

# POST ACCIDENT TESTING DETERMINATION

Driver's Name: \_\_\_\_\_ ID: \_\_\_\_\_ Facility: \_\_\_\_\_

Date of Accident: \_\_\_\_\_ Time of Accident: \_\_\_\_\_ Location: \_\_\_\_\_

Time Driver Instructed to be Tested: \_\_\_\_\_ Time Driver was Tested: \_\_\_\_\_

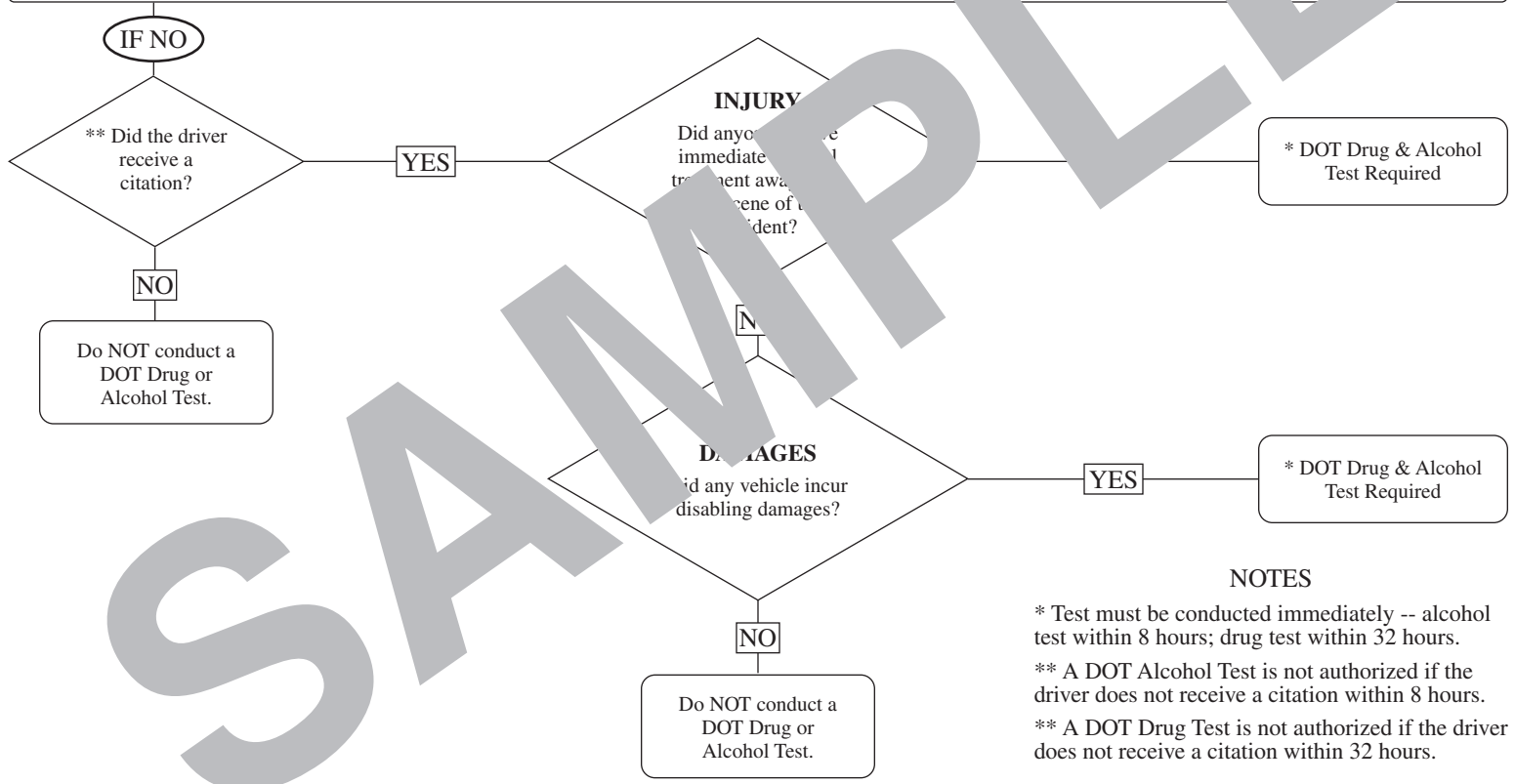
Does vehicle meet the definition of a commercial motor vehicle?  YES  NO

If no, do NOT conduct a DOT Drug or Alcohol Test.

If yes, check the type of commercial motor vehicle.

- Vehicle has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- Vehicle has a gross vehicle weight rating of 26,001 or more pounds; or
- Vehicle is designed to transport 16 or more passengers, including the driver; or
- Vehicle is of any size and is used in the transportation of hazardous materials requiring placards.

**If driver was operating a CMV, did accident involve a human fatality?**  
**If yes, then a DOT Drug and Alcohol Test is required.**



**NOTES**

- \* Test must be conducted immediately -- alcohol test within 8 hours; drug test within 32 hours.
- \*\* A DOT Alcohol Test is not authorized if the driver does not receive a citation within 8 hours.
- \*\* A DOT Drug Test is not authorized if the driver does not receive a citation within 32 hours.

It was determined that a DOT Drug & Alcohol Test was not necessary for the following reasons: \_\_\_\_\_

It was determined that a DOT Drug & Alcohol Test was necessary for the following reasons: \_\_\_\_\_

If an alcohol test was not completed within 2 hours, provide reason: \_\_\_\_\_

If a drug test was not completed within 32 hours, provide reason: \_\_\_\_\_

Completed By: \_\_\_\_\_ Name \_\_\_\_\_ Title \_\_\_\_\_ Date: \_\_\_\_\_

**ATTENTION: DRIVER'S INVOLVED IN A MOTOR VEHICLE ACCIDENT**

Review this Part of the Department of Transportation regulations for compliance with alcohol and controlled substance testing post-accident requirements.

**§382.303 Post-accident testing.**

(a) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for alcohol for each of its surviving drivers:

(1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

(2) 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:

(i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(ii) 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.

(b) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for controlled substances for each of its surviving drivers:

(1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

(2) Who receives a citation within thirty-two hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

(i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(ii) 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.

(c) The following table notes when a post-accident test is required to be conducted by paragraphs (a)(1), (a)(2), (b)(1), and (b)(2) of this section:

TABLE FOR §382.303 (A) AND (B)		
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

TABLE FOR §382.303 (A) AND (B)		
Type of accident involved	Citation issued to the CMV driver	Test must be performed by employer
iii. Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

(d)(1) **Alcohol tests.** If a test required by this section is not administered within two 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 test required by this section is not administered within eight 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.

(2) **Controlled substance tests.** 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.

(e) A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the employer to have refused to submit to testing. Nothing in this section shall 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 for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

(f) An employer shall provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of this section.

(g)(1) The results of a breath or blood test for the use of alcohol, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local alcohol testing requirements, and that the results of the tests are obtained by the employer.

(2) The results of a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local controlled substances testing requirements, and that the results of the tests are obtained by the employer.

(h) **Exception.** This section does not apply to:

(1) An occurrence involving only boarding or alighting from a stationary motor vehicle; or

(2) An occurrence involving only the loading or unloading of cargo; or

(3) An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle (as defined in §571.3 of this title) by an employer unless the motor vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with §177.823 of this title.