



FOR OWNER-OPERATORS

The Owner-Operator Consortium Rule

Why a "pool of one" is not compliant, and what FMCSA actually requires of one-driver operations.

If you are an owner-operator who drives under your own authority and you are your only driver, there is one rule that trips up more single-truck operations than any other: you cannot run your own random drug and alcohol testing program. It feels like you should be able to. You are the company and the driver, so why not select yourself? Because random testing only works statistically across a group, FMCSA does not allow a one-person random pool. You are required to join a consortium.

The rule in one line: An owner-operator who employs only themselves as a driver must participate in a random testing pool of two or more covered drivers, administered through a consortium or third-party administrator (49 CFR 382.305). Self-administering a pool of one is not compliant.

Why this rule exists

Random testing is built on unpredictability across a population. If you are the only name in the pool, every selection is predictable, which defeats the purpose. By pooling many small operators together, a consortium creates a genuine random draw where any covered driver, including you, can be selected at any time. That is what keeps a one-truck operation compliant with the same rules a large fleet follows.

What you are responsible for

- ✓ **Consortium enrollment.**
Join a consortium or third-party administrator that places you in a random pool of two or more covered drivers.
- ✓ **Pre-employment test.**
Complete a pre-employment controlled substances test with a negative result before performing safety-sensitive functions (49 CFR 382.301).
- ✓ **Random participation.**
Remain in the pool and submit to testing whenever selected, at the minimum annual rates FMCSA sets (49 CFR 382.305).



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✓ **Clearinghouse registration.**

Register in the FMCSA Drug and Alcohol Clearinghouse and meet the query and reporting requirements that apply to you (49 CFR 382.701).

✓ **Written policy and records.**

Maintain a written policy and the records FMCSA requires, retained for the applicable periods (49 CFR 382.401, 382.601).

✓ **Service agent for your program.**

Because you cannot self-administer, the program must be managed through a service agent such as a C/TPA (49 CFR Part 40).

Common misunderstandings

✓ **"I'm not hauling far, so I'm exempt."**

Distance does not determine coverage. If you operate a commercial motor vehicle requiring a CDL in interstate commerce, you are covered.

✓ **"I'll just test myself when I remember."**

Self-selection is not random and is not compliant. The selection must come from a valid multi-driver pool.

✓ **"My insurance doesn't require it, so I'm fine."**

For FMCSA-regulated operations, this is a federal requirement independent of what your insurer asks for.

How Skyside Compliance helps

Skyside Compliance places owner-operators into a compliant consortium random pool, handles Clearinghouse registration and queries, provides included MRO review of results, and keeps your records audit-ready. One enrollment puts your one-truck operation on the same compliant footing as a large fleet, without the paperwork landing on you.

Get enrolled: (425) 476-7197 | info@skysidecompliance.com | skysidecompliance.com

Sources and references

1. 49 CFR 382.305, Random testing (owner-operator consortium requirement and minimum annual testing rates). U.S. Department of Transportation, Federal Motor Carrier Safety Administration.
2. 49 CFR 382.301, Pre-employment testing. FMCSA.



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3. 49 CFR 382.401, Retention of records. FMCSA.
4. 49 CFR 382.601, Employer obligation to promulgate a policy. FMCSA.
5. 49 CFR 382.701, Subpart G, Commercial Driver's License Drug and Alcohol Clearinghouse. FMCSA.
6. 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs (service agents). U.S. Department of Transportation.
7. FMCSA Safety Planner, Implementing a Drug and Alcohol Program, and Safety Audit Resource Guide. FMCSA.

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