FMCSA-D&A-382.301-FAQ002**.**

**Description**

Question

Is a motor carrier required to administer a second DOT pre-employment drug test on a driver that received a verified negative test result on the initial pre-employment drug test, and remained employed with the motor carrier, but was not placed into the carrier’s DOT random testing pool?

Answer

There is no regulatory requirement that an employer conduct a second pre-employment test on a driver, where there was no break in employment, if the driver was not placed into the DOT random testing pool. See 49 CFR 382.301(a). However, an employer may be subject to civil penalties for failing to immediately place the driver into the random pool. See 49 CFR 382.305.

Nothing in the DOT drug and alcohol regulations prevents an employer from conducting a non-DOT drug and alcohol test in accordance with company policy and state law so long as the requirements of 49 CFR 40.13 are met.