



FMCSA POST ACCIDENT TESTING REQUIREMENTS

What are the circumstances that would require an employer to conduct a FMCSA post-accident drug and alcohol test?

There are only three circumstances under which a post-accident drug and alcohol test **must** be conducted according to FMCSA regulations.

1. A test **MUST** always be conducted on a surviving driver when an accident involving a commercial motor vehicle results in a fatality. The driver does not need to be cited for a moving traffic violation nor does the driver need to be deemed at fault. **If a fatality occurs, the driver is tested.**
2. A test must be conducted if the driver receives a citation for a moving traffic violation **AND** one or more of the vehicles involved in the accident is towed from the scene of the accident.
3. The driver receives a citation for a moving traffic violation **AND** one or more persons involved in the accident immediately receive medical treatment away from the scene of the accident.

Under the last two circumstances, a driver must submit to a drug and alcohol test **ONLY** if the driver is cited for a moving traffic violation.

What are the time limits for conducting a post-accident test?

The drug test must be conducted within 32 hours of the accident; the alcohol test within two hours of the accident. If the alcohol test is not conducted within two hours, the employer should continue to make an effort to have the driver tested for up to eight hours. If it is not completed, the employer must prepare and maintain, on file, a record why the test was not administered. If a drug test is not conducted within 32 hours of the accident, the employer shall cease any attempt to administer a drug test and prepare and maintain, on file, a record stating the reasons why the test was not administered.



REFERENCE CHART FOR FMCSA REGULATIONS FOR POST-ACCIDENT DRUG AND ALCOHOL TESTING

Type of Accident Involved	Citation issued to the CMV Driver	Test Must Be Performed By Employer
HUMAN FATALITY	YES	YES
	NO	YES
Bodily injury with immediate medical treatment AWAY from the scene.	YES	YES
	NO	NO
Disabling damage to ANY motor vehicle requiring tow away	YES	YES
	NO	NO

Frequently Asked Questions:

- What if one of my drivers has an accident, receives a citation for a moving violation, but no one receives immediate treatment away from the scene of the accident, nor is any vehicle towed from the scene?
 - No tests are required.
- What if a driver is involved in an accident in which a vehicle is towed and they receive a citation a week later?
 - There is no need to conduct a drug or alcohol test if more than 32 or eight hours, respectively, have passed since the accident happened.
- What if the citation is issued 24 hours after the accident in the above situation?
 - There is no need to conduct an alcohol test, but you would still have eight hours left to administer the drug test.
- What if a drug and alcohol test cannot be performed within the allotted times? Am I in violation of the regulations?
 - You are in violation only if you do not document and maintain a record on file of why the tests were not able to be conducted.