**Section § 382.105: Testing procedures.**

## Guidance Q&A

**Question 2: A driver does not have a photo identification card. Must an employer representative identify the driver in the presence of the Breath Alcohol Technician (BAT)/urine specimen collector or may the employer representative identify the driver via a telephone conversation?**

**Guidance:**Those subject to part 382 are subject first, generally, to part 383. Part 383 requires all States, with an exception in Alaska for a very small group of individuals, to provide a Commercial Driver's License (CDL) document to the individual that includes, among other things: the full name, signature, and mailing address of the person to whom such license is issued; physical and other information to identify and describe the person including date of birth (month, day, and year), sex, and height; and, a color photograph of the person. Except in these rare Alaskan instances, the Federal Motor Carrier Safety Administration (FMCSA) fully expects most employers to require the driver to present the CDL document to the Breath Alcohol Technician (BAT) or urine collector.

A driver subject to alcohol and drug testing should be able to provide the Commercial Driver's License document. In those rare instances that the CDL or other form of photo identification is not produced for verification, an employer representative must be contacted and must provide identification. The FMCSA will allow employer representatives to identify drivers in any way that the employer believes will positively identify the driver.