**Section § 382.103: Applicability.**

**Question 2a**: Are students training to be commercial motor vehicle drivers subject to drug and alcohol testing?

**Guidance**: Yes. The regulations in 49 CFR Part 382 apply to drivers operating a commercial motor vehicle (CMV) requiring a commercial driver’s license (CDL) or commercial learner’s permit (CLP) in commerce.

**Question 2b**: What is the driving school’s responsibility for drug and alcohol testing?

**Guidance**: If a driver training school employs a student driver 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.

**Question 2c**: Are student drivers required to obtain a CDL in order to operate CMV training vehicles provided by the school?

**Guidance**: Not necessarily. To operate a CMV on public roads or highways, a student driver is required to either (a) possess a valid CDL or (b) possess a valid commercial learner’s permit, which requires meeting the minimum conditions in 49 C.F.R. 383.25(a).