

## **REPORTING POSITIVE DOT DRUG AND ALCOHOL TESTS TO STATE CDL AGENCIES**

Eight States (AR, CA, NC, NM, OR, SC, TX and WA) have enacted legislation or issued regulations that require employers, Medical Review Officers (MRO), or Breath Alcohol Technicians (BAT) to report positive DOT drug and alcohol tests to a State agency. The requirements apply to DOT drug and alcohol tests conducted on individuals who hold a Commercial Driver's License (CDL) issued by the State.

Arkansas requires both employers (motor carriers) and MROs to report positive alcohol tests, verified positive drug tests, and refusals to test on DOT testing of AR CDL holders. All reporting is done via a subscription web-based reporting system. AR Motor carriers and MROs must register with the AR Dept of Finance and Administration, Office of Driver Services.

California requires that MROs, BATs and TPAs report to the California Highway Patrol every positive DOT drug and alcohol (>0.04 BrAC) test conducted on a CA CDL holder. The report does not include any individual test identification information (e.g. employer, driver name, CDL license number, SSN, etc.); only the date and reason for the test, the drug(s) detected, and the alcohol level >0.04 BrAC.

North Carolina requires employers to report DOT positive drug and alcohol tests on NC CDL holders to the State using a standard "Positive Drug Test Report" form. Under the NC statute, the driver's CDL is suspended until the driver or the employer provides proof of successful completion of the SAP assessment and treatment/rehabilitation process.

New Mexico requires employers to report DOT drug and alcohol positive and refusal to tests on CDL holders to the NM DMV. The DMV will enter the information on the CDL holder's motor vehicle record. Pre-employment refusals to test are not reported. The positive/refusal to test information will remain on the driver's record for 5 years.

Oregon's regulation applies to positive DOT drug test results; positive alcohol test results are not reported. The MRO initiates the report using a standard Oregon State form and forwards it to the employer. The employer completes the form and forwards it to the State agency. The information is entered into a State database and released to employers only with a signed release from the driver. No actions are taken on the driver's CDL.

Texas requires MROs and BATs to initiate reports of refusals to test and positive results on DOT drug and alcohol tests conducted on individuals who hold a TX CDL. The MRO or BAT initiates the report using a standard Texas form and forwards it to the employer for completion and filing with the State agency. The MRO or BAT must provide a signed copy of the test result (e.g. CCF, MRO test result report, or Alcohol Test Form (ATF)) with the TX form. For self-employed CDL drivers, the MRO and BAT are required to complete the standard form and

send it directly to the State agency. The test result information is entered into a State database and released only with signed consent of the driver; No actions are taken on the driver's CDL.

South Carolina requires employers to report positive DOT drug and alcohol tests on all SC CDL holders (both employees and applicants). The statute also requires reporting of any refusals to test and adulterated/substituted drug tests. The employer must complete SC CDL-18 form and submit it to the SCDMV within 3 days of the DOT violation.

Washington requires MROs and BATs to report positive DOT drug and alcohol test results on individuals holding a WA CDL directly to the State using a standard form. The SAP assessment/treatment report is submitted by the SAP to the State. For the 1st and 2nd violations, the driver's CDL is suspended until successful completion of the SAP assessment and rehabilitation process is documented by the SAP report to the State. For a 3rd violation within 5 years, there is a lifetime suspension of the CDL.

Copies of the applicable State forms or instructions are available on the FirstLab website, under the Resources tab. The FirstLab MRO Department initiates and completes reports as required under the statutes and either forwards them to the employer Designated Employer Representative (DER) or directly to the State agency as appropriate.

**FOR QUESTIONS OR ADDITIONAL INFORMATION PLEASE CONTACT YOUR  
ACCOUNT MANAGER AT 800-732-3784**