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# BLACKBURN **ROMEY**

TRUSTED INJURY LAWYERS

**DECEMBER 2025**



Blackburn Romey attorneys (from left): Frank Wolfert, Ryan Lindinger, Tom Blackburn, Chad Romey, Christopher Blackburn and David Singleton.





ENCORE DONATES TOYS TO FIRM'S TOYS FOR TOTS DRIVE — Norm and Linda Lonati are pictured at the Blackburn Romey Fort Wayne office next to an entire carload of toys that were collected and donated by members of the Encore Organization for the firm's Toys for Tots drive. The organization also donated money for the purchase of more toys and Blackburn Romey staff member Alicia Johnson used the donation to buy more toys for the drive. According to its Facebook page, the Encore Club of Fort Wayne provides social and educational opportunities to its nearly 300 members while fostering community involvement.

## **"Don't Miss the Blue Jacket Fantasy of Lights!"**

### ***A Christmas Experience for People of All Ages***

The Blue Jacket Fantasy of Lights and Santa's Christmas Village is open through Dec. 31 at Franke Park. Last year's Santa Village had a record attendance of nearly 75,000 visitors and 28,000 vehicles!

Drive through the park — located at 1750 Goshen Road in Fort Wayne — Sunday through Thursday from 5:30-9 p.m. or Friday and Saturday from 5:30-10 p.m. At the end of the drive, visitors are invited to get out of their vehicles and visit Santa's Christmas Village, where they can enjoy hot chocolate, visits with Santa, games and more.

The 3-mile route features over 700 individual light displays with over 2 million LED lights, including two displays sponsored by Blackburn Romey: "*The Man on the Bike*" and the "*In Excelsis Deo*" arch.



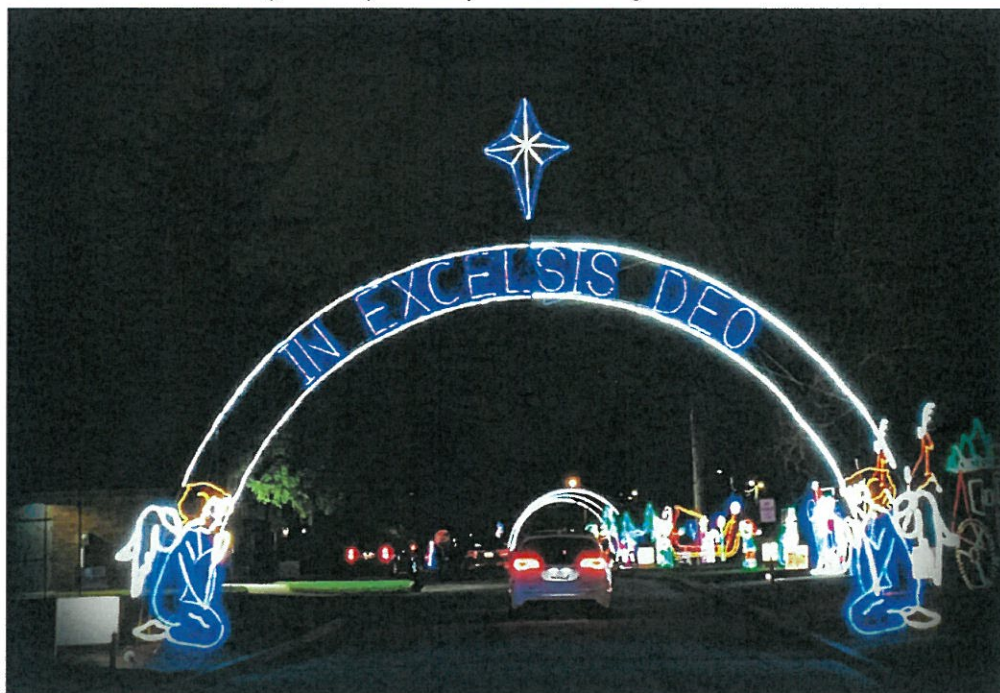
While driving, be sure and tune in to 91.7 FM for important information and holiday music. Admission is \$20 per personal vehicle, \$40 per 12-passenger vans/limos, and \$80 for a bus or trolley. Cash or cards are accepted at the gate or visitors may pay ahead of time by downloading the app [here](#).

Special nights include:

**Dec. 17** — Decorate Your Car Night: Anyone who decorates their vehicle will be eligible for raffle drawing. There is a car show at 7 p.m. and major prizes later that evening.

**Dec. 23** — Christmas Village closes: Final night to visit before Santa heads back to the North Pole.

**Dec 31** — Final night: Pay what you want night.





## What if a Truck Driver Tests Positive for Drugs After an Accident?

A positive drug test after a truck crash signals an immediate and severe safety breach, triggering removal from driving, mandatory evaluation, and close monitoring before any return to the road. Understanding **what happens if a truck driver tests positive for drugs after an accident** helps both victims and commercial drivers recognize the gravity of impaired driving under federal and Indiana law.

At [Blackburn Romey](#), we have represented countless victims in Indiana truck accident cases involving drug or alcohol impairment, and we know how these test results can strengthen a compensation claim.

### Federal Drug Testing Rules

Commercial drivers in Indiana must follow strict federal drug and alcohol testing laws established by the U.S. Department of Transportation (USDOT) and the FMCSA, as detailed under [49 CFR Part 40 and Part 382](#). These regulations require testing at several stages: pre-employment, random testing during employment, post-accident testing, and reasonable suspicion testing.

After a serious crash involving injuries, fatalities, or vehicle towing, employers must order immediate post-accident drug and alcohol tests. Drivers who refuse testing face the same penalties as those who test positive. Federal law defines a “positive” drug test as any detection of controlled substances or an alcohol content of 0.04% or higher.

### Immediate Consequences

A positive drug test triggers federal safety protocols, career-ending penalties, and liability exposure for drivers and trucking companies. Under the [FMCSA regulations](#), drivers who operate under the influence of controlled substances face immediate removal from duty, require a Substance Abuse Professional evaluation, and long-term testing before reinstatement. This structured process protects public safety and prevents unqualified drivers from returning to the road.

## **Employment and CDL Suspension**

For many commercial drivers, a single positive test can end a career. The employer must provide a list of USDOT-qualified Substance Abuse Professionals (SAPs). The driver must select a SAP and complete the return-to-duty (RTD) process before legally operating CMVs again. Federal law prohibits employers from allowing drivers to resume duty until they meet every step of this process.

Drivers with violations often face extended unemployment due to RTD completion time and many employers' refusal to hire applicants with past violations. Even after finishing, additional follow-up testing creates ongoing stress and financial strain. A CDL suspension impacts immediate livelihood and future employment prospects, as carriers typically refuse to hire drivers with accessible violation records.

## **Reporting to the FMCSA Clearinghouse**

Drug and alcohol violations must be reported to the FMCSA Drug and Alcohol Clearinghouse, a federal database tracking driver violations. Employers are required to check the Clearinghouse before hiring new CDL drivers and annually for current employees, ensuring awareness of any violations that prohibit CMV operation.

This system prevents repeat offenders from moving between carriers or concealing test results. For accident victims, Clearinghouse records serve as valuable evidence of negligence or repeated noncompliance in civil claims. Attorneys can obtain these records during discovery to establish patterns of unsafe behavior by drivers or insufficient oversight by carriers.

## **How Positive Tests Affect Personal Injury Claims**

A positive drug test can significantly strengthen a victim's personal injury case in Indiana.

When a truck driver tests positive for drugs after an accident, that result serves as direct evidence of negligence. Indiana's fault-based system requires the injured party to prove the driver's conduct caused the crash. Drug use clearly breaches the duty of care commercial drivers owe the public.

Trucking companies may also share liability for failing to enforce FMCSA compliance, hiring unqualified drivers, or neglecting post-accident testing. An employer's safety record or hiring practices may reveal systemic negligence, leading to supervision or retention claims.

For victims, evidence of negligence in injury claims can directly influence the negotiation or litigation process. Courts and insurers often treat drug use as an aggravating factor, potentially increasing settlement value or supporting punitive damages when the behavior shows reckless disregard for safety.



### **Compensation Options for Victims**

Victims of drug-related truck crashes in Indiana may recover both economic and non-economic damages. Compensation often includes:

- **Medical expenses** for emergency care, hospitalization, and long-term rehabilitation
- **Lost wages** and diminished earning capacity due to time away from work or permanent injuries
- **Pain and suffering**, emotional distress, and loss of enjoyment of life
- **Property damage** for vehicle repair or replacement
- **Punitive damages** in cases involving gross negligence or willful misconduct, such as driving under the influence of controlled substances

Because Indiana enforces a comparative fault rule, a victim's recovery may be reduced if they share partial fault. However, when a driver tests positive for drugs, liability usually falls heavily on the driver and their employer, making a strong case for favorable compensation.

### **Steps to Take if You Were Injured in a Truck Accident Involving Drugs**

After a serious collision involving a potentially impaired truck driver, immediate action preserves your rights and strengthens your legal claim.

1. **Seek prompt medical care.** Medical records provide essential documentation of your injuries and the timing of treatment.

2. **Preserve evidence.** Collect photos, dashcam footage, and witness statements from the scene.
3. **Avoid speaking to insurers** until you consult an attorney. Insurers may attempt to minimize payouts before the drug test results become public.
4. **Request key documentation.** Your attorney can demand post-accident drug testing results, FMCSA Clearinghouse data, and employment records that show previous violations.
5. **Consult a truck accident lawyer.** Legal counsel can coordinate expert witnesses, reconstruct the crash, and build a compelling argument based on the driver's impairment and federal regulation breaches.



These proactive steps ensure crucial evidence, such as toxicology results or electronic logging device (ELD) data, remains available during litigation. Understanding **what happens if a truck driver tests positive for drugs after an accident** allows victims to move strategically, protecting both their recovery and their right to justice.

## Contact [Blackburn Romey](#) After a Truck Accident

After a truck accident involving drugs or alcohol, you need a law firm that understands how to secure results. The team at [Blackburn Romey](#) represents victims across Indiana, building strong claims supported by federal testing evidence and safety violations. We move quickly to collect proof, manage insurance communications, and pursue the compensation you deserve. Do not let a trucking company dictate the outcome. Call [Blackburn Romey](#) at **833-FOR-HELP** today for a free consultation.

## *Got Questions?*

*We have the answers*

- [What to do if your child is injured in a car accident](#)
- [Do motorcycle claims increase during holidays?](#)
- [What are the most common nighttime car accidents?](#)
- [What happens if you're in an accident and do not have insurance?](#)
- [The 14 most dangerous dog breeds](#)



## **Google Reviews**



Leek Williams  
21 reviews



★★★★★ 2 months ago

The team at Blackburn Romey did an excellent job handling my situation. From Tom to Ms. Richelle and Ms. Laura. Those three really helped at making sure the processes were explained thoroughly and made sure my best interests were always a priority. The amount of times I have called and asked questions, they were always ready to answer and find answers when needed. Working with Tom and his team, felt like working with family. As I told Tom, I knew I was with the right team when I saw a verse from the book of Psalms. Tom and the team, thanks for everything and the continued hardwork through my journey. Your office will forever be my go to choice and recommendation.



# BLACKBURN **ROMEY**

TRUSTED INJURY LAWYERS

Talk to one of our attorneys today!  
Free initial consultation  
Fee based upon recovery

**Call 833-FOR-HELP**

## **EVANSVILLE**

815 John Street, Suite 120  
Evansville, IN 47713  
**930-212-1166**

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## **FORT WAYNE**

4203 W Jefferson Blvd  
Fort Wayne, IN 46804  
**260-422-4400**

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## **MERRILLVILLE**

2620 W Lincoln Highway  
Merrillville, IN 46410  
**219-769-7415**

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## **LAFAYETTE**

35 Executive Drive, Suite 2  
Lafayette, IN 47905  
**765-447-9121**

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## **SOUTH BEND•MISHAWAKA•GRANGER**

1450 University Drive Court  
Granger, IN 46530  
**574-277-7711**

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## **INDIANAPOLIS**

8777 Purdue Road  
Indianapolis, IN 46268  
**317-204-1087**

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## **TERRE HAUTE**

2901 Ohio Blvd., Suite 116-5  
Terre Haute, IN 47803  
**812-645-5288**

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