POST-ACCIDENT DRUG & ALCOHOL TESTING

DECISION CHART · 49 CFR §382.303

When a qualifying accident occurs, the testing clock starts immediately. Every post-accident event should be evaluated individually: first determine whether the accident meets the criteria requiring DOT drug & alcohol testing, then follow the required timeframes and procedures. When in doubt, contact your testing consortium or Designated Employer Representative (DER) before the regulatory time limits expire. 49 CFR §382.303

STEP 1 — §382.303(C): IS A TEST REQUIRED?

TYPE OF ACCIDENT INVOLVED	CITATION ISSUED TO CMV DRIVER?	TEST REQUIRED?
Human fatality	Yes	**YES — test**
	No	**YES — test**
Bodily injury with immediate medical treatment away from the scene	Yes	**YES — test**
	No	No test required
Disabling damage to any vehicle, requiring tow from the scene	Yes	**YES — test**
	No	No test required

STEP 2 — §382.303(D): REGULATORY TIME FRAMES

TEST	DEADLINE & DOCUMENTATION RULES
Alcohol §382.303(D)(1)	Within **2 hours**. If delayed beyond 2 hours, document the reason and keep trying. If delayed beyond **8 hours**, cease attempts and prepare and maintain the same record. Records shall be submitted to FMCSA upon request.
Controlled Substances §382.303(D)(2)	Within **32 hours**. If delayed beyond 32 hours, cease attempts and prepare and maintain a record of the reasons. Records shall be submitted to FMCSA upon request.

CRITICAL REGULATIONS

§382.303(E) — DRIVER AVAILABILITY

A driver subject to post-accident testing must **remain readily available for testing** or risks being deemed by the employer to have refused to submit to testing. **Nothing** in this section supersedes necessary medical attention for injured people — medical care for injured parties is the priority.

§382.303(F) — DRIVER INSTRUCTIONS (BEFORE DISPATCH)

Employers must provide drivers with post-accident procedures, instructions, and required information **before they operate a CMV**, so drivers are able to comply with this section. Include them in orientation — this packet's accident documents satisfy the practical side of that requirement.

§382.303(G) — LAW ENFORCEMENT TESTS

Breath or blood tests for alcohol, and urine tests for controlled substances, conducted by law enforcement or public safety officials with independent authority satisfy §382.303 — provided the tests comply with applicable federal, state, or local testing requirements **and the employer obtains the results**.

ADDITIONAL RULES

No alcohol use for **8 hours** following the accident or until tested, whichever occurs first. Record the determination either way — "test not required because…" is audit protection. Log the determination on the MIG Accident Register.

ACCIDENT DATE / DRIVER _____

DETERMINATION MADE BY / DATE & TIME _____

For general guidance only — not legal advice. Regulations current as of July 2026.

REMINDER: All Auto Liability claims must be reported directly to the provider — regardless of fault or severity.