Guidance on the applicability of FMCSA drug and alcohol testing of drivers employed by state government agencies.

## STATE GOVERNMENT AGENCIES AND DOT DRUG AND ALCOHOL TESTING

Question:

Are CDL drivers who are employed by state government agencies subject to DOT drug and alcohol testing requirements?

Answer:

Yes. Drivers for government agencies who operate vehicles that require a CDL, and are not otherwise exempted in §382.103(d) are subject to FMCSA’s drug and alcohol testing requirements in 49 CFR part 382.

The statutory definition of “employer” is “a person (including the United States Government, a State, or a political subdivision of a State) that owns or leases a commercial motor vehicle or assigns employees to operate a commercial motor vehicle. See 49 U.S.C. 31301. FMCSA’s regulation at §382.103(c) specifically provides that the exceptions from certain Federal Motor Carrier Safety Regulations for Federal, State, and local government agencies do not apply to the FMCSA drug and alcohol testing requirements in Part 382. The only exceptions to the requirements of part 382 are found in §382.103(d).