

Post-Accident Drug and Alcohol Testing Requirements

Part 382.303

Type of Accident	Was a citation issued to the CMV Driver?	Must a test be performed on the CMV driver?
Human Fatality	Yes No →	Yes Yes
Bodily injury with immediate medical treatment away from the scene of the accident	Yes No →	Yes No
Disabling damage to <u>any</u> motor vehicle requiring a tow away	Yes No →	Yes No

Controlled Substances Test – Controlled substance tests must be administered within 32 hours following an accident. If a test required by this section is not administered within 32 hours following the accident, the employer shall cease attempts to administer a controlled substances test, and prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FMCSA upon request.

Alcohol Tests – Alcohol tests must be administered within 2 hours following an accident. If a required alcohol test is not administered within 2 hours following the accident, the employer shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a required alcohol test is not administered within 8 hours following the accident, the employer shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.