Guidance on when a driver is subject to the FMCSA drug and alcohol testing requirements.

## Question:

When are drivers subject to the DOT Drug and Alcohol testing requirements?

## Answer:

All drivers that operate in commerce a commercial motor vehicle, as defined in 49 CFR §382.107, which requires a driver holding a commercial driver’s license or commercial learner’s permit, are subject to the Drug and Alcohol testing requirements in 49 CFR parts 40 and 382. See 49 CFR §382.103 and §383.3. This includes, but is not limited to: full time, regularly-employed drivers; casual, intermittent or occasional drivers; leased drivers, and independent owner-operator contractors. See the definition of “driver” in §382.107.