

## **Controlled Substance and Alcohol Testing Requirements for Third Party Skills Testing Personnel**

*From: Federal Motor Carrier Safety Administration (FMCSA) Michigan Division Office*

The Michigan Division of the Federal Motor Carrier Safety Administration (FMCSA) has implemented a program for Federal reviews of State third party commercial driver's license (CDL) skills testing organizations. During the conduct of these reviews, we have noted instances of skills testing personnel driving commercial motor vehicles (CMV). In some cases, skills testing personnel took over driving of a vehicle from an unqualified testing candidate, or they drove a CMV to or from a testing site to be used by the testing candidate.

49 CFR Part 382 of the Federal controlled substances testing regulations requires that all persons driving a vehicle that requires a CDL license be subject to controlled substances and alcohol testing. The driving scenarios described above or other occasions where a CMV is driven on publicly accessible roadways for the business purposes of the skills testing organization would require the skills examiner to be subject to federally mandated controlled substance and alcohol testing.

Approximately half of the third party organizations reviewed to date had not implemented a program in compliance with the controlled substances and alcohol testing regulations. Violations of these rules are potentially subject to federal enforcement fines of up to \$11,000 per violation.

There are four types of testing required for all persons who drive or want to be in readiness to drive a CMV;

1. Pre-employment controlled substances testing
2. Random controlled substances and alcohol testing
3. Post accident controlled substances and alcohol testing
4. Reasonable suspicion controlled substances and alcohol testing

For information on applicability of the controlled substances and alcohol testing regulations, contact the FMCSA at 517-853-5990. Also, the text of the relevant regulations may be found on-line at "[www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)". Click on the link for "Rules and Regulations", and then navigate to the text for Part 382 "Controlled Substances and Alcohol Use and Testing".

Note that there are safety regulations that may apply to third party skills testing personnel under Michigan motor carrier safety laws for drivers, vehicles, and their employers in intrastate commerce. Please contact the Michigan State Police Traffic Safety Division for further information at 517-336-6195.

Thank you for your interest in highway safety.