

## Accident Reports & Post-Accident Drug and Alcohol Testing

### Guidance on Maintaining Accident Reports and Determining When Post-Accident Drug and Alcohol Testing Is Required for Drivers of Commercial Motor Vehicles

A driver of a commercial motor vehicle in Pennsylvania (*as defined in box at left*) is required to maintain a record of certain information any time the driver is involved in a traffic accident.

#### What is a CMV?

Pennsylvania regulations at 67 Pa. Code 231.8 define a commercial motor vehicle (CMV) as any motor vehicle or combination used on a highway in intrastate commerce to transport passengers or property when the vehicle meets one of the following conditions:



- 1) Has a gross vehicle weight or rating or a gross combination weight or rating of 17,001 pounds or more, whichever is greater.
- 2) Is designed or used to transport more than eight passengers (including the driver) for compensation.
- 3) Is designed or used to transport more than 15 passengers (including the driver) but not for compensation.
- 4) Is a school bus.
- 5) Is transporting hazardous materials, which must be placarded in accordance with PennDOT regulations.

Accident, as defined by U.S. Department of Transportation regulations at 49 CFR 390.5, is “an occurrence involving a commercial motor vehicle operating on a highway in interstate or intrastate commerce which results in:

- i) A fatality;
- ii) Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
- iii) 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.”

This record, which includes date and location of the accident, statistics on the number of injuries and fatalities, and information about released hazardous materials, is to be maintained in the driver’s qualification file for at least three years from the date of the accident. A form containing the required information for this purpose is provided on the back of this tech sheet.

#### Required Drug and Alcohol Testing

When it comes to determining if a municipal driver is required to undergo a post-accident drug or alcohol test, municipalities must follow the U.S. DOT regulations 49 CFR 382.303 regarding post-accident testing. These regulations apply to all drivers of commercial motor vehicles operating in intrastate commerce, whether they are privately employed or employed by a municipality or other governmental entity.

Under these federal regulations, the driver of any commercial motor vehicle involved in a traffic accident must take a **Post-Accident CDL Drug and Alcohol Test** as soon as practicable if either of the following scenarios occurred:

- a fatality resulted from the accident, regardless of fault or whether a citation was issued to the driver, or
- the driver was issued a citation for a moving traffic violation within eight hours of the accident **and** either of these two additional conditions occurred: 1) any vehicle involved in the accident had to be towed, or 2) someone injured in the accident immediately received medical treatment away from the scene.

If the driver receives a citation for a moving traffic violation anywhere from eight to 32 hours after the accident, the driver must only take a **Post-Accident CDL Drug Test** as soon as practicable if either of the following scenarios occurred:

- a) any vehicle involved in the accident had to be towed, or
- b) someone injured in the accident immediately recieved medical treatment away from the scene.

**It is the responsibility of the driver to know that he or she is subject to post-accident testing.** Drivers subject to post-accident testing must remain readily available for such testing, or they may be deemed by their employer to have refused to submit to testing. It should be noted, however, that the driver involved in an accident must not allow the required test to delay any necessary medical attention for anyone injured in the accident. Neither should the test prohibit a driver from leaving the scene of an accident for the period necessary to obtain necessary emergency care or assistance in responding to the accident.

A driver who is required to take a post-accident alcohol test must not drink any alcohol until the test is taken or at least eight hours have elapsed since the accident.

Unless medical attention is required, the driver must take an alcohol test within eight hours of the accident and a drug test within 32 hours of the accident. If a driver is unable to meet this time frame, the employer must prepare and maintain a record stating the reason the test was not properly administered, and then be prepared to submit the statement to the U.S. Department of Transportation's Federal Motor Carrier Safety Administration upon request.

So that drivers are able to understand and comply with these post-accident testing requirements, all employers should provide their drivers with necessary information, procedures, and instructions about post-accident testing *before* the drivers may operate a commercial motor vehicle.

### Qualifying Tests

**Breath or blood test.** The results of a breath or blood test for the use of alcohol, if conducted by federal, state, or local officials that have been granted independent authority to perform the test, will meet the requirements for the testing, as long as such tests conform to the applicable federal, state, or local alcohol testing requirements and the test results are obtained by the employer.

**Urine test.** The results of a urine test for the use of controlled substances, conducted by federal, state, or local officials that have been granted independent authority to perform the test, may be considered as a way to meet the requirements of this testing, as long as such tests conform to the applicable federal, state, or local controlled-substances testing requirements and the results of the tests are obtained by the employer.

## Commercial Motor Vehicle Driver Accident Log

Today's Date	
Driver's Full Name	
Driver License #	

In accordance with federal regulations at *49 CFR 390.5*, employers are required to maintain for at least three years a minimum of the following information regarding any accident (as defined below), as well as all other accident reports required by state or other governmental entities or insurers.

The regulations at *49 CFR 390.5* define an "accident" as "an occurrence involving a commercial motor vehicle operating on a highway in interstate or intrastate commerce which results in: (i) A fatality; (ii) Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or (iii) 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."

The term accident does not include the following: (i) an occurrence involving only boarding and alighting from a stationary motor vehicle; or (ii) an occurrence involving only the loading or unloading of cargo.

Date of accident	
Municipality and state in which accident occurred	
Number of people injured	
Number of fatalities	
Were hazardous materials, other than fuel spilled from the fuel tanks of motor vehicles involved in the accident, released? If "yes," identify such materials here.	

**PSATS CDL Program Form ACCIDENT**

*This form and other applicable CMV forms are available at [www.psats.org](http://www.psats.org).*

**If you have any questions, you can call LTAP at 1-800-FOR-LTAP for assistance.**