## Applicability to part 382 student drivers and driver training schools

Question:

Is a person who is attending a truck driving school, and does not yet have a commercial learner’s permit (CLP) or CDL, required to complete the part 40, subpart O return-to-duty process if they test positive on a drug or alcohol test administered by the school?

Answer:

Student drivers who do not have a CLP or CDL are not subject to the DOT drug and alcohol testing requirements.  Therefore, a drug test performed by the driving school on a student who does not have a CLP or CDL is not a DOT drug or alcohol test and the student would not be subject to the DOT return-to-duty process.

If a driver training school employs a student driver, who holds a CLP or CDL, or leases a CMV to the student driver and the CMV is operated in commerce by the school, then the regulations in 49 CFR Part 382 apply to the driver training school.  If the school is not an employer, the student driver is ultimately responsible for meeting these requirements, however the school may ensure that the student driver has complied with the requirements of part 382 prior to allowing the student driver to operate a CDL vehicle. See 49 CFR 382.103.