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Commercial DUI Regulations

Bus drivers, truck drivers and other professionals with a commercial driver's license (CDL) are held to a higher standard than non-commercial drivers with respect to impaired driving, as established by the Federal Motor Carrier Safety Administration (FMCSA). And with good reason. Whether their cargo is a steel tank full of gasoline or a school bus packed with elementary school children, the stakes are much higher in than for the typical automobile driver. A drunk or drugged commercial driver not only poses a serious threat to public safety but also is a serious liability to his or her employer.

Here are some examples of drivers and employers that may be subject to FMCSA regulations regarding drugs and alcohol use by commercial drivers:

- Anyone who owns or leases commercial motor vehicles,
- Anyone who assigns drivers to operate commercial motor vehicles,
- Federal, state and local governments,
- For-hire motor carriers,
- Private motor carriers,
- Civic organizations (i.e. disabled veteran transport, Girl Scouts, etc.), and
- Churches

FMCSA Blood Alcohol Limits

Most states have adopted the FMCSA regulations for commercial drivers and alcohol, which set a 0.04 percent blood-alcohol concentration limit. This is half the BAC limit for non-commercial drivers in most states. The FMCSA rules also stipulate that commercial drivers may not operate a commercial vehicle within four hours of using alcohol.

Alcohol and Drug Tests for Commercial Drivers

Commercial drivers may be required to submit to alcohol testing randomly, after an accident, where there is reasonable suspicion, or as a condition of returning to duty following an alcohol policy violation. In addition to alcohol testing, the FMCSA regulations allow for drug testing in the following circumstances: as a condition of employment, where there is reasonable suspicion, after an accident and as a condition of returning to duty following a drug policy violation. The following drugs are often screened: marijuana, cocaine, amphetamines, opiates and phencyclidine (PCP).

When pulled over on suspicion of DUI, commercial drivers also face harsher penalties for [refusing to submit to a blood alcohol test](#). Under FMCSA rules, refusal to take a blood alcohol test is the equivalent of pleading guilty to DUI.

Effect of Commercial DUI

Aside from the lower threshold for BAC levels, CDL-holders charged with impaired driving while on the job are subject to the same criminal law procedures as non-commercial DUI defendants. In addition to the lowered blood alcohol limit, DUI in a commercial vehicle can result in longer license suspension than traditional DUI. This can mean a loss of livelihood for a commercial driver.

Additionally, CDL-holders convicted of any traffic violation aside from parking offenses must notify his or her employer within 30 days, regardless of which vehicle was driven at the time. For example, a truck driver convicted of a DUI in his personal car while off duty must notify his employer. If the DUI results in a suspended or revoked license, his employer is barred from employing him as a driver for the duration of the license restriction. Those wishing to continue as commercial drivers can find it extremely difficult to secure employment with a DUI on their record.

For more information, contact the [Federal Motor Carrier Safety Administration](#) within the U.S. Dept. of Transportation.

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