CHECKLIST | FMCSA Drug and Alcohol Testing Compliance for Drivers and Motor Carriers

Provided by ToughComp a Trucordia Company

Date: **Review conducted by:**

To promote safety and protect the public, commercial motor vehicle (CMV) drivers and motor carriers must comply with the Federal Motor Carrier Safety Administration (FMCSA) drug and alcohol testing requirements. These rules apply to all drivers who are subject to commercial driver's license (CDL) standards, including full-time, part-time, intermittent, seasonal and owner-operator drivers.

This checklist is designed to help motor carriers and drivers verify compliance with FMCSA drug and alcohol testing requirements, identify and correct potential gaps, and minimize the risk of violations. Regular use fosters safer operations, promotes regulatory accountability and cultivates a strong safety culture across all transportation activities.

DRUG AND ALCOHOL PROGRAM	YES	NO	N/A
Is a Department of Transportation (DOT) drug and alcohol testing written program implemented?	☐	☐	☐
Are drivers provided with educational materials concerning drug and alcohol testing requirements and the required content under 49 CFR § 382.601?	☐	☐	☐
Have all CDL drivers signed a statement certifying receipt of the educational materials and required information as outlined in 49 CFR § 382.601?	☐	☐	☐
Are drivers aware of the policies and procedures on the misuse of drugs and alcohol? *Every motor carrier must provide each of its employees with educational materials that explain the regulations governing drug and alcohol use and testing.*	☐	☐	☐
Are the employees who perform DOT safety-sensitive functions provided with materials that explain the DOT requirements?	☐	☐	☐
Are all tests conducted by certified testing facilities?	☐	☐	☐
If a consortium/third-party administrator (C/TPA) is used to manage the drug and alcohol testing program, has the C/TPA been designated in the FMCSA Drug and Alcohol Clearinghouse?	☐	☐	☐
Is there a reasonable suspicion program in place to conduct alcohol and drug tests when reasonable suspicion exists that a driver has violated the prohibitions concerning drugs and/or alcohol?	☐	☐	☐
Does a trained employer official determine whether reasonable suspicion exists based on specific, contemporaneous and articulable observations of the appearance, behavior, speech and body odors of the driver?	☐	☐	☐
Is a driver removed from safety-sensitive functions if they refuse to take a drug or alcohol test, as it is considered the same as failing a drug or alcohol test?	☐	☐	☐

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Are the proper forms (DOT testing forms) being used? *Supervisors must know the difference between DOT and non-DOT drug testing forms.*	☐	☐	☐
Have all persons designated to supervise drivers who perform safety-sensitive functions completed the required drug and alcohol awareness training under 49 CFR § 382.603?	☐	☐	☐
Has each designated supervisor received a total of at least 120 minutes of training—consisting of a minimum of 60 minutes on alcohol misuse and 60 minutes on controlled substances use?	☐	☐	☐
Does the supervisor training include the physical, behavioral, speech and performance indicators of probable alcohol misuse and controlled substances use?	☐	☐	☐
Is there a Designated Employee Representative who handles the drug and alcohol program functions?	☐	☐	☐

PREEMPLOYMENT PROCEDURES	YES	NO	N/A
Is preemployment testing received prior to allowing the driver to operate a CMV?	☐	☐	☐

RANDOM TESTING PROCEDURES	YES	NO	N/A
Are drivers tested randomly according to the minimum annual percentage rate determined by the FMCSA per calendar year?	☐	☐	☐
Are random alcohol tests performed prior to, during or immediately after a driver has performed a safety-sensitive function?	☐	☐	☐
Are all drivers included in the random selections so they have an equal chance of being selected?	☐	☐	☐

POST-ACCIDENT TESTING PROCEDURES	YES	NO	N/A

After a reportable accident, are drivers tested for alcohol and controlled substances within the required FMCSA time frames, and is documentation maintained if testing is not completed as required?
Clarification Notes (for training or reference section):
• ***Fatal accidents:***
  ○ *Alcohol and drug testing are always required, regardless of whether the driver is cited;*
• ***Nonfatal accidents:*** *Testing is required only if the driver receives a citation for a moving traffic violation and:*
  ○ *The accident involved bodily injury requiring immediate medical treatment away from the scene; or*
	☐	☐	☐

○ *The accident involved disabling damage requiring a vehicle to be towed;* • ***Time frames:*** ○ ***Alcohol test:*** *within eight hours of the occurrence; and* ○ ***Controlled substances test:*** *within 32 hours of the occurrence; and* • *If testing cannot be completed within these time limits, the reason for the delay or omission must be documented.*			

RETURN-TO-DUTY AND FOLLOW-UP PROCEDURES	YES	NO	N/A
To return to duty, has the driver done the following: • Been evaluated by a substance abuse professional; • Participated in/completed the treatment program prescribed; • Passed a drug and/or alcohol return-to-duty test with the following results: ○ Alcohol, with a result indicating an alcohol concentration of less than 0.02; and/or ○ Controlled substances, with a verified negative result for drug use; and • Had a documented follow-up testing schedule?	☐	☐	☐
Have the driver's negative return-to-duty tests been reported to the Clearinghouse by the close of the third business day after the information has been obtained?	☐	☐	☐
Has it been determined that the driver has carried out their follow-up testing? *The following shows the requirements for the follow-ups for the driver:* • *A minimum of six follow-up tests must be conducted in the first 12 months.* *The driver may also be subject to follow-up tests during the 48 months of safety-sensitive duty following the first 12-month period.*	☐	☐	☐
Has the driver's completion of the follow-up testing plan been reported to the Clearinghouse by the close of the third business day following the date the information was obtained?	☐	☐	☐

CLEARINGHOUSE COMPLIANCE	YES	NO	N/A
Has the driver registered for the Clearinghouse? *Note: Drivers are not required to register, but will need to be registered to provide electronic consent in the Clearinghouse if a prospective or current employer needs to conduct a full query of the driver's Clearinghouse record—this includes all preemployment queries. A driver must also be registered to electronically view the information in their own Clearinghouse record.*	☐	☐	☐
Has the motor carrier registered for the Clearinghouse?	☐	☐	☐

Is a Clearinghouse query conducted when hiring each employee who will perform a safety-sensitive function (including operating a CMV) to ensure they are not prohibited from doing so?	☐	☐	☐
Is an annual Clearinghouse query conducted for every CDL driver you employ to ensure they are not prohibited from performing safety-sensitive functions?	☐	☐	☐
Are driver's limited consent queries maintained for three years from each query? *This does not need to be a part of the driver qualification file, but the employer must be able to provide evidence upon request.*	☐	☐	☐
Are preemployment and annual queries in the Drug and Alcohol Clearinghouse conducted for all drivers subject to drug and alcohol testing?	☐	☐	☐
Was consent received from the driver before the query was completed?	☐	☐	☐
Are drivers reported to the Clearinghouse when they violate the drug and alcohol program (unless it has been submitted by the medical review officer [MRO] already) by the third business day following the date on which the information was obtained? *A report must be made and the driver removed from all safety-sensitive functions for the following:* • *0.04 or higher alcohol concentration;* • *Refusal to test (alcohol) as specified in 49 CFR 40.261; and* • *Refusal to test (drug) not requiring determination by the MRO as specified in 49 CFR 40.191.* *Actual knowledge of a drug or alcohol violation as defined in 49 CFR 382.107.*	☐	☐	☐
Is a driver's refusal to test reported to the Clearinghouse?	☐	☐	☐
Are all drug and alcohol program violations reported upon discovery (including positive tests, refusals to test and actual knowledge of a violation)?	☐	☐	☐

RECORDKEEPING AND RETENTION	YES	NO	N/A
Are records maintained for preemployment, random, post-accident and reasonable suspicion testing?	☐	☐	☐
Are records of alcohol and drug misuse prevention programs kept in a secure location with controlled access?	☐	☐	☐
Are all drug and alcohol records kept confidential per § 382.405?	☐	☐	☐
Are records made available within two days at the principal place of business to any authorized FMCSA representative requesting the records?	☐	☐	☐
Are the following records retained for a minimum of five years:	☐	☐	☐

• Records of driver alcohol test results indicating an alcohol concentration of 0.02 or greater; • Records of drivers verified positive controlled substances test results; • Documentation of refusals to take required alcohol and/or controlled substances tests; • Driver evaluation and referrals; • Calibration documentation; • Records related to the administration of the alcohol and controlled substances testing program, including records of all driver violations; and • A copy of each annual calendar year summary required by § 382.403?			
Are records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices) maintained for a minimum of two years?	☐	☐	☐
Are records of negative and canceled controlled substances test results and MRO reversal of canceled controlled substances test results (as defined in Part 40 of this title) and alcohol test results with a concentration of less than 0.02 maintained for a minimum of one year?	☐	☐	☐
Are records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers maintained by the employer while the individual performs the functions that require the training and for two years after ceasing to perform those functions?	☐	☐	☐
Is documentation maintained verifying completion of the required supervisor training, including dates and total training hours?	☐	☐	☐
Is a summary of the results of the alcohol and controlled substances testing programs performed, prepared and maintained during the previous calendar year when requested by authorized officials?	☐	☐	☐

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