Guidance on whether drivers who receive no compensation must be in a DOT drug and alcohol program.

## Question:

Occasional Drivers: My company purchased a large truck that is over 26,001 lbs. gross vehicle weight rating (GVWR). We do not currently employ any commercial driver’s license (CDL) drivers. The vehicle has only been driven a few times by a family friend, who is not an employee and has driven the vehicle as a favor absent any compensation. Does our company need a DOT drug and alcohol testing program to test this occasional driver?

## Answer:

Yes. In accordance with §382.103, your company must implement a DOT drug and alcohol program for all drivers operating a commercial motor vehicle (CMV) that requires the driver to possess a commercial driver’s license (CDL). Section §382.107 defines “Driver” as “any person who operates a commercial motor vehicle.” This includes, but is not limited to: full time, regularly-employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors. Your company must either cease all operations of the CMV on public roads, or implement a DOT drug and alcohol testing program for any driver before he/she may operate the vehicle, regardless of whether driver compensation is involved.