

PART 382

Controlled Substances and Alcohol Use and Testing

Applicability (382.103)

Drivers required to have a commercial drivers license (CDL), who operate a CMV as defined in Part 382 are subject to the controlled substance and alcohol testing rules. This requirement extends to those drivers currently covered by the rule, including interstate and intrastate truck and motor coach operations. This includes commercial motor vehicles operated by:

- For-hire and private companies
- Federal, State, local, and tribal governments
- Church and civic organizations
- Apiarian (bee) industries

Exemptions (382.103)

- Drivers who are required to comply with the Federal Transit Administration's (FTA) alcohol and controlled substance testing (49 CFR Parts 653 and 654)
- Drivers exempt from commercial driver's license requirements by their issuing State
- Active duty military personnel

Definitions (382.107)

Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in interstate, intrastate, or foreign commerce to transport passengers or property if the vehicle:

- Has a gross combination weight rating of 26,001 pounds or more (11,794 kilograms or more) inclusive of a towed unit(s) with a gross vehicle weight rating of more than 10,000 pounds (4,536 kilograms); or
- Has a gross vehicle weight rating of 26,001 pounds or more (11,794 kilograms or more); or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of hazardous materials requiring placarding.

Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work.

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

■ Types of Controlled Substances and Alcohol Tests (Part 382, Subpart C-Tests Required)

Pre-Employment (382.301 – Controlled Substances Only)

No employer shall allow a driver to perform a safety-sensitive function until they have received the negative controlled substance test result.

Post-Accident (382.303)

As soon as practicable following an accident involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for alcohol (within 8 hours) and controlled substances (within 32 hours) for each of its surviving drivers:

- Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
- Who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

