

§ 31304. Employer responsibilities

(a) IN GENERAL.—An employer may not allow an employee to operate a commercial motor vehicle in the United States during a period that the employer knows or should reasonably know that the employee—

- (1) has a driver's license revoked, suspended, or canceled by a State, has lost the right to operate a commercial motor vehicle in a State, or has been disqualified from operating a commercial motor vehicle; or
- (2) has more than one driver's license (except as allowed under section 31302 of this title).

(b) DRIVER VIOLATION RECORDS.—

(1) PERIODIC REVIEW.—Except as provided in paragraph (3), an employer shall ascertain the driving record of each driver it employs—

(A) by making an inquiry at least once every 12 months to the appropriate State agency in which the driver held or holds a commercial driver's license or permit during such time period;

(B) by receiving occurrence-based reports of changes in the status of a driver's record from 1 or more driver record notification systems that meet minimum standards issued by the Secretary; or

(C) by a combination of inquiries to States and reports from driver record notification systems.

(2) RECORD KEEPING.—A copy of the reports received under paragraph (1) shall be maintained in the driver's qualification file.

(3) EXCEPTIONS TO RECORD REVIEW REQUIREMENT.—Paragraph (1) shall not apply to a driver employed by an employer who, in any 7-day period, is employed or used as a driver by more than 1 employer—

(A) if the employer obtains the driver's identification number, type, and issuing State of the driver's commercial motor vehicle license; or

(B) if the information described in subparagraph (A) is furnished by another employer and the employer that regularly employs the driver meets the other requirements under this section.

(4) DRIVER RECORD NOTIFICATION SYSTEM DEFINED.—In this section, the term "driver record notification system" means a system that automatically furnishes an employer with a report, generated by the appropriate agency of a State, on the change in the status of an employee's driver's license due to a conviction for a moving violation, a failure to appear, an accident, driver's license suspension, driver's license revocation, or any other action taken against the driving privilege.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1016; Pub. L. 112-141, div. C, title II, §§ 32303(a), 32307, July 6, 2012, 126 Stat. 790, 794.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31304 .....	49 App.:2703.	Oct. 27, 1986, Pub. L. 99-570, § 12004, 100 Stat. 3207-171.

In this section, before clause (1), the words "Effective July 1, 1987" are omitted as executed. The words "per-

mit, or authorize" are omitted as surplus. Clause (2) is substituted for 49 App.:2703(2) to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2012—Pub. L. 112-141, §32303(a), designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Subsec. (a). Pub. L. 112-141, §32307, in introductory provisions, struck out "knowingly" before "allow an employee" and substituted "that the employer knows or should reasonably know that" for "in which".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

STANDARDS FOR DRIVER RECORD NOTIFICATION SYSTEMS

Pub. L. 112-141, div. C, title II, §32303(b), July 6, 2012, 126 Stat. 791, provided that: "Not later than 1 year after the date of enactment of this Act [see section 3(a), (b) of Pub. L. 112-141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of Title 23, Highways], the Secretary [of Transportation] shall issue minimum standards for driver notification systems, including standards for the accuracy, consistency, and completeness of the information provided."

§ 31305. General driver fitness, testing, and training

(a) MINIMUM STANDARDS FOR TESTING AND FITNESS.—The Secretary of Transportation shall prescribe regulations on minimum standards for testing and ensuring the fitness of an individual operating a commercial motor vehicle. The regulations—

(1) shall prescribe minimum standards for written and driving tests of an individual operating a commercial motor vehicle;

(2) shall require an individual who operates or will operate a commercial motor vehicle to take a driving test in a vehicle representative of the type of vehicle the individual operates or will operate;

(3) shall prescribe minimum testing standards for the operation of a commercial motor vehicle and may prescribe different minimum testing standards for different classes of commercial motor vehicles;

(4) shall ensure that an individual taking the tests has a working knowledge of—

(A) regulations on the safe operation of a commercial motor vehicle prescribed by the Secretary and contained in title 49, Code of Federal Regulations; and

(B) safety systems of the vehicle;

(5) shall ensure that an individual who operates or will operate a commercial motor vehicle carrying a hazardous material—

(A) is qualified to operate the vehicle under regulations on motor vehicle transportation of hazardous material prescribed under chapter 51 of this title;

(B) has a working knowledge of—

(i) those regulations;

(ii) the handling of hazardous material;

(iii) the operation of emergency equipment used in response to emergencies arising out of the transportation of hazardous material; and

(iv) appropriate response procedures to follow in those emergencies; and

(C) is licensed by a State to operate the vehicle after having first been determined under section 5103a of this title as not posing a security risk warranting denial of the license.

(6) shall establish minimum scores for passing the tests;

(7) shall ensure that an individual taking the tests is qualified to operate a commercial motor vehicle under regulations prescribed by the Secretary and contained in title 49, Code of Federal Regulations, to the extent the regulations apply to the individual; and

(8) may require—

(A) issuance of a certification of fitness to operate a commercial motor vehicle to an individual passing the tests; and

(B) the individual to have a copy of the certification in the individual's possession when the individual is operating a commercial motor vehicle.

(b) REQUIREMENTS FOR OPERATING VEHICLES.—

(1) Except as provided in paragraph (2) of this subsection, an individual may operate a commercial motor vehicle only if the individual has passed written and driving tests that meet the minimum standards prescribed by the Secretary under subsection (a) of this section to operate the vehicle and has a commercial driver's license to operate the vehicle.

(2) The Secretary may prescribe regulations providing that an individual may operate a commercial motor vehicle for not more than 90 days if the individual—

(A) passes a driving test for operating a commercial motor vehicle that meets the minimum standards prescribed under subsection (a) of this section; and

(B) has a driver's license that is not suspended, revoked, or canceled.

(c) STANDARDS FOR TRAINING.—Not later than 1 year after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the Secretary shall issue final regulations establishing minimum entry-level training requirements for an individual operating a commercial motor vehicle—

(1) addressing the knowledge and skills that—

(A) are necessary for an individual operating a commercial motor vehicle to safely operate a commercial motor vehicle; and

(B) must be acquired before obtaining a commercial driver's license for the first time or upgrading from one class of commercial driver's license to another class;

(2) addressing the specific training needs of a commercial motor vehicle operator seeking passenger or hazardous materials endorsements;

(3) requiring effective instruction to acquire the knowledge, skills, and training referred to in paragraphs (1) and (2), including classroom and behind-the-wheel instruction;

(4) requiring certification that an individual operating a commercial motor vehicle meets the requirements established by the Secretary; and

(5) requiring a training provider (including a public or private driving school, motor carrier, or owner or operator of a commercial motor vehicle) that offers training that results in the issuance of a certification to an individual under paragraph (4) to demonstrate that the training meets the requirements of the regulations, through a process established by the Secretary.

(d) STANDARDS FOR TRAINING AND TESTING OF OPERATORS WHO ARE MEMBERS OF THE ARMED FORCES, RESERVISTS, OR VETERANS.—

(1) IN GENERAL.—Not later than December 31, 2016, the Secretary shall modify the regulations prescribed under subsections (a) and (c) to—

(A) exempt a covered individual from all or a portion of a driving test if the covered individual had experience in the armed forces or reserve components driving vehicles similar to a commercial motor vehicle;

(B) ensure that a covered individual may apply for an exemption under subparagraph (A)—

(i) while serving in the armed forces or reserve components; and

(ii) during the 1-year period beginning on the date on which such individual separates from service in the armed forces or reserve components; and

(C) credit the training and knowledge a covered individual received in the armed forces or reserve components driving vehicles similar to a commercial motor vehicle for purposes of satisfying minimum standards for training and knowledge.

(2) DEFINITIONS.—In this subsection, the following definitions apply:

(A) ARMED FORCES.—The term “armed forces” has the meaning given that term in section 101(a) of title 10.

(B) COVERED INDIVIDUAL.—The term “covered individual” means an individual over the age of 21 years who is—

(i) a current or former member of the armed forces; or

(ii) a current or former member of one of the reserve components.

(C) RESERVE COMPONENTS.—The term “reserve components” means—

(i) the Army National Guard of the United States;

(ii) the Army Reserve;

(iii) the Navy Reserve;

(iv) the Marine Corps Reserve;

(v) the Air National Guard of the United States;

(vi) the Air Force Reserve; and

(vii) the Coast Guard Reserve.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1016; Pub. L. 106-159, title II, §201(d), Dec. 9, 1999, 113 Stat. 1760; Pub. L. 107-56, title X, §1012(b), Oct. 26, 2001, 115 Stat. 397; Pub. L. 112-141, div. C, title II, §32304(a), (c), July 6, 2012, 126 Stat. 791, 792; Pub. L. 114-94, div. A, title V, §5401(a), Dec. 4,

2015, 129 Stat. 1546; Pub. L. 115-105, §3, Jan. 8, 2018, 131 Stat. 2264.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31305(a) .....	49 App.:2704(a).	Oct. 27, 1986, Pub. L. 99-570, §12005(a), (b), 100 Stat. 3207-171.
31305(b) .....	49 App.:2704(b).	

In this section, the word “Federal” is omitted as unnecessary.

In subsection (a), before clause (1), the words “Not later than July 15, 1988” are omitted as obsolete. In clause (3), the words “if the Secretary considers appropriate to carry out the objectives of this title” are omitted as unnecessary.

In subsection (b)(1), the words “taken and” are omitted as unnecessary. The text of 49 App.:2704(b)(3) is omitted as obsolete.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, referred to in subsec. (c), is the date of enactment of title II of div. C of Pub. L. 112-141, which was approved July 6, 2012.

AMENDMENTS

2018—Subsec. (d). Pub. L. 115-105, §3(1), substituted “Operators Who Are Members of the Armed Forces, Reservists, or Veterans” for “Veteran Operators” in heading.

Subsec. (d)(1)(B). Pub. L. 115-105, §3(2), substituted “subparagraph (A)—” for “subparagraph (A) during, at least,” added cl. (i), and inserted “(i) during” before “the 1-year period”.

Subsec. (d)(2)(B)(i). Pub. L. 115-105, §3(3)(A), inserted “current or” before “former”.

Subsec. (d)(2)(B)(ii). Pub. L. 115-105, §3(3), inserted “current or” before “former” and “one of” before “the reserve components”.

2015—Subsec. (d). Pub. L. 114-94 added subsec. (d).

2012—Pub. L. 112-141, §32304(c), substituted “General driver fitness, testing, and training” for “General driver fitness and testing” in section catchline.

Subsec. (c). Pub. L. 112-141, §32304(a), added subsec. (c).

2001—Subsec. (a)(5)(C). Pub. L. 107-56 added subpar. (C).

1999—Subsec. (b)(1). Pub. L. 106-159 struck out “to operate the vehicle” after “written and driving tests” and inserted “to operate the vehicle and has a commercial driver’s license to operate the vehicle” before period at end.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

LICENSING TESTING

Pub. L. 117-146, §20, June 16, 2022, 136 Stat. 1283, provided that:

“(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [June 16, 2022], the Administrator of the Federal Motor Carrier Safety Ad-

ministration (referred to in this section as the ‘Administrator’) shall conduct a review of the discretionary waiver authority described in the document issued by the Administrator entitled ‘Waiver for States Concerning Third Party CDL Skills Test Examiners In Response to the COVID-19 Emergency’ and dated August 31, 2021, for safety concerns.

“(b) PERMANENT WAIVER.—If the Administrator finds no safety concerns after conducting a review under subsection (a), the Administrator shall—

“(1) notwithstanding any other provision of law, make the waiver permanent; and

“(2) not later than 90 days after completing the review under subsection (a), revise section 384.228 of title 49, Code of Federal Regulations, to provide that the discretionary waiver authority referred to in subsection (a) shall be permanent.

“(c) REPORT.—If the Administrator declines to move forward with a rulemaking for revision under subsection (b), the Administrator shall explain the reasons for declining to move forward with the rulemaking in a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.”

MODIFICATION OF RESTRICTIONS ON CERTAIN COMMERCIAL DRIVER’S LICENSES

Pub. L. 117-58, div. B, title III, §23019, Nov. 15, 2021, 135 Stat. 777, provided that: “The Administrator of the Federal Motor Carrier Safety Administration shall revise section 383.3(f)(3)(ii) of title 49, Code of Federal Regulations (or a successor regulation), to provide that a restricted commercial driver’s license issued to an employee in a farm-related service industry shall be limited to the applicable seasonal periods defined by the State issuing the restricted commercial driver’s license, subject to the condition that the total number of days in any calendar year during which the restricted commercial driver’s license is valid does not exceed 210.”

REPORT ON COMMERCIAL DRIVER’S LICENSE SKILLS TEST DELAYS

Pub. L. 114-94, div. A, title V, §5506, Dec. 4, 2015, 129 Stat. 1553, provided that: “Not later than 18 months after the date of enactment of this Act [Dec. 4, 2015], and each year thereafter, the Administrator of the Federal Motor Carrier Safety Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

“(1) describes, for each State, the status of skills testing for applicants for a commercial driver’s license, including—

“(A) the average wait time from the date an applicant requests to take a skills test to the date the applicant has the opportunity to complete such test;

“(B) the average wait time from the date an applicant, upon failure of a skills test, requests a retest to the date the applicant has the opportunity to complete such retest;

“(C) the actual number of qualified commercial driver’s license examiners available to test applicants; and

“(D) the number of testing sites available through the State department of motor vehicles and whether this number has increased or decreased from the previous year; and

“(2) describes specific steps that the Administrator is taking to address skills testing delays in States that have average skills test or retest wait times of more than 7 days from the date an applicant requests to test or retest to the date the applicant has the opportunity to complete such test or retest.”

HAZARDOUS MATERIALS ENDORSEMENT EXEMPTION

Pub. L. 114-94, div. A, title VII, §7208, Dec. 4, 2015, 129 Stat. 1593, provided that: “The Secretary [of Transpor-

tation] shall allow a State, at the discretion of the State, to waive the requirement for a holder of a Class A commercial driver's license to obtain a hazardous materials endorsement under part 383 of title 49, Code of Federal Regulations, if the license holder—

“(1) is acting within the scope of the license holder's employment as an employee of a custom harvester operation, agrichemical business, farm retail outlet and supplier, or livestock feeder; and

“(2) is operating a service vehicle that is—

“(A) transporting diesel in a quantity of 3,785 liters (1,000 gallons) or less; and

“(B) clearly marked with a ‘flammable’ or ‘combustible’ placard, as appropriate.”

#### COMMERCIAL MOTOR VEHICLE OPERATOR REQUIREMENTS RELATING TO SLEEP DISORDERS

Pub. L. 113-45, §1, Oct. 15, 2013, 127 Stat. 557, provided that:

“(a) IN GENERAL.—The Secretary of Transportation may implement or enforce a requirement providing for the screening, testing, or treatment (including consideration of all possible treatment alternatives) of individuals operating commercial motor vehicles for sleep disorders only if the requirement is adopted pursuant to a rulemaking proceeding.

“(b) APPLICABILITY.—Subsection (a) shall not apply to a requirement that was in force before September 1, 2013.

“(c) SLEEP DISORDERS DEFINED.—In this section, the term ‘sleep disorders’ includes obstructive sleep apnea.”

#### OPERATION OF COMMERCIAL MOTOR VEHICLES BY INDIVIDUALS WHO USE INSULIN TO TREAT DIABETES MELLITUS

Pub. L. 109-59, title IV, §4129, Aug. 10, 2005, 119 Stat. 1742, provided that:

“(a) REVISION OF FINAL RULE.—Not later than 90 days after the date of the enactment of this Act [Aug. 10, 2005], the Secretary [of Transportation] shall begin revising the final rule published in the Federal Register on September 3, 2003, relating to persons with diabetes, to allow individuals who use insulin to treat their diabetes to operate commercial motor vehicles in interstate commerce. The revised final rule shall provide for the individual assessment of applicants who use insulin to treat their diabetes and who are, except for their use of insulin, otherwise qualified under the Federal motor carrier safety regulations. The revised final rule shall be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century [Pub. L. 105-178] (49 U.S.C. 31305 note) and shall conclude the rulemaking process in the Federal Motor Carrier Safety Administration docket relating to qualifications of drivers with diabetes.

“(b) NO PERIOD OF COMMERCIAL DRIVING WHILE USING INSULIN REQUIRED FOR QUALIFICATION.—After the earlier of the date of issuance of the revised final rule under subsection (a) or the 90th day following the date of enactment of this Act [Aug. 10, 2005], the Secretary may not require individuals with insulin-treated diabetes mellitus who are applying for an exemption from the physical qualification standards to have experience operating commercial motor vehicles while using insulin in order to be exempted from the physical qualification standards to operate a commercial motor vehicle in interstate commerce.

“(c) MINIMUM PERIOD OF INSULIN USE.—Subject to subsection (b), the Secretary shall require individuals with insulin-treated diabetes mellitus to have a minimum period of insulin use to demonstrate stable control of diabetes before operating a commercial motor vehicle in interstate commerce. Such demonstration shall be consistent with the findings reported in July 2000, by the expert medical panel established by the Secretary, in ‘A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate Commercial Motor Ve-

hicles in Interstate Commerce as Directed by the Transportation Equity Act for the 21st Century’. For individuals who have been newly diagnosed with type 1 diabetes, the minimum period of insulin use may not exceed 2 months, unless directed by the treating physician. For individuals who have type 2 diabetes and are converting to insulin use, the minimum period of insulin use may not exceed 1 month, unless directed by the treating physician.

“(d) LIMITATIONS.—Insulin-treated individuals may not be held by the Secretary to a higher standard of physical qualification in order to operate a commercial motor vehicle in interstate commerce than other individuals applying to operate, or operating, a commercial motor vehicle in interstate commerce; except to the extent that limited operating, monitoring, and medical requirements are deemed medically necessary under regulations issued by the Secretary.”

#### CDL SCHOOL BUS ENDORSEMENT

Pub. L. 106-159, title II, §214, Dec. 9, 1999, 113 Stat. 1766, provided that: “The Secretary shall conduct a rulemaking to establish a special commercial driver's license endorsement for drivers of school buses. The endorsement shall, at a minimum—

“(1) include a driving skills test in a school bus; and

“(2) address proper safety procedures for—

“(A) loading and unloading children;

“(B) using emergency exits; and

“(C) traversing highway rail grade crossings.”

#### MEDICAL CERTIFICATE

Pub. L. 106-159, title II, §215, Dec. 9, 1999, 113 Stat. 1767, provided that: “The Secretary shall initiate a rulemaking to provide for a Federal medical qualification certificate to be made a part of commercial driver's licenses.”

#### INSULIN TREATED DIABETES MELLITUS

Pub. L. 105-178, title IV, §4018, June 9, 1998, 112 Stat. 413, provided that:

“(a) DETERMINATION.—Not later than 18 months after the date of enactment of this Act [June 9, 1998], the Secretary [of Transportation] shall determine whether a practicable and cost-effective screening, operating, and monitoring protocol could likely be developed for insulin treated diabetes mellitus individuals who want to operate commercial motor vehicles in interstate commerce that would ensure a level of safety equal to or greater than that achieved with the current prohibition on individuals with insulin treated diabetes mellitus driving such vehicles.

“(b) COMPILATION AND EVALUATION.—Prior to making the determination in subsection (a), the Secretary shall compile and evaluate research and other information on the effects of insulin treated diabetes mellitus on driving performance. In preparing the compilation and evaluation, the Secretary shall, at a minimum—

“(1) consult with States that have developed and are implementing a screening process to identify individuals with insulin treated diabetes mellitus who may obtain waivers to drive commercial motor vehicles in intrastate commerce;

“(2) evaluate the Department's policy and actions to permit certain insulin treated diabetes mellitus individuals who meet selection criteria and who successfully comply with the approved monitoring protocol to operate in other modes of transportation;

“(3) assess the possible legal consequences of permitting insulin treated diabetes mellitus individuals to drive commercial motor vehicles in interstate commerce;

“(4) analyze available data on the safety performance of diabetic drivers of motor vehicles;

“(5) assess the relevance of intrastate driving and experiences of other modes of transportation to interstate commercial motor vehicle operations; and

“(6) consult with interested groups knowledgeable about diabetes and related issues.

“(c) REPORT TO CONGRESS.—If the Secretary determines that no protocol described in subsection (a) could likely be developed, the Secretary shall report to Congress the basis for such determination.

“(d) INITIATION OF RULEMAKING.—If the Secretary determines that a protocol described in subsection (a) could likely be developed, the Secretary shall report to Congress a description of the elements of such protocol and shall promptly initiate a rulemaking proceeding to implement such protocol.”

#### PERFORMANCE-BASED CDL TESTING

Pub. L. 105-178, title IV, § 4019, June 9, 1998, 112 Stat. 414, provided that:

“(a) REVIEW.—Not later than 1 year after the date of enactment of this Act [June 9, 1998], the Secretary [of Transportation] shall complete a review of the procedures established and implemented by States under section 31305 of title 49, United States Code, to determine if the current system for testing is an accurate measure and reflection of an individual’s knowledge and skills as an operator of a commercial motor vehicle and to identify methods to improve testing and licensing standards, including identifying the benefits and costs of a graduated licensing system.

“(b) REGULATIONS.—The Secretary may issue regulations under section 31305 of title 49, United States Code, reflecting the results of the review.”

#### DRIVER FATIGUE

Pub. L. 105-178, title IV, § 4021, June 9, 1998, 112 Stat. 414, provided that:

“(a) TECHNOLOGIES TO REDUCE FATIGUE OF COMMERCIAL MOTOR VEHICLE OPERATORS.—

“(1) DEVELOPMENT OF TECHNOLOGIES.—As part of the activities of the Secretary [of Transportation] relating to the fatigue of commercial motor vehicle operators, the Secretary shall encourage the research, development, and demonstration of technologies that may aid in reducing such fatigue.

“(2) MATTERS TO BE TAKEN INTO ACCOUNT.—In carrying out paragraph (1), the Secretary shall take into account—

“(A) the degree to which the technology will be cost efficient;

“(B) the degree to which the technology can be effectively used in diverse climatic regions of the Nation; and

“(C) the degree to which the application of the technology will further emissions reductions, energy conservation, and other transportation goals.

“(3) FUNDING.—The Secretary may use amounts made available under section 5001(a)(2) of this Act [112 Stat. 419].

“(b) NONSEDATING MEDICATIONS.—The Secretary shall review available information on the effects of medications (including antihistamines) on driver fatigue, awareness, and performance and shall consider encouraging, if appropriate, the use of nonsedating medications (including nonsedating antihistamines) as a means of reducing the adverse effects of the use of other medications by drivers.”

#### § 31306. Alcohol and controlled substances testing

(a) DEFINITION.—In this section and section 31306a, “controlled substance” means any substance under section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) specified by the Secretary of Transportation.

(b) TESTING PROGRAM FOR OPERATORS OF COMMERCIAL MOTOR VEHICLES.—(1)(A) In the interest of commercial motor vehicle safety, the Secretary of Transportation shall prescribe regulations that establish a program requiring motor carriers to conduct preemployment, reasonable

suspicion, random, and post-accident testing of operators of commercial motor vehicles for the use of a controlled substance in violation of law or a United States Government regulation and to conduct reasonable suspicion, random, and post-accident testing of such operators for the use of alcohol in violation of law or a United States Government regulation.

(B) The regulations prescribed under subparagraph (A) shall permit motor carriers—

(i) to conduct preemployment testing of commercial motor vehicle operators for the use of alcohol; and

(ii) to use hair testing as an acceptable alternative to urine testing—

(I) in conducting preemployment testing for the use of a controlled substance; and

(II) in conducting random testing for the use of a controlled substance if the operator was subject to hair testing for preemployment testing.

(C) When the Secretary of Transportation considers it appropriate in the interest of safety, the Secretary may prescribe regulations for conducting periodic recurring testing of operators of commercial motor vehicles for the use of alcohol or a controlled substance in violation of law or a Government regulation.

(2) In prescribing regulations under this subsection, the Secretary of Transportation—

(A) shall require that post-accident testing of an operator of a commercial motor vehicle be conducted when loss of human life occurs in an accident involving a commercial motor vehicle;

(B) may require that post-accident testing of such an operator be conducted when bodily injury or significant property damage occurs in any other serious accident involving a commercial motor vehicle; and

(C) shall provide an exemption from hair testing for commercial motor vehicle operators with established religious beliefs that prohibit the cutting or removal of hair.

(c) TESTING AND LABORATORY REQUIREMENTS.—In carrying out subsection (b) of this section, the Secretary of Transportation shall develop requirements that shall—

(1) promote, to the maximum extent practicable, individual privacy in the collection of specimens;

(2) for laboratories and testing procedures for controlled substances, incorporate the Department of Health and Human Services scientific and technical guidelines dated April 11, 1988, and any amendments to those guidelines, for urine testing, and technical guidelines for hair testing, including mandatory guidelines establishing—

(A) comprehensive standards for every aspect of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this section, including standards requiring the use of the best available technology to ensure the complete reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimens collected for controlled substances testing;

(B) the minimum list of controlled substances for which individuals may be tested;