

LEGAL UPDATE

Temporary FMCSA Drug Testing Waiver for Rehiring CMV Drivers

On June 5, 2020, the Federal Motor Carrier Safety Administration (FMCSA) granted a [three-month waiver](#) from certain preemployment testing requirements. The waiver allows eligible carriers to rehire commercial motor vehicle (CMV) drivers who have been furloughed or laid off for more than 30 days without having to administer all preemployment drug screening tests.

The new waiver became effective on **June 5, 2020**, and will expire on **Sep. 30, 2020**.

Affected Drivers

The waiver applies to CMV drivers who have participated in a controlled substances testing program that meets the requirements of the FMCSA's controlled substances and alcohol use [regulations](#) within the previous 90 days of hire or rehire.

Impact on Employers

Under current regulations, employers must perform drug screening tests for controlled substances and receive a verified negative test result before hiring a new CMV driver. However, an exception allows carriers to forgo the preemployment drug test if a driver has participated in a compliant controlled substances testing program within the previous 30 days.

The FMCSA's new waiver extends that 30-day period to 90 days. Because preemployment screening is conducted at the employer's expense, this effectively reduces the cost of hiring CMV drivers for passenger and property carriers.

The FMCSA granted the waiver to encourage motor carriers to rehire CMV drivers who were laid off or furloughed because of COVID-19 and to stimulate the rebuilding of the nation's transportation infrastructure.

Drug Testing Waiver

Employers may forgo administration of a preemployment test if the driver:

- Has participated in a controlled substances testing program within the previous 90 days;
- Was tested for controlled substances within the past six months or participated in the random controlled substances testing program for the previous 12 months; and
- Does not have a controlled substance violation record with another DOT agency within the previous six months.

The waiver effectively reduces the cost of hiring CMV drivers for passenger and property carriers.

Provided to you by [Sterling Insurance Group](#)

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