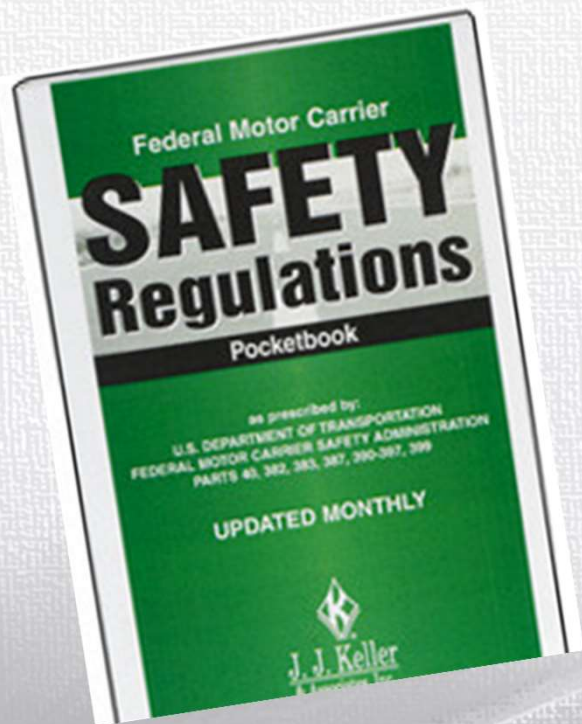


Controlled Substances & Alcohol Testing

MoDOT / Motor Carrier Services

Safety & Compliance



Session objectives

- Review Safety Regulations
- Discussion & Questions
- Overview of various resources

MoDOT Motor Carrier Services

Who we are & what we do

- New Entrant Safety Audits
- Missouri State Safety Audits
- Complaint Investigations
- Outreach presentations and Customer Service
- Interventions
 - ✓ Warning letter
 - ✓ Off-site investigation
 - ✓ On-site focused investigation
 - ✓ On-site comprehensive investigation

BASICs

Behavioral
Analysis
Safety
Improvement
Categories

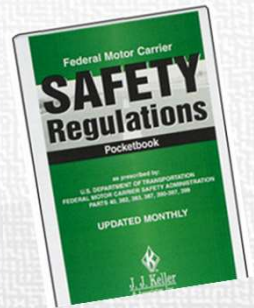
<u>Unsafe Driving</u> (Parts 392 & 397)
<u>Hours of Service Compliance</u> (Parts 392 & 395)
<u>Driver Fitness</u> (Parts 383 & 391)
Controlled Substance/Alcohol (Part 382)
Vehicle Maintenance (Parts 392, 393 & 396)
Hazardous Materials Compliance (Parts 397 & HM Violations)
Crash Indicator



Safety Regulations

You are subject to safety regulations in **Interstate** commerce if:

- Cross state lines **AND**
 - GVWR /GCWR/ GVW/GCW is 10,001 pounds or more
- OR**
- Hauling an amount /type of hazardous materials requiring placards.
 - Designed to transport/ transporting 9 or more passengers for compensation
 - Designed or used to transport 16 or more passengers

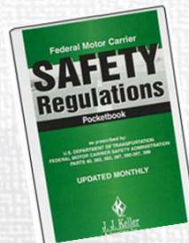


Safety Regulations

Safety Regulations apply when in Intrastate commerce if:

Operating wholly within state borders

- GVWR/ GCWR/GVW/GCW is 26,001 pounds or more
OR
- Hauling hazardous materials in a vehicle with a GVWR/ GCWR/GVW/GCW of at least 10,001 pounds
OR
- Operating vehicle designed to/ or transporting 9 or more passengers inclusive of the driver for compensation
OR
- Operating vehicle designed to/ or transporting 16 or more passengers inclusive of the driver



CDL

Part 383



Who needs a CDL?

If CDL
needed....

Drug/
Alcohol
testing
applies!

A- having a GCWR or gross combination weight of 26,001 pounds or more whichever is greater, inclusive of a towed unit with a GVWR or gross vehicle weight of more than (10,000 pounds), whichever is greater; **or**



Who needs a CDL?

If CDL
needed....

Drug/
Alcohol
testing
applies!

B- having a GVWR or gross vehicle weight of
26,001 pounds or more, whichever is greater;
or



Who needs a CDL?

If CDL
needed....

Drug/
Alcohol
testing
applies!

C- Vehicle that does not meet Group A or B requirements but that either -

- Is designed to transport 16 or more passengers, including the driver; **or**
- Is of any size and is used in the transportation of hazardous materials as defined in this section.
 - ***Hazardous materials*** means any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 CFR part 172 or any quantity of a material listed as a select agent or toxin in 42 CFR part 73.

Drug and Alcohol Testing

Part 382

Part 382 Drug and Alcohol Testing

Applicability

- Operators of CDL required vehicles
- For Hire and Private
- Government Agencies
- Non-Profit Passenger Carriers

Exemptions

- Farm Vehicle Drivers
- Military Purposes
- Firefighters
- Emergency Response Vehicle Drivers

Part 382 Drug and Alcohol Testing

Definitions:

- Refuse to Submit
- Safety Sensitive Function
- Designated Employer Representative (DER)
- Medical Review Officer (MRO)
- Consortium/Third Party Administrator (C/TPA)
- Driver

Part 382 Drug and Alcohol Testing

Company Policy (382.601)

- Outlines program
- Provides educational materials
- Defines terms
- Reveals expectations
- Optional provisions
- Driver signs certificate of receipt

Part 382 Drug and Alcohol Testing

Types of tests required:

- Pre-employment Drug
- Random Drug/Alcohol
- Reasonable Suspicion
- Return-to-Duty
- Follow-up
- Post Accident Drug/Alcohol

Slide 16

TDE4 Pre emp -drug only- no alcohol

Travis D. Ellis, 12/18/2021

TDE5 crash- drug within 32 hours, alcohol within 8 hrs.

Travis D. Ellis, 12/18/2021

Part 382 Drug and Alcohol Testing

- **Pre-employment Drug-** there is no requirement for pre-employment alcohol testing.
- **Random Drug/Alcohol –** Consortiums/ TPA's

Slide 17

TDE5 crash- drug within 32 hours, alcohol within 8 hrs.
Travis D. Ellis, 12/18/2021

TDE6 50% drugs 10% alcohol this year, may change.
Travis D. Ellis, 12/18/2021

Part 382 Drug and Alcohol Testing

Situational tests:

- **Reasonable Suspicion**-supervisor must receive 60 minutes training for controlled substances/ alcohol (each)
- **Return-to-Duty**- following prohibited conduct and completion of SAP evaluation/ recommended treatment
- **Follow-up**- minimum of 6 follows ups within 12 months after negative RTD test

Definitions

Part 390.5

Accident means -

- an occurrence involving a commercial motor vehicle operating on a highway in interstate or intrastate commerce which results in:
- A fatality; **or**
- Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; **or**
- One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle(s) to be transported away from the scene by a tow truck or other motor vehicle

Part 382
Drug and
Alcohol
Testing

SITUATIONAL TESTS: POST ACCIDENT TESTING TABLE

Type of Accident Involved	Was the driver issued a citation?	Are we required to test?
Human Fatality	Yes	Yes
	No	Yes
Bodily Injury	Yes	Yes
	No	No
Disabling Damage	Yes	Yes
	No	No

Part 382 Drug and Alcohol Testing

Situational tests:

Post Accident -Drug/Alcohol

- ✓ 8 hours: Alcohol (document after 2 hours)
- ✓ 32 hours: Controlled substances

Part 382 Drug and Alcohol Testing

Positive Test Results

- Alcohol \geq .04
- Controlled substances confirmed positive test
- Refusal to test or failure to complete test

Actions

Follow your policy (382.601)

Retain driver

DOT SAP evaluation and testing
(return to duty/ follow up testing)

Terminate driver

Provide SAP(s) contact information

Part 382
DACH
Drug and
Alcohol
Testing

Drug & Alcohol Clearinghouse (DACH)- What is it?

- A secure online database
- Provides real-time information of CDL/
CLP program violations

Part 382
DACH
Drug and
Alcohol
Testing

DACH Queries

- Employers are required to query the Clearinghouse for current and prospective employees' drug and alcohol violations **before** permitting those employees to operate a CMV on public roads.
- Employers are required to **annually** query the Clearinghouse for each driver they currently employ.

Part 382
DACH
Drug and
Alcohol
Testing

What records are stored in the Clearinghouse?

- Refusals for drug and/or alcohol tests
- Positive test results
- Return to duty tests
- Any violation that would prohibit a driver from performing any safety sensitive function

Part 382
DACH
Drug and
Alcohol
Testing

Who has access to the Clearinghouse?

- Employers
- Drivers
- 3rd Party Consortia
- Medical Review Officers
- Substance Abuse Professionals
- State Driver Licensing Agencies

Part 382
DACH
Drug and
Alcohol
Testing

Employer Reporting

- An alcohol confirmation test with concentration of 0.04% or higher
- Refusal to test (alcohol)
- Refusal to test (drug) not requiring a determination by the MRO
- Negative RTD test results (drug and alcohol testing, as applicable)
- Completion of follow-up testing

Part 382
DACH
Drug and
Alcohol
Testing

Employer Reporting

Actual knowledge that a driver has:

- used alcohol on duty
- used alcohol within four hours of coming on duty
- used alcohol prior to post-accident testing, or
- used a controlled substance

Part 382
DACH
Drug and
Alcohol
Testing

MRO Reporting

- Verified positive, adulterated, or substituted drug test result
- Refusal to test (drug) requiring a determination by the MRO as specified in 49 CFR 40.191
- Changes a verified drug test per 49 CFR Part 40

Part 382
DACH
Drug and
Alcohol
Testing

SAP Reporting

- Identification of driver and date the initial assessment was initiated
- Date of determination of eligibility for RTD testing

Part 382 Drug and Alcohol Testing

Inquiry to previous employers

**No longer
required after
1/6/2023**

- Prospective employee- driver position/ new hire
- Specific written consent
- Prior 3 years
- Within 30 days of hire
- Good faith effort (document attempts)
- Release of information

Part 382 Drug and Alcohol Testing

Carrier Record Retention (382.401)

- **Five Years-** positives/ refusals, driver evaluations/ referrals; calendar year summaries; administrative records regarding drug/ alcohol
 - **Two Years-** records relating to collection process
 - **One Year-** negative/ cancelled tests & alcohol tests below .02
- ✓ Location of Records must be secure

Part 382 Drug and Alcohol Testing

Knowledge Check

- All drivers are subject to the drug and alcohol testing requirements. (True / False)
- Drivers must be drug and alcohol tested as a pre-employment condition. (True / False)
- There is no time limitation for post accident alcohol testing. (True / False)
- The clearinghouse will store drug and alcohol testing records for CDL drivers only. (True / False)

Slide 33

TDE3

- #1. False - only those required to have a CDL.
- #2. False - only drug.
- #3. False, must be done within 2 hours or record shall be prepared explaining why. Maximum of 8 hours before driver can no longer be tested for alcohol.
- #4. True – only applies to those who fall under Part 383

Travis D. Ellis, 12/18/2021

ADDITIONAL REGULATIONS



ADDITIONAL REGULATIONS

- Part 387- Financial Responsibility
- Part 390 - Applicability
- Part 392 - Safe Driving

Part 387 Financial Responsibility

Part 387 Insurance

- ✓ Interstate For-Hire Motor Carriers
- ✓ Interstate Private Motor Carriers transporting HM

MCS-90, MCS-90B, MCS-82, MCS-82B

- Found in Your Policy
- Legal Name
- Marked Primary
- Signed by representative of underwriter not agents

- ✓ Special topic – internal combustible engines

Missouri For-Hire Intrastate – Form E required and higher levels of B.I.P.D., Public Liability, Cargo coverage, etc.

Part 390

- Accident register
- Vehicle marking requirements
- Motor carrier identification report - **MCS 150 Form**



Part
390.15

Accident Register, when required:

- Fatality
- Bodily injury involving immediate medical treatment away from the scene; or
- One or more vehicles requiring tow away as result of accident

Interstate

- Legal name
- “USDOT” followed by number
- If name of person/ company other than carrier on vehicle, “operated by” preceding name of motor carrier operating CMV.

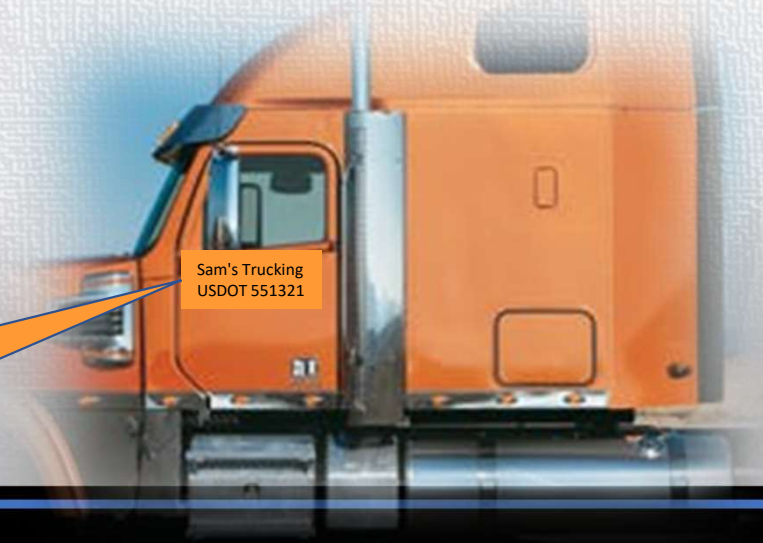
Part 390.21

Display

- Appear on both sides
- Contrasting color
- Legible from 50 feet
- Maintained legibility

**SAM's Trucking
USDOT 551321**

Sam's Trucking
USDOT 551321



Solely Intrastate for-hire

- Legal name
- “USDOT” followed by number
- For-hire intrastate carriers must have the letters “MO” directly following the USDOT number.

Part 390.21

Display

- Appear on both sides
- Contrasting color
- Legible from 50 feet
- Maintained legibility



SAM's Trucking
USDOT 55132 LMO

Sam's Trucking
USDOT 551321

Intrastate marking private carriers

RSMO 301.330

- Name of owner
- Address from which operated
- Each local CMV shall conspicuously place the word “local”



**SAM SMITH
SEDALIA MO**

Part 390.19T

Motor Carrier Identification Reports

- Applicable to interstate carriers and intrastate for-hire carriers
- MCS-150
- Assigns carrier a USDOT number
- Before operations begin, and update every 24 months

Part 392 Safe Driving

Unsafe Driving

- Failure to use Seat Belt
- Cellphone usage/ texting
- Speeding
- Improper lane change
- Ill or fatigued
- Drugs/ alcohol- under the influence or possession





Do You Need Help?

TEXT 233733 (BE FREE)

1-888-3737-888 (US)

**Truckers
Against
Trafficking**



Truckers Against Trafficking (TAT) seeks to educate, equip, empower and mobilize members of the trucking industry to combat human trafficking as part of their regular jobs.

Impact of Trafficking:

- There are **21 million** victims of human trafficking globally. (International Labor Organization)
- Human trafficking is a **\$150 billion** industry. (International Labor Organization)
- Thousands of children are at risk of forced prostitution in the US each year. (National Center for Missing and Exploited Children)

How You Can Help

Call and report what you know

- Truckers are the eyes and ears of our nation's highways and are the number one demographic of calls into the national hotline

Develop and incorporate training for drivers specific to identifying and reporting suspected trafficking

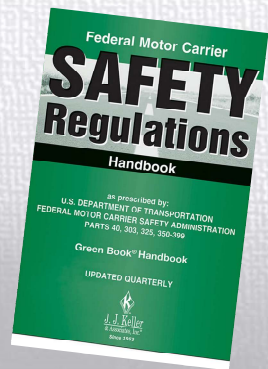
- Training materials and resources can be found on the TAT website

Make the Call, Save Lives.

1-888-3737-888

www.truckersagainsttrafficking.org

Additional Compliance Resources



Slide 48

MJK34 different graphic-possibly enforcement badges & FMCSA logo
MATTHEW J KIEFER, 1/7/2022

MCS Partners

Roadside CMV Enforcement

- Kansas City Police Department
- St. Louis Police Department
- St. Louis County Police Department
- Missouri Highway Patrol

Regulatory Agency

Federal Motor Carrier Safety Administration

www.fmcsa.dot.gov

1-800-832-5660

MCS Credentials Contact Information

MoDOT Carrier Express Link:

<http://www.modot.org/mce>

Motor Carrier Services Homepage:

<http://www.modot.org/mcs>

Motor Carrier Services Toll Free #:

1-866-831-6277

- OSOW – Option 1
- IFTA and IRP – Option 2
- Missouri Operating Authority – Option 3
- Payment – Option 4
- UCR – Option 5
- Safety & Compliance – Option 6



Safety Regulations by Section

**Part 380 –
Entry Level
Driver Training**

**Part 382 - Drug
and Alcohol
Testing**

**Part 383 -
Commercial
Drivers License**

**Part 387 -
Insurance
Requirements**

**Part 390 –
General
Applicability**

**Part 391 -
Driver
Qualification**

**Part 392 –
Driving of a
CMV**

**Part 395 -
Hours of
Service**

**Part 393 / 396 -
Maintenance**

*** Red segments were reviewed in today's training.**