**§392.5 Alcohol prohibition.**

## Guidance Q&A

***Question 2:*** Can a motor carrier, which finds a driver with a detectable presence of alcohol, place him/her out of service in accordance with §392.5?

***Guidance****:* No. The term ‘‘out of service’’ in the context of §392.5 refers to an act by a State or Federal official. However, the motor carrier must prevent the driver from being on-duty or from operating or being in physical control of a CMV for at least as long as is necessary to prevent a violation of §392.5.