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

## Guidance Q&A

**Question 4: Are the reasonable suspicion testing and training requirements of §§382.307 and 382.603 applicable to an owner-operator who is both an employer and the only employee?**

**Guidance:** No. The requirements of §§382.307 and §382.603 are not applicable to owner-operators in non-supervisory positions. §382.307 requires employers to have a driver submit to an alcohol and/or controlled substances test when the employer has reasonable suspicion to believe that the driver has violated the prohibitions of subpart B of part 382. Applying §382.307, Reasonable Suspicion Testing, to an owner-operator who is an employer and the only employee contradicts both “reason” and “suspicion” implicit in the title and the purpose of §382.307. A driver who has self-knowledge that he/she has violated the prohibitions of subpart B of part 382 is beyond mere suspicion. Furthermore, §382.603 requires “all persons designated to supervise drivers” to receive training that will enable him/her to determine whether reasonable suspicion exists to require a driver to undergo testing under §382.307. An owner-operator who does not hire or supervise other drivers is not in a supervisory position, nor are they subject to the testing requirements of §382.307. Therefore, such an owner-operator would not be subject to the training requirements of §382.603.