**Section § 382.307: Reasonable suspicion testing.**

## Guidance Q&A

**Question 3: A consignee, consignor, or other party is a motor carrier employer for purposes of 49 CFR parts 382 through 399. They have trained their supervisors in accordance with 49 CFR 382.603 to conduct reasonable suspicion training on their own drivers. A driver for another motor carrier employer delivers, picks up, or has some contact with the consignee’s, consignor’s, or other party’s trained supervisor. This supervisor believes there is reasonable suspicion, based on their training, that the driver may have used a controlled substance or alcohol in violation of the regulations. May this trained consignee, consignor, or other party’s supervisor order a reasonable suspicion test of a driver the supervisor does not supervise for the employing/using motor carrier employer?**

**Guidance:** No, the trained supervisor may not order a reasonable suspicion test of a driver the supervisor does not supervise for the employing/using motor carrier employer. Motor carrier employers may not conduct reasonable suspicion testing based "on reports of a third person who has made the observations, because of that person’s possible credibility problems or lack of appropriate training."

The trained supervisor for the consignee, consignor, or other party may, however, choose to do things not required by regulation, but encouraged by the Federal Motor Carrier Safety Administration (FMCSA). They may inform the driver that they believe the driver may have violated Federal, State, or local regulations and advise them not to perform additional safety-sensitive work. They may contact the employing/using motor carrier employer to alert them of their reasonable suspicion and request the employing/using motor carrier employer take appropriate action. In addition, they may contact the police to request appropriate action.