. If using a site that requires employees to take a CCF/kit in with them, ensure you select the correct testing kit type.
- **“Form E”** (found in this Section 2 of your notebook) should be completed to document the following rule requirements.
 - If a required alcohol test could not be completed within 2 hours, prepare and maintain on file a record stating the reason a test was not promptly administered.
 - If a required alcohol test could not be completed within 8 hours, cease attempts to administer the test and prepare and maintain the same record described above.

- If a required drug test could not be completed within 32 hours, prepare and maintain on file a record stating the reason a test was not promptly administered.
- Employers may be required to submit post-accident records to FMCSA if requested.
- Drivers must remain readily available for testing until it is concluded whether testing will be required. This shall not be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident to obtain assistance in responding to the accident or to obtain emergency medical care.
- Employers are required to provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating a CMV.

Use of Law Enforcement Post-Accident Testing:

In lieu of administering a post-accident test, employers may substitute a test administered by on-site police or public safety officials under separate authority. The employer is allowed to substitute a *blood or breath* alcohol test and a urine drug test performed by such local officials, using procedures required by their jurisdictions. This may be particularly useful if that test can be administered before the employer can get to the scene. The employer must obtain a copy of the test results.

What should you do if you aren't sure if the accident is a DOT accident?

- Review the rules under 49 CFR Part 382.303
- Check your policy for guidance on administering a non-DOT test for accident situations.
- **Call Midwest Toxicology** for assistance – use emergency numbers if this occurs outside of regular business hour