

In the battle to establish liability in a [truck accident](#), the legal teams representing victims need to use every tool at their disposal to defeat the trucking industry's and insurance companies' defense tactics. The federal government provides extensive regulations that can often be leveraged to an accident victim's advantage if the personal injury team knows how to collect the right information and apply the most effective legal arguments.

Some of the regulations apply to drug testing requirements for truck drivers. The U.S. Department of Transportation announced that random testing rates will remain high in 2026 because data collected by the Federal Motor Carrier Safety Administration (FMCSA) shows a high rate of violations. There is also the possibility that drug testing requirements will be expanded to include additional substances.

If you contact our team for a free case evaluation, we could explain how the drug testing requirements could affect your particular truck accident case. Here, we provide a broad overview of factors that often affect truck accident recovery.

## What Statistics Show

The FMCSA maintains information in a Drug and Alcohol Clearinghouse that reveals when drivers with commercial driver's licenses (CDLs) are cited for violating drug and alcohol rules. Common violations reported include:

- Situations where a driver has reported for duty or remained on duty with an alcohol concentration of .04% or greater
- Situations where a driver has reported for duty or remained on duty while using drugs prohibited by regulations other than those prescribed by a doctor
- A driver's use of alcohol while performing or within four hours before performing a safety-sensitive function
- A driver's use of alcohol within eight hours of an accident (or before post-accident testing)
- A driver's refusal to submit to a drug or alcohol test that is required by law

## Who is Tested?

The Clearinghouse covers information for all CDL drivers operating commercial motor vehicles on public roads. This includes not only truck drivers operating [tractor-trailers](#) in interstate commerce but also school bus drivers, limousine drivers, [construction equipment](#) operators, and drivers of municipal vehicles, such as [garbage trucks](#). The [Administration's most recent report](#) reveals that 57,507 violations were reported in the last year alone. Nearly 370,000 violations have been reported since 2020.

## Substances Leading to the Most Violations

In the case of drug violations, the most common substances detected in testing were marijuana, cocaine, and methamphetamine. Amphetamine, oxycodone, oxycodone, and hydrocodone also ranked highly among the substances for which drivers tested positive. The Department of Transportation has proposed to add fentanyl and norfentanyl to the list of tested substances, which could catch additional offenders.

Alcohol violations account for a relatively small share of overall violations, but the numbers have been climbing steadily since 2020. When a driver has a violation, the law prohibits them from operating a commercial vehicle or performing other safety-sensitive functions until they complete a specified "return-to-duty process." Overall, the Administration reports that there are currently over 200,000 drivers who are not permitted to drive and 328,431 CDL drivers with at least one violation.

## Random Drug Testing

Rising numbers of violations prompted the Administration to increase the random drug testing rate from 25 percent to 50 percent in 2020, and because the numbers have not significantly reduced since then, the government determined that the random test rate should not be reduced in 2026. The random test rate for alcohol testing also remains the same at 10 percent. In addition to random testing, employers are required to conduct testing before employment, after an accident, and whenever they have reasonable suspicion that a driver is under the influence of alcohol or drugs.

Drug tests have traditionally relied on urine samples, but oral fluid (saliva) testing is now acceptable under the law. This can detect recent drug use more accurately, which could be particularly helpful after an accident when it is important to connect drug use to the timing of the accident. However, there have been delays in getting U.S. laboratories certified to conduct saliva testing that meets DOT requirements. Alcohol testing is generally conducted using breath testing or saliva testing.

# How Drug Testing Requirements Can Affect a Truck Accident Case in North Carolina

The [federal government requires](#) drug testing after certain accidents. In these situations, a violation can serve as strong evidence that a truck driver was responsible for the accident. Both the driver and the company that employs the driver could be held liable and required to pay damages.

Situations where testing is required:

- When an accident results in a [fatality](#), drug and alcohol testing must be performed
- When an accident causes injuries and the driver is cited for a moving violation within 8-hours after the accident, an alcohol test must be performed
- When an accident causes injuries and the driver is cited for a moving violation within 32 hours after the accident, a drug test must be performed
- When an accident requires any vehicle involved to be towed from the scene and the driver is cited for a moving violation within 8-hours after the accident, an alcohol test must be performed
- When an accident requires any vehicle involved to be towed from the scene and the driver is cited for a moving violation within 32-hours after the accident, a drug test must be performed

For accidents that don't meet these requirements, a random drug test may reveal a violation in conjunction with the collision. All random testing must be conducted immediately before, during, or immediately after a driver has been driving or performing another safety-sensitive function.

A trucking company could be held liable if it failed to check the driver's record before hiring them, if it allowed a driver with a prohibited status to drive, or if it failed to test when it had reasonable cause to believe a driver was under the influence based on physical observations or reports provided through equipment monitoring the driver's behavior.

## Martin & Jones Knows How to Use Drug Test Data to Establish Liability

A positive drug test does not automatically secure recovery for a [truck accident](#) victim. By the same token, a negative drug test does not preclude an accident victim from establishing liability against a driver or trucking company. There are many factors that must be established to establish a clear chain of causation, and it can be a challenging task for legal teams that are not experienced in handling the complex evidence associated with truck accident cases.

At [Martin & Jones](#), we have decades of experience defeating trucking companies and recovering full compensation for truck accident victims. To discuss the possible recovery in your case, call us at 800-662-1234 or [contact us online](#) now to schedule a free consultation and case evaluation.