

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?

The federal CDL regulations at 49 CFR 390.5T, as modified by Pa.’s intrastate commercial motor vehicle regulations at 67 Pa. Code 231.8, define an “accident” as an occurrence involving a commercial motor vehicle with a gross vehicle weight rating or driving weight greater than 26,001 pounds operating on a highway in interstate commerce or with a gross vehicle weight rating or driving weight greater than 17,001 pound operating on a highway in 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 incur 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: (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.

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

Post-accident testing required?

Drivers are mandated by 49 CFR 382.303 to submit to the following post-accident 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 within 32 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.

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