

MVD Procedural Quick Update

#121

RE: Drug and Alcohol Test Reporting by Employers of CDL Drivers
Effective date: Immediate

Date: November 17, 2010
To: All MVD
From: Mac Lewis, MVD Policy and Procedures Manager

[This is the latest in a series of procedural updates. These updates deal with specific MVD procedures and practices. Managers and Supervisors should consistently distribute the updates to all personnel and integrate them into regular information and training sessions.]

Employers of commercial (CDL) drivers are now required to report positive drug and alcohol test results and refusals to test, using the Employer's Submission of Controlled Substance Test Results form. The completed form (MVD-11174) must be submitted directly (mailed or faxed) to MVD's CDL Unit.

New Mexico statute (Sec. 65-3-14 NMSA 1978) and Federal regulations (49 CFR part 382) require that commercial (CDL) drivers submit to drug and alcohol testing. Employers of CDL drivers are also required to report drivers' positive drug and alcohol test results, or a driver's refusal to submit to drug and alcohol testing, to MVD.

MVD will post positive test results and refusals to test to the driver's record.

Employers of commercial drivers are now required to report positive drug and alcohol test results and refusals to MVD's CDL Unit using the Employer's Submission of Controlled Substance Test Results for New Mexico CDL Holders form (MVD-11174). That form must be accompanied by a signed Medical Review Officer's (MRO's) Controlled Substance Test Report.

Other than being aware of this process, MVD agents have no direct involvement in the required reporting, and should neither solicit nor accept the completed form MVD-11174 or the MRO's Controlled Substance Test Report.

However, if you take questions about the process from CDL drivers or their employers, you may refer them to MVD's Internet web site or print and give them this PQU and the Employer's Submission form, MVD-11174.

Always direct CDL drivers' employers to submit the completed form MVD-11174 with the MRO's Controlled Substance Test Report to the CDL Unit at the address and fax number provided on the form.

Field office managers and supervisors should refer any comments or questions regarding this Procedural Quick Update to their Bureau Chiefs, with cc to mac.lewis@state.nm.us. Others are encouraged to direct comments or questions directly to Mac Lewis.
