

# PSATS CDL Program Guidance

## Guidance on post-accident testing

### **Notify police (i.e., a “reportable” accident)?**

The Pa. Vehicle Code at 75 Pa. CSA 3746 requires the driver of any vehicle involved in an accident to immediately by the quickest means of communication give notice to the nearest office of a duly authorized police department if the accident involves:

- (1) injury to or death of any person; or
- (2) damage to any vehicle involved to the extent that it cannot be driven under its own power in its customary manner without further damage or hazard to the vehicle, other traffic elements, or the roadway, and therefore requires towing.

### **CDL accident report required?**

Federal regulations at 49 CFR 390.15(b) require all employers to maintain for three years certain information regarding accidents by its CDL drivers, as well as all other accident reports required by State or other governmental entities or insurers.

Further, 49 CFR 390.5 defines an “accident” as an occurrence involving a commercial motor vehicle with a GVWR or operating weight of more than 26,001 pounds 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.

CDL drivers involved in such an accident shall file a report with their employer using “PSATS CDL Program Form Accident.”

### **CDL post-accident testing required?**

CDL drivers are mandated by 49 CFR 382.303 to submit to the following post-accident CDL tests, if required: (1) DRUG AND ALCOHOL test if a fatality occurred, regardless of fault; or (2) DRUG AND ALCOHOL TEST if the driver receives a citation for a moving traffic violation within 8 hours of the accident and either (a) any involved vehicle was towed or (b) someone injured in the accident receives immediate medical treatment away from the scene; or (3) DRUG TEST if the driver receives a citation for a moving traffic violation between 8 and 32 hours after the accident and either (a) any involved vehicle was towed or (b) someone injured in the accident receives immediate medical treatment away from the scene.

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**Non-CDL post-accident testing still may be required:**

If the driver does not meet the conditions for required post-accident CDL tests as described above, they still may be required to take a non-CDL drug and alcohol post-accident test at the direction of the investigating police officer in accordance with state law.

The Pa. Vehicle Code at Title 75 Pa. CSA 3756 requires the police officer investigating an accident involving a motor carrier vehicle having a gross vehicle weight rating (GVWR), gross combination weight rating, registered gross weight, registered combination weight or actual gross weight of 17,001 pounds or more to order a drug and alcohol test of the driver of the motor carrier vehicle. A driver who refuses to submit to alcohol or controlled substances testing under this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of up to \$200.

In the event the driver is not taken by the police officer to a testing facility, the driver would need to complete a non-CDL drug and alcohol tests in a timely fashion and shall only use non-CDL test forms.

**It is the requirement of the driver to both (1) determine when they are subject to either CDL or non-CDL post-accident testing and (2) to timely complete such required tests.**

**Post-Accident Test Location:**

Your employer is to identify here the name, address, and phone number of your nearest 24/7 PSATS CDL Program test site:

Site Name: \_\_\_\_\_

Site Address: \_\_\_\_\_

Site Phone #: \_\_\_\_\_

Should you need to take a post-accident test as defined above, you must immediately contact this facility to inform them of your pending arrival so they may be ready. Unless medical attention is required, you must take any CDL alcohol test within 8 hours of the accident and you must take any any CDL drug test within 32 hours of the accident. Failure to meet either of these time frames requires the employer to maintain a record in the employee’s file stating the reason the test was not administered for submittal to any authorized authority upon request.

All employers shall provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of this section. If your driver is out-of-state and needs to take a CDL post-accident test, the driver should contact Pembroke at 1-800-733-1676 for assistance in locating the nearest PSATS CDL Program testing site.

Rev 3/15