

FMCSA Clearinghouse FAQs

These questions are taken from the FMCSA website, <https://clearinghouse.fmcsa.dot.gov/FAQ>.

Because many of the questions apply to more than one topic or service agent area, these questions are not organized by categories. To do so would mean that some of the questions would be repeated several times. FMCSA expects SAPs to have a thorough knowledge of how this regulation works. Therefore, we recommend that SAPs should try to be familiar with all the information in this document. An employer, or a driver, or another service agent, may ask you about anything related to the Clearinghouse, and you should be able to either answer the question, or know where to find the answer.

1) What is the Drug and Alcohol Clearinghouse (Clearinghouse) and what information does it contain?

The Clearinghouse is a secure online database that gives employers, the Federal Motor Carrier Safety Administration (FMCSA), State Driver Licensing Agencies (SDLAs), and State law enforcement personnel real-time information about commercial driver's license (CDL) and commercial learner's permit (CLP) holders' drug and alcohol program violations.

The Clearinghouse contains records of violations of drug and alcohol prohibitions in 49 CFR § 382, Subpart B, including positive drug or alcohol test results and test refusals. When a driver completes the return-to-duty (RTD) process and follow-up testing plan, this information is also recorded in the Clearinghouse.

Last Updated: January 8, 2020

2) If a driver has a drug and alcohol program violation in one State, then applies for a commercial driver's license (CDL) in another State, will the Clearinghouse connect that driver's drug and alcohol violation history to the new CDL?

Yes. The Clearinghouse will identify drivers who move frequently and obtain CDLs in different States and link those CDLs, in order to maintain complete and accurate information on such drivers.

Last Updated: September 28, 2019

3) How do authorized users sign up to access the Clearinghouse database?

Employers, drivers, medical review officers (MROs), substance abuse professionals (SAPs), and consortia/third-party administrators (C/TPAs) must register in the Clearinghouse to access the Clearinghouse database.

Instructional job aids are available for:

- Employers with Portal accounts
- Employers without Portal accounts
- CDL drivers
- Consortia/third-party administrators
- Medical Review Officers
- Substance Abuse Professionals

Employers, C/TPAs, MROs, and SAPs can also invite users to complete required actions in the Clearinghouse on their behalf. These users would register as Clearinghouse Assistants.

Last Updated December 30, 2019

4) Does the final rule change any of the existing drug and alcohol program requirements in Part 40?

No, the final rule does not change any existing requirements in the U.S. Department of Transportation (DOT)-wide procedures for transportation workplace drug and alcohol testing.

Last Updated: July 22, 2019

5) Who is authorized to use the Clearinghouse?

Authorized users include:

- CDL drivers
- Employers – this includes motor carriers and other employers of drivers operating commercial motor vehicles (CMVs) that require a commercial driver's license (CDL) or commercial learner's permit (CLP)
- Consortia/third-party administrators (C/TPAs)
- Medical review officers (MROs)
- Substance abuse professionals (SAPs)
- Enforcement personnel

Last Updated: September 30, 2019

6) How are employers and consortia/third-party administrators (C/TPAs) required to use the Clearinghouse?

The Clearinghouse is a centralized database that employers use to report drug and alcohol program violations and to conduct queries, which check that current or prospective employees are not prohibited from performing safety-sensitive functions, such as operating a commercial motor vehicle (CMV), due to an unresolved drug and alcohol program violation—that is, a violation for which the driver has not completed the return-to-duty (RTD) process. Queries must be conducted as part of a pre-employment driver investigation, and at least annually for current employees.

In addition, employers may designate a C/TPA who can report violations and/or conduct queries on their behalf. An owner-operator—an employer that employs himself or herself as a CDL driver, typically a single-driver operation—must designate the C/TPA in the Clearinghouse.

To complete the actions outlined above, employers and C/TPAs are required to register in the Clearinghouse.

Last Updated: January 8, 2020

7) How are Medical Review Officers (MROs) required to use the Clearinghouse?

MROs use the Clearinghouse to report verified positive drug test results, or if a driver refuses to take a drug test. The MRO must report any changes of a verified drug test within one business day of making any changes to the reported results.

An MRO must be registered on the Clearinghouse in order to complete these actions.

8) How are Substance Abuse Professionals (SAPs) required to use the Clearinghouse?

SAPs must use the Clearinghouse to report specific information about a CDL driver's return-to-duty (RTD) activities. This information includes the date of completion of the initial assessment, and the date the SAP determines that the driver is eligible for RTD testing, per 382.705(d).

Last Updated: January 8, 2020

9) How will State Driver Licensing Agencies (DSLAs) use the Clearinghouse?

On October 7, 2021, the Federal Motor Carrier Safety Administration (FMCSA) published a final rule establishing requirements for SDLA's access to and use of driver-specific drug and alcohol program violation information contained in the Drug and Alcohol Clearinghouse (86 FR 55718).

This final rule requires that:

- SDLAs must not issue, renew, upgrade, or transfer a commercial driver's license (CDL), or commercial learner's permit (CLP), as applicable, for any individual prohibited under FMCSA's regulations from performing safety-sensitive functions, including driving a commercial motor vehicle (CMV), due to one or more drug and alcohol program violations.

- SDLAs must, upon receipt of notification that a driver is prohibited from operating a CMV due to a drug and alcohol program violation, initiate the downgrade process to remove the CLP or CDL privilege from the driver's license within 60 days.
- Drivers completing the return-to-duty process before the downgrade process is completed would no longer be prohibited from operating a CMV and thus would no longer be subject to a downgrade.

SDLAs have until November 18, 2024 (compliance date) to comply with these requirements. In addition, FMCSA extends the compliance date for the requirement that SDLAs query the Clearinghouse prior to issuing, renewing, upgrading, or transferring a CDL from January 6, 2023, to November 18, 2024. SDLAs currently have the option to voluntarily query the Clearinghouse and may do so up until the compliance date.

Last Updated : November 16, 2021

10) Can there be more than one Clearinghouse user per company?

Yes. Employers, consortia/third-party administrators (C/TPAs), medical review officers (MROs), and substance abuse professionals (SAPs) will need to register their company. The individual users are managed by a representative for each company who will serve as a Clearinghouse administrator to manage the company's account.

Last updated: January 8, 2020

11) Should violations that occurred before the Clearinghouse Implementation Date be reported to the Clearinghouse?

No. The Clearinghouse will contain only violations that occurred on or after January 6, 2020. If a driver's violation occurred prior to January 6, 2020, and was in the return-to-duty (RTD) process when the Clearinghouse was implemented, the violation and any related RTD activity will not be entered into the Clearinghouse.

Last Updated: January 8, 2020

12) Is the Federal Motor Carrier Safety Administration (FMCSA) subject to the obligations under the Fair Credit Reporting Act (FCRA) for the Clearinghouse?

Yes. The Clearinghouse is subject to certain provisions of the FCRA. However, the Agency does not fall within FCRA's definition of "consumer reporting agency." Therefore, provisions of the FCRA that impose obligations on "consumer reporting agencies" do not apply to the Agency's administration of the Clearinghouse regulations. If an employer or consortium/third-party administrator (C/TPA) is subject to the FCRA, they should comply with their individual requirements.

Employers should consult with their own experts for more information on how to comply with FCRA.

Last Updated: July 22, 2019

13) May drivers access their own information in the Clearinghouse?

Yes. Once a driver has registered in the Clearinghouse, he or she can access his or her Clearinghouse record electronically, at no cost. This record would include any drug and alcohol program violation information available in the Clearinghouse, along with the status of their return-to-duty (RTD) process, if applicable.

Last Updated: January 8, 2020

14) Will any information from the Clearinghouse appear in the National Highway Traffic Safety Administration's National Driver Register?

No. Information from the Clearinghouse will not be shared with the National Highway Traffic Safety Administration's National Driver Register.

Last Updated: July 22, 2019

15) How does the Clearinghouse impact employers of commercial driver's license (CDL) and commercial learner's permit (CLP) holders?

The Clearinghouse offers employers a centralized location to query driver information and report drug and alcohol program violations incurred by their current and prospective employees holding CDLs and CLPs. The employer must use the Clearinghouse to:

- Conduct a full query of the Clearinghouse as part of each pre-employment driver investigation process.
- Conduct limited queries at least annually for every driver they employ.
- Request electronic consent from the driver for a full query, including pre-employment queries.
- Report drug and alcohol program violations.
- Record the negative return-to-duty (RTD) test results and the date of successful completion of a follow-up testing plan for any driver they employ with unresolved drug and alcohol program violations.

Last Updated: January 8, 2020

16) Which users are charged a fee for using the Clearinghouse?

The Drug and Alcohol Clearinghouse statute allows the Federal Motor Carrier Safety Administration (FMCSA) to collect Clearinghouse fees when querying from all employers, including Federal, State, or local government entities that employ commercial motor vehicle (CMV) operators. The fee charged to an employer is \$1.25 per query. An employer can purchase a query plan that fits its business needs.

Last Updated: January 8, 2020

17) For which actions in the Clearinghouse are employers charged a fee?

Employers are charged a fee to conduct limited and full queries within the Clearinghouse. There are no fees for registration or other Clearinghouse activities.

Employers can purchase a query plan that fits their business needs.

Last Updated: January 8, 2020

18) How much does it cost to conduct limited and full queries in the Clearinghouse?

Employers can purchase a query plan that fits their business needs. Queries are a flat rate of \$1.25 per query.

Last Updated: January 8, 2020

19) How do owner/operators meet their Clearinghouse obligations?

An owner-operator (an employer who employs himself or herself as a CDL driver, typically a single-driver operation) is subject to the requirements pertaining to employers as well as those pertaining to drivers. Under the Clearinghouse final rule, an employer who employs himself or herself as a CDL driver will have to designate a consortium/third-party administrator (C/TPA) to comply with the employer's Clearinghouse reporting requirements (§ 382.705(b)(6)).

Last Updated: September 30, 2019

20) How is driver violation and return-to-duty (RTD) information recorded in the Clearinghouse?

Per § 382.705, the following individuals must report the following information:

- Employers, or consortia/third-party administrators (C/TPAs) acting on behalf of an employer, enter drug and alcohol program violation information into the Clearinghouse.
- Medical review officers (MROs) enter drug violation information. The driver does not need to be registered in the Clearinghouse for a violation to be added to their Clearinghouse record.
- Substance abuse professionals (SAPs) enter the date of initial SAP assessment and date the driver is eligible for RTD testing.
- Employers enter the negative RTD test result(s) and the date the driver's follow-up testing plan has been successfully completed.

Last Updated: January 8, 2020

21) How will CDL drivers be notified when information about them is added to the Clearinghouse?

The Clearinghouse will notify the driver using the method indicated during the driver's Clearinghouse registration—either mail or email—any time information about the driver is added, revised, or removed. If the driver has not yet registered for the Clearinghouse, these notifications will be sent by mail using the address associated with the driver's commercial driver's license (CDL).

Last Updated: July 22, 2019

22) What can a Clearinghouse Assistant do?

Employers and C/TPAs can assign Assistants to conduct queries and report drug and alcohol program violation information on their behalf. MROs and SAPs can assign Assistants to enter information in the Clearinghouse on their behalf.

Last Updated: October 30, 2019

23) What actions can CDL drivers take in the Clearinghouse?

Drivers may:

- View their own driver record electronically.
- Provide consent to release detailed violation information to a current or prospective employer.
- Identify a substance abuse professional (SAP) so the SAP may enter specific information regarding the driver's return-to-duty (RTD) activities.

To complete the actions outlined above, drivers must be registered in the Clearinghouse. Registered drivers will have their Clearinghouse accounts and contact preferences set up, allowing them to quickly respond to query requests from employers.

Last Updated: January 8, 2020

24) May an employer authorize a consortium/third-party administrator (C/TPA) to conduct queries in the Clearinghouse on their behalf?

Yes. Employers may designate a C/TPA or C/TPAs to conduct queries and/or report violations on their behalf. The C/TPA must be registered in the Clearinghouse before an employer can select the C/TPA, and C/TPAs must be designated by the employer before reporting drug and alcohol program violations or querying the Clearinghouse on their behalf.

An owner-operator (an employer that employs himself or herself as a commercial driver's license (CDL) driver) must designate their C/TPA(s) as part of their Clearinghouse registration process.

Last Updated: September 30, 2019

25) How is driver violation and return-to-duty (RTD) information recorded in the Clearinghouse?

- Employers, or consortia/third-party administrators (C/TPAs) acting on behalf of an employer, enter drug and alcohol program violation information into the Clearinghouse.
- Medical review officers (MROs) enter drug violation information. The driver does not need to be registered in the Clearinghouse for a violation to be added to their Clearinghouse record.
- Substance abuse professionals (SAPs) enter the date of initial assessment and date the driver is eligible for RTD testing.
- Employers enter the negative RTD test result(s) and the date the driver's follow-up testing plan has been successfully completed.

Last Updated: January 8, 2020

26) Can an employer or Medical Review Officer (MRO) enter a drug and alcohol program violation in a CDL driver's Clearinghouse record if the driver is not registered for the Clearinghouse?

Yes. When a violation is entered, the Clearinghouse associates it with a driver's commercial driver's license (CDL) number. This will be recorded even if the driver has not registered for the Clearinghouse. When an employer

queries a driver's information in the Clearinghouse (with the appropriate consent), they will enter the driver's CDL number to verify if any violations are associated with that driver's CDL.

A driver is required to enter their CDL information during their registration. This allows a driver to view any violation or return-to-duty (RTD) information associated with his/her CDL.

Last Updated: January 8, 2020

27) Can a Consortium/Third Party Administrator (C/TPA) register an employer in the Clearinghouse on behalf of that employer?

Yes, there is no requirement that the employer personally perform the registration. As part of the Clearinghouse registration process, each authorized user must obtain their own unique login.gov credentials and a user verification process must be completed to ensure that only the authorized user is accessing the Clearinghouse by using those credentials. Regardless of who performs the registration function, the employer is ultimately responsible for compliance with Clearinghouse requirements.

Last Updated: January 15, 2020

28) How is driver data protected in the Clearinghouse?

The Federal Motor Carrier Safety Administration (FMCSA) takes the protection of personal information very seriously. The Clearinghouse will meet all relevant Federal security standards. FMCSA will verify the effectiveness of the security protections on a regular basis.

- Clearinghouse information is not available to the public; only authorized users are able to register and access the Clearinghouse for designated purposes.
- The Clearinghouse requires authentication, via a login.gov username and password, to access records. Login.gov, a shared service which offers secure online access to participating government systems, also requires the completion of a user verification process to ensure the proper person is using those credentials.
- Drivers registered in the Clearinghouse can access their Clearinghouse records at any time, and at no cost to them. Drivers may access only their own information; not information about other drivers.
- FMCSA will share only detailed drug and alcohol violation information with a prospective or current employer, and/or their designated consortium/third-party administrator (C/TPA), when an employer or designated C/TPA has requested and received specific consent from the driver. Drivers are able to see the information that would be released to an employer before consenting to the release.
- Driver information will be used by FMCSA and other enforcement agencies only as required to enforce drug and alcohol testing regulations.

Last Updated: January 8, 2020

29) Is the Clearinghouse subject to the Privacy Act requirements?

Yes. The Clearinghouse is subject to certain provisions of the Privacy Act. For example, the Agency will verify the driver's consent for the release of information prior to allowing an employer to access the driver's Clearinghouse record. Drivers have the right to request inaccurate information in their Clearinghouse record be corrected or removed. In addition, the Federal Motor Carrier Safety Administration (FMCSA) will notify employers if previously-released Clearinghouse information has been subsequently corrected or removed.

Last Updated: July 22, 2019

30) Is a social security number (SSN) or employee identification number (EIN) required to enter a driver's violation in the Clearinghouse?

No. The final rule requires the driver's commercial driver's license (CDL) number and issuing State must be used when reporting a drug and alcohol program violation in the Clearinghouse.

Last Updated: January 8, 2020

31) Now that the Clearinghouse is implemented, will prospective employers still have to conduct drug and alcohol three-year pre-employment driver investigations with previous employers?

Yes, a prospective employer or their designated consortium/third-party administrator (C/TPA) will be required to conduct both electronic queries in the Clearinghouse and manual inquiries with previous employers to meet the three-year timeframe for pre-employment driver investigations as required per § 391.23(e).

On January 6, 2023, once three years of violation data is stored in the Clearinghouse, prospective employers will no longer have to conduct manual inquiries with a CDL driver's previous employers; the prospective employer's query of the Clearinghouse will satisfy that requirement.

However, if a prospective employee was subject to drug and alcohol testing by a Department of Transportation (DOT) mode other than the Federal Motor Carrier Safety Administration (FMCSA), (FRA, FTA, FAA, etc.), prospective employers will still have to request drug and alcohol violation information from those DOT-regulated employers, since that information will not be reported to the Clearinghouse.

Last Updated: January 6, 2020

32) Are employers required to query the Clearinghouse or report drug and alcohol program violations for drivers who do not hold a commercial driver's license (CDL) or commercial learner's permit (CLP)?

No. Only employers who employ drivers subject to the licensing requirements in 49 CFR § 383 and the drug and alcohol testing requirements in 49 CFR § 382 are required to query or report information in the Clearinghouse.

However, employers of drivers not holding a CDL or CLP (Commercial Learners Permit) must still comply with the driver investigation requirements of § 391.23(e), which includes drug and alcohol violation history.

Last Updated: July 22, 2019

33) When must current and prospective employers conduct a query of a CDL driver's information in the Clearinghouse?

1) An employer must conduct a pre-employment query on a prospective employee in the Clearinghouse before the employee can be hired for a position that involves safety-sensitive functions, such as operating a commercial motor vehicle (CMV).

2) The employer must also query the Clearinghouse annually for all currently employed CDL drivers.

Last Updated: July 22, 2019

34) What is the difference between a full and limited query?

A limited query allows an employer to determine if an individual driver's Clearinghouse record has any information about resolved or unresolved drug and alcohol program violations, but it does not release any specific violation information contained in the driver's Clearinghouse record. Limited queries require only a general driver consent, which is obtained outside the Clearinghouse; this general consent is not required on an annual basis, it may be effective for more than one year. However, a limited consent request must specify the timeframe the driver is providing consent for.

A full query allows the employer to see detailed information about drug and alcohol violations in a driver's Clearinghouse record. The employer must obtain the driver's electronic consent in the Clearinghouse prior to the release of detailed violation information during the full query.

Last Updated: July 22, 2019

35) Is the annual requirement for employee queries based upon the calendar year, or by hire date?

Employees must be queried at least once within a 365-day period based on their hire date, or another 12-month period determined by the employer, as long as the requirements of § 382.701(b) are met.

Last Updated: January 8, 2020

36) What is the consent process for full and limited queries?

Section 382.703(a) states "No employer may query the Clearinghouse to determine whether a record exists for any particular driver without first obtaining that driver's written or electronic consent." The type of consent required depends on the type of query.

For a limited query, a general consent is required. This is obtained outside the Clearinghouse. Employers may obtain a multi-year general consent from the driver for limited queries. A sample limited consent form from the Federal Motor Carrier Safety Administration (FMCSA) is available.

For a full query, the driver must provide specific consent to the employer prior to each full query. This consent must be provided electronically within the Clearinghouse.

Last Updated : January 08, 2020

37) If a CDL driver's employer is aware that the driver received a traffic citation for driving a CMV while under the influence of alcohol or controlled substances, the employer must report this to the Clearinghouse as actual knowledge of prohibited use of drugs or alcohol. If the citation does not result in a conviction, may the driver petition to have this violation removed from their Clearinghouse record?

Effective November 8, 2021 an actual knowledge violation, based on the issuance of citation for DUI in a CMV, will not be removed from the Clearinghouse when the citation does not result in a conviction.

In the final rule published on October 7, 2021 (86 FR 55718), FMCSA clarified that a driver subject to FMCSA's drug and alcohol use and testing requirements, who has been issued a traffic citation (or other charging document) for DUI in a CMV, has violated 49 CFR § 382, subpart B. Accordingly, the 2021 final rule amends the regulation to state that a report of actual knowledge of prohibited use of drugs or alcohol, based on the issuance of DUI in a CMV, will remain in the Clearinghouse for 5 years, or until the driver has completed the return-to-duty process, whichever is later, regardless of whether the driver is ultimately convicted of the DUI offense. Drivers who are not convicted of the offense may petition to submit documentary evidence of non-conviction to their Clearinghouse record

Last Updated : November 05, 2021

38) Does an owner/operator have to conduct queries on himself/herself?

Yes. Anyone who employs a commercial driver's license (CDL) holder must query the Clearinghouse (§ 382.701).

This requirement includes owner-operators—that is, any employer that employs himself or herself as a CDL driver, typically a single-driver operation. Owner-operators must comply with all Clearinghouse requirements imposed on both employers and employees. An owner-operator's designated consortium/third-party administrator (C/TPA) may conduct queries on their behalf. However, the C/TPA is responsible for reporting drug and alcohol program violations to the Clearinghouse for the owner-operator.

Last Updated: September 30, 2019

39) Do employers have access to violation information regarding current employees, including violation recorded by a different employer?

Employers may conduct a limited query, which requires consent outside of the Clearinghouse. If the limited query indicates that records were found in the Clearinghouse for the queried driver, the employer must receive electronic consent for a full query from the driver in the Clearinghouse before detailed information may be released to the querying employer. The employer may also conduct a full query at any time, provided the employer has obtained the required electronic consent for the release of detailed violation information for the queried driver.

Last Updated: January 8, 2020

40) Can an employer initiate queries for a large number of drivers without having to enter them into the system, one at a time?

Yes, the Clearinghouse supports a feature allowing employers to submit a bulk query by uploading a file containing multiple drivers to be queried; these queries will be conducted in batches. The Clearinghouse allows for the bulk uploading of driver queries by preparing and uploading a file into the Clearinghouse for processing. This file must be either a tab-delimited file, XLS file, or XLSX file, and must use the format outlined in the Bulk Queries File Setup instructions.

Last Updated: October 7, 2020

41) Are there plans to support an employer interface allowing for automated uploads via a web service, or similar?

At this time, there are no integration specifications available. Due to the Federal Motor Carrier Safety Administration (FMCSA) security requirements and the sensitive nature of driver violation information, employers and consortia/third-party administrators (C/TPAs) must access the Clearinghouse directly. In addition, the Clearinghouse final rule requires FMCSA to record specific consent for the release of the driver's detailed violation information within the Clearinghouse.

Last Updated: July 22, 2019

42) Can a driver correct information that has been recorded about him or her in the Clearinghouse?

Yes. The final rule provides a petition process for drivers to request corrections to their Clearinghouse record (§ 382.717). Drivers may challenge only the accuracy of information reported, not the accuracy or validity of test results or refusals.

Last Update: July 22, 2019

43) What happens if an employer or service agent submits false information to the Clearinghouse?

An employer or service agent who knowingly submits false information to the Clearinghouse may be subject to criminal and/or civil penalties.

Employers and consortia/third-party administrators (C/TPAs) are required to provide specific documentation to support the reporting of actual knowledge or a refusal to test (§§ 382.705(b)(3) and (4)). The Federal Motor Carrier Safety Administration (FMCSA) will remove information from the driver's Clearinghouse record that is determined to be false.

Last Updated: September 30, 2019

44) Are Canadian and Mexican employers required to report drug and alcohol program violations to the Clearinghouse?

Only Canadian and Mexican employers operating in the United States that are subject to the Federal Motor Carrier Safety Administration (FMCSA) drug and alcohol testing requirements must report drug and alcohol program violations to the Clearinghouse.

Last Updated: July 22, 2019

45) Can Canadian and Mexican Medical Review Officers (MROs) report confirmed positive test results and refusal to test to the Clearinghouse?

Yes, if the MRO meets the requirements under § 40.121.

Last Updated: July 22, 2019

46) Can Canadian and Mexican Substance Abuse Professionals (SAPs) report date of initial assessment and date the driver is eligible for return-to-duty (RTD) testing:

Yes, if the SAP meets the requirements under § 40.281.

Last Updated: October 18, 2019

47) What violation and return-to-duty (RTD) information must employers report to the Clearinghouse?

Per § 382.705(b), employers must report the following information to the Clearinghouse:

- An alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
- A CDL driver's refusal to submit to a Department of Transportation (DOT) test for drug or alcohol use;
- Actual knowledge, as defined in § 382.107;
- The negative RTD test result;
- The date a driver successfully completed all follow-up tests as ordered by the substance abuse professional (SAP).

Last Updated: July 22, 2019

48) What is the timeframe in which an employer must submit a report of an employee's drug and alcohol program violation to the Clearinghouse?

An employer is required to report a drug and alcohol program violation by the close of the third business day following the date on which the employer learned or determined that the employee has a violation. (Alcohol positive, actual knowledge, or employer-determined refusals).

Last Updated: July 22, 2019

49) What are the repercussions if an employer does not meet the required timeframe for reporting a violation?

An employer may still report the drug and alcohol program violation even if the required timeframe has passed. However, the Clearinghouse will capture the date on which the violation was reported. This information may be reviewed during an investigation of an employer's operations and compliance with the Federal Motor Carrier Safety Regulations.

Last Updated: January 8, 2020

50) May employers report the results of drug or alcohol tests (non-DOT tests) not required by the Department of Transportation (DOT) to the Clearinghouse?

No. Only results of DOT drug or alcohol tests or refusals may be reported to the Clearinghouse. While employers may conduct drug and alcohol testing that is outside the scope of the DOT testing requirements, positive test results or refusals for non-DOT testing may not be reported to the Clearinghouse.

Last Updated: July 22, 2019

Special note from SAPlist: An employer may not require a SAP return-to-duty process for a non-DOT violation. In this case, the SAP is not a "SAP", but can only be a DAC (drug/alcohol counselor), and should do little more than a plain vanilla assessment. Since there are no laws that apply to a non-DOT positive test or refusal, the SAP has no legal protections. For that reason, a SAP should proceed with caution. Employers don't understand that it isn't possible for an employer to require an evaluation and treatment recommendation that mirrors DOT's SAP return-to-duty process.

51) What are a Medical Review Officer's (MRO's) responsibilities for reporting information to the Clearinghouse?

Within two business days of making a determination or verification of a Department of Transportation (DOT)-approved drug test, an MRO must report:

- Verified positive, adulterated, or substituted controlled substances test results; or
- Refusal-to-test determination.

The MRO must report any changes of a verified drug test within one business day of making any changes to the reported results.

Registration is required to complete these actions—visit <https://clearinghouse.fmcsa.dot.gov/Register> to register.

Last Updated: September 30, 2019

52) What information is a Medical Review Officer (MRO) required to provide when reporting a determination or verification?

The following information must be provided:

- Reason for the test;
- Federal Drug Testing Chain of Custody Form (CCF) specimen ID number;
- Driver's name, date of birth, and commercial driver's license (CDL) number and State of issuance;
- Employer's name, address, and USDOT Number, if applicable;
- Date of the test and date of the verified result;

- Test result;
- In the case of an adulterated specimen, the adulterant/reason must also be provided.

Last Updated: July 22, 2019

53) What is the timeframe within which a Medical Review Officer (MRO) is required to report to the Clearinghouse?

An MRO is required to report a test result within two business days of making a determination or verification of a Department of Transportation (DOT)-approved drug test.

Last Updated: January 6, 2020

54) If a Medical Review Officer (MRO) changes a verified drug test result per 49 CFR § 40, how long does the MRO have to submit the change to the Clearinghouse?

If an MRO changes a verified drug test, the MRO must submit that change to the Clearinghouse within one business day of making the change in the reported results.

Last Updated: July 22, 2019

55) What identifying number should be documented for drivers on the Federal Drug Testing Chain of Custody Form (CCF) and Alcohol Testing Form (ATF)?

The current paper versions of the CCF and ATF specifically permit the use of either the driver's social security number (SSN) or an employee identification number (EIN). However, under § 382.705, the driver's commercial driver's license (CDL) number or commercial learner's permit (CLP) number, and the state of issuance must be used in place of the SSN or EIN when completing the Federal CCF or ATF.

Last Updated: July 22, 2019

56) Are Canadian and Mexican CDL drivers conducting operations in the United States subject to the Clearinghouse requirements?

Yes, all Mexican or Canadian employers, employees, or service agents operating in the United States that are subject to the Federal Motor Carrier Safety Administration (FMCSA) drug and alcohol testing requirements must comply with the Clearinghouse final rule.

Last Updated: November 5, 2021

57) What must employers do when an authorized service agent is no longer conducting business for the employer's company?

Employers must update any changes to its service agents within 10 days of the change.

Last Updated: July 22, 2019

58) How long will CDL driver violation records be available for release to employers from the Clearinghouse?

Driver violation records be available in the Clearinghouse for five years from the date of the violation determination, or until the violation is resolved through the successful completion of the return-to-duty (RTD) process and follow-up testing plan, whichever is later.

Last Updated: July 22, 2019

59) What information is an employer required to report to the Clearinghouse when reporting actual knowledge that a CDL driver used alcohol or controlled substance, as defined in 49 CFR § 382.107?

Per § 382.705(b)(5), when reporting actual knowledge, employers must report the following:

- Driver's name, date of birth, commercial driver's license (CDL) number and State of issuance;
- Employer name, address, and USDOT number, if applicable;
- Date the employer obtained actual knowledge of the violation;

- Witnesses to the violation, if any, including contact information;
- Description of the violation;
- Evidence supporting each fact alleged in the description of the violation, which may include, but is not limited to, affidavits, photographs, video or audio recordings, employee statements (other than admissions pursuant to § 382.121), correspondence, or other documentation; and
- A certificate of service or other evidence showing that the employer provided the employee with all information reported.

Last Updated: July 22, 2019

60) What are a Substance Abuse Professional's (SAP's) responsibilities for reporting information to the Clearinghouse?

Per § 372,705(d), the SAP must report the following:

- Date of initial SAP assessment. This must be reported by the close of the business day following the assessment.
- Date the SAP determined the driver demonstrated successful compliance with education and treatment requirements and is eligible for return-to-duty (RTD) testing.

Last Updated: January 7, 2021

61) What is the timeframe within which a Substance Abuse Professional is required to report to the Clearinghouse?

- The close of the business day following the date of the initial assessment.
- The close of the business day following the determination that the driver demonstrated successful compliance with education and treatment requirement and is eligible for return-to-duty (RTD) testing.

This must be reported by the close of the business day following the determination.

Last Updated: January 7, 2021

62) Will a driver's follow-up testing plan be available in the Clearinghouse?

No, follow-up testing plans will not be included in a driver's Clearinghouse record. When a prospective employee has not completed a follow-up testing plan prescribed by the substance abuse professional (SAP), the subsequent new employer must obtain the follow-up testing plan from the previous employer, as required in §382.413, and report the date the follow-up testing plan was completed.

Last Updated: January 8, 2020

63) Can a SAP modify or delete return-to-duty (RTD) information he/she has reported?

Yes. If a SAP made an error while entering a driver's RTD information, the SAP (or the SAP's Clearinghouse Assistants) can make changes to this information. Entries may be removed one at a time by deleting the most recent entry. See pages 5-6 of the "How to Report RTD Information": SAPs Job Aid instructions on the Clearinghouse website, in the SAP section of the Learn page.

https://clearinghouse.fmcsa.dot.gov/Resource/Index/Report-RTD_SAP

Last Updated: July 10, 2020

64) What types of drivers and employers will the Clearinghouse affect?

All CDL drivers who operate CMVs on public roads and their employers and service agents. This includes, but is not limited to:

- Interstate and intrastate motor carriers, including passenger carriers
- School bus drivers
- Construction equipment operators
- Limousine drivers
- Municipal vehicle drivers (e.g., waste management vehicles)

- Federal and other organizations that employ drivers subject to FMCSA drug and alcohol testing regulations (e.g., Department of Defense, municipalities, school districts)

Last Updated: August 22, 2019

65) If a driver violated the drug and alcohol program prior to January 6, 2020, but the employer did not obtain actual knowledge (as defined in § 382.107) of the violation until January 6, 2020, or later, is the employer required to report the violation to the Clearinghouse?

No. The Clearinghouse serves as a repository for records of drug and alcohol program violations occurring on or after January 6, 2020; therefore, employers may report only actual knowledge of violations occurring on or after that date.

Last Updated: January 8, 2020.

66) Who is a Clearinghouse Administrator?

An individual with an employer or consortium/third-party administrator (C/TPA) who can manage users on behalf of their company. Credentialed medical review officers (MROs) and substance abuse professionals (SAPs) are also considered Clearinghouse Administrators and can invite Clearinghouse Assistants.

Last Updated: October 30, 2019

67) Once I have completed my Clearinghouse registration, how can I update the e-mail address associated with my Clearinghouse account?

Because your Clearinghouse account is associated with the email address you used to create your login.gov account, you will need to update your email address with login.gov

To change the email address associated with your login.gov account, go to <https://secure.login.gov/> and sign in to your login.gov account. Click on “Add email” and go through the process of adding your new email address. Then, click on “Delete” next to the email address you are replacing and go through the process of deleting it. For more information, visit the login.gov website

For more information on creating or managing your login.gov account, visit <https://login.gov/contact>.

Last Updated: December 19, 2019

68) Are CDL drivers REQUIRED to register on the Clearinghouse?

Drivers are not required to register for the Clearinghouse. **However**, a driver will need to be registered to provide *electronic consent* in the Clearinghouse if a prospective or current employer needs to conduct a full query of the driver’s Clearinghouse record—this includes all pre-employment queries.

A driver must also be registered to electronically view the information in his or her own Clearinghouse record. Registered drivers should have their Clearinghouse accounts and contact preferences set up, allowing them to quickly respond to query requests from employers.

Last Updated: January 8, 2020

69) What is considered actual knowledge of a violation?

Employers who have actual knowledge that a driver has used alcohol or controlled substances in violation of Subpart B of § 382 must report such violations to the Clearinghouse, in accordance with § 382.705(b)(4). Service agents, such as a consortium/third-party administrator (C/TPA), acting on the employer’s behalf may also report actual knowledge violations, as long as they comply with the reporting requirements in § 382.705(b)(4). Actual knowledge, as defined in § 382.107, is 1) based on the employer’s direct observation of the employee, 2) information provided by the driver’s previous employer(s), 3) a traffic citation for driving a CMV while under the influence of alcohol or controlled substances, or 4) an employee’s admission of alcohol or controlled substances use, except as provided in § 382.121

Last Updated: January 8, 2020

70) Should a Medical Review Officer (MRO) report a negative-dilute test result in the Clearinghouse?

No. The only negative test result reported to the Clearinghouse is a negative return-to-duty (RTD) result, which is reported by the employer or consortium/third-party administrator (C/TPA) in accordance with §§ 382.705(b)(1)(ii) or (b)(6). If the employer receives a negative-dilute RTD result from the MRO, the employer or C/TPA would report it to the Clearinghouse as a negative RTD result.

Last Updated: February 14, 2020

71) Should an employer report to the Clearinghouse the results of a test conducted under the authority of another U.S. Department of Transportation agency?

No. Only § 382 drug and alcohol program violations may be reported to the Clearinghouse.

The Federal Drug Testing Custody and Control Form (CCF) specifies the DOT agency requesting the test, and employers may report a positive result to the Clearinghouse only when the "FMCSA" box is checked on the CCF.

Last Updated: December 22, 2020

72) How do I purchase a query plan?

Query plans may be purchased only on the FMCSA Clearinghouse website by registered employers. A Consortium/Third Party Administrator (C/TPA) may not purchase a plan on behalf of an employer.

Last Updated: January 27, 2021

73) In addition to the SDLA requirements, does the October 2021 final rule have other impacts on the States?

The October 2021 final rule (86 FR 55718) amends 49 CFR § 392 by prohibiting CLP or CDL holders from operating a commercial motor vehicle, as defined in 49 CFR 390.5T, if they are subject to the CMV driving prohibition in 49 CFR § 382.501(a). No later than November 18, 2024, States receiving Motor Carrier Safety Assistance Program (MCSAP) grant funds must adopt and enforce a CMV driving prohibition, comparable to 49 CFR 392.15, for CLP and CDL holders who are barred from operating a CMV due to a drug and alcohol program violation.

Last Updated : November 05, 2021

74) If a CDL driver's employer is aware that the driver received a traffic citation for driving a CMV while under the influence of alcohol or controlled substances, the employer must report this to the Clearinghouse as actual knowledge of prohibited use of drugs or alcohol. If the citation does not result in a conviction, may the driver petition to have this violation removed from their Clearinghouse record?

Effective November 8, 2021 an actual knowledge violation, based on the issuance of citation for DUI in a CMV, will not be removed from the Clearinghouse when the citation does not result in a conviction.

In the final rule published on October 7, 2021 (86 FR 55718), FMCSA clarified that a driver subject to FMCSA's drug and alcohol use and testing requirements, who has been issued a traffic citation (or other charging document) for DUI in a CMV, has violated 49 CFR § 382, subpart B. Accordingly, the 2021 final rule amends the regulation to state that a report of actual knowledge of prohibited use of drugs or alcohol, based on the issuance of DUI in a CMV, will remain in the Clearinghouse for 5 years, or until the driver has completed the return-to-duty process, whichever is later, regardless of whether the driver is ultimately convicted of the DUI offense. Drivers who are not convicted of the offense may petition to submit documentary evidence of non-conviction to their Clearinghouse record.

Last Updated : November 05, 2021

75) How do I manage my company's Clearinghouse user accounts?

Users who are registered as Clearinghouse Administrators may invite additional users to serve in an Assistant role, enabling them to use the Clearinghouse on their company's behalf.

Employers that require a USDOT Number manage these Clearinghouse Administrator and Assistant roles via the Federal Motor Carrier Safety Administration (FMCSA) Portal. (Are you a motor carrier without a Portal account? If so, you can register for one now. Make sure all users at your company create their own Portal account with the proper Clearinghouse user role.) Other Clearinghouse Administrators may invite and manage assistants once they

are registered in the Clearinghouse.

Last Updated : December 22, 2020

76) Under 49 CFR § 382.103(d)(1), the requirements of 49 CFR § 382 do not apply to employers and their drivers who are “required to comply with the alcohol and/or controlled substances testing requirements of § 655 (Federal Transit Administration (FTA) alcohol and controlled substances testing regulations).” Does this mean that FTA-regulated employers and drivers are exempt from the Clearinghouse requirements?

It depends. Drivers who perform only FTA-regulated safety-sensitive functions are exempt from § 382, including the Clearinghouse requirements, as are their employers. These drivers and employers are subject only to the alcohol and/or controlled substances testing requirements of § 655. On the other hand, FTA-regulated entities that employ drivers who also perform FMCSA-regulated safety-sensitive functions must comply with the relevant alcohol and/or controlled substances testing requirements of § 382. The following examples illustrate how employers subject to § 655 also could be subject to § 382.

Example #1: A driver operates a bus under the authority of the FTA during the week, but sometimes operates a charter bus, for the same employer, on the weekend. The charter operation is regulated by FMCSA, not FTA. If the driver is involved in a crash during the charter operation and is subject to post-accident testing, that testing is conducted under the authority of FMCSA (§ 382.303) and the results must be reported to the Clearinghouse. The same would be true for any testing conducted under the authority of FMCSA (e.g., random testing for drivers in an FMCSA random pool (§382.305)). This result is the same for any employer regulated by more than one Department of Transportation (DOT) mode; the modal authority under which the testing is conducted determines which modal regulations apply.

Example #2: A driver regularly operates a bus under the authority of the FTA, but sometimes operates a truck, for which a commercial driver’s license (CDL) is required, for the same employer. In situations like this, the dual FTA/FMCSA regulated employer must conduct a pre-employment query for any driver expected to perform any FMCSA-regulated safety-sensitive functions in the course of their employment, and conduct an annual query for all drivers who have performed any FMCSA-regulated function within the last year.

Last Updated : February 26, 2020

77) Does the Federal Motor Carrier Safety Administration (FMCSA) provide a sample of a limited consent request?

Yes, a sample limited consent form is available. FMCSA does not require that motor carrier employers subject to the Agency’s drug and alcohol use and testing regulations in 49 CFR § 382 use this sample format to obtain an employee’s consent to conduct a limited query of the Drug and Alcohol Clearinghouse. Employers may, however, use or adapt the content as they see fit.

Last Updated : January 08, 2020

78) Commercial driver staffing agencies may employ CMV drivers who hold CDLs and are subject to FMCSA’s drug and alcohol testing requirements in Part 382. The staffing agency supplies these drivers to motor carriers, generally on a short-term basis, to operate CMVs requiring a CDL. Are driver staffing agencies required to register in the Clearinghouse?

Whether, and how, a driver staffing agency would register in the Clearinghouse depends on whether the agency functions as an employer, a consortium/third-party administrator (C/TPA), or as both, depending on the services rendered.

The staffing agency should register in the Clearinghouse as an employer if: (1) the staffing agency maintains its own DOT drug and alcohol testing program; and (2) is responsible for ensuring compliance with FMCSA’s drug and alcohol testing requirements for the drivers it employs who are subject to those requirements.

The staffing agency may register in the Clearinghouse as a C/TPA if the motor carrier is responsible for drug and alcohol program compliance, including fulfilling the employer’s querying and reporting requirements, but

designates the staffing agency to perform these functions on the carrier's behalf, as permitted by § 382.711(b). If the staffing agency will perform both functions, it should create two separate Clearinghouse accounts; one as an employer and one as a C/TPA, using a different email address for each account.
Last Updated : February 25, 2020

79) When will an employer be notified of changes to a driver's Clearinghouse record?

Employers will be notified if there is a change to a driver's Clearinghouse record within 30 days of a pre-employment query being conducted. The employer will be required to obtain the driver's consent in the Clearinghouse before they can access the updated information.
Last Updated: October 30, 2019

80) Is an employer required to conduct a pre-employment query of the Clearinghouse for a driver-applicant subject to 49 CFR Part 382 before administering a road test in accordance with 49 CFR Part 391.31?

No. An employer is not required to conduct a pre-employment query of the Clearinghouse before administering a road test to a prospective driver subject to 49 CFR § 382. Under § 382.701(a), employers are required to query the Clearinghouse when hiring a driver to perform safety sensitive functions. The road test occurs before the driver is hired; therefore, employers may conduct a pre-employment query at the time they road test a prospective driver but are not required to do so.
Last Updated: November 5, 2021

81) How do I register as a Clearinghouse Assistant?

If your employer has a USDOT Number, visit <https://clearinghouse.fmcsa.dot.gov/register> and register as an Employer. When prompted, enter your FMCSA Portal credentials. (Don't have a Portal account? Register for one today. Once you have a Portal account, be sure to select the correct Clearinghouse user role.) All other users must contact your Clearinghouse Administrator to request an invitation to register for the Clearinghouse. Once you receive this invitation email, follow the link in the email to begin your registration in the Clearinghouse. Download the instructional job aid.
Last Updated: November 5, 2019

82) Is an employer required to conduct pre-employment and annual Clearinghouse queries for drivers who are in a random testing pool regulated by another DOT agency?

Yes. An employer is required to conduct pre-employment and annual queries for all drivers subject to drug and alcohol testing under 49 CFR § 382. While the employee may perform more than 50 percent of their functions for a mode other than FMCSA, possibly placing the employee in that agency's random pool, the Clearinghouse query requirements apply so long as the employee performs any FMCSA-regulated functions.
Last Updated: January 8, 2020

83) Can a Clearinghouse Assistant accept invitations from multiple Administrators?

Yes. Each Clearinghouse Administrator you will be an Assistant for will need to send you an invitation. The invitation should be sent to the email address you use for your login.gov account. (Note: FMCSA Portal users do not need to send or receive invitations, as these relationships are controlled in the Portal.).
Last Updated: January 8, 2020

84) If a DOT drug testing specimen was collected prior to January 6, 2020, but the MRO did not verify a result as positive until January 6, 2020, or later, must the MRO report the verified positive result to the Clearinghouse?

Yes. The date of collection is not relevant to the reporting requirement; if an MRO verified a test result as positive on or after January 6, 2020, it must be reported to the Clearinghouse.

Last Updated : January 08, 2020

85) If I registered as an employer without a Portal account, can I now link my Portal account with my Clearinghouse account?

Yes. Before you can link your Portal account, you will need to ensure you have the proper Clearinghouse Portal user role (for more information download the Clearinghouse Portal user role job aid.). Once you have the Clearinghouse Portal user role, go to My Dashboard > My Profile and select "Add USDOT #." Follow the system instructions to link your Portal account

Last Update: July 10, 2020

86) What actions should an employer take if he is unable to conduct pre-employment queries?

If the Clearinghouse experiences a technical issue that prevents users from conducting queries, FMCSA will post a notification on the home page informing employers that they may hire a driver using only the procedures set forth in 49 CFR 391.23(e). If no such notification is on the home page, the requirement to conduct pre-employment queries, in addition to the manual inquiries established in § 391.23(e), prior to engaging a driver in safety-sensitive functions is in effect.

If a driver is hired without a pre-employment query due to the scenario outlined above, once the technical issues have been resolved, the employer **must** access the Clearinghouse to conduct the pre-employment query as required by § 382.701(1). The employer may have the driver perform a safety-sensitive function, such as operating a commercial motor vehicle (CMV), while waiting for the result of this pre-employment query. If the query result is that the driver is prohibited, the driver must be immediately removed from safety-sensitive functions.

Last Updated: January 15, 2021

87) What records should employers maintain in a driver qualification file to meet the requirements of this section § 382.701(e)?

As of January 6, 2020, employers are required to conduct both electronic queries in the Clearinghouse and traditional manual inquiries with previous employers to meet the three-year timeframe required by § 391.23. This will be required until January 6, 2023, at which point a query of the Clearinghouse will satisfy this requirement. The Clearinghouse retains a record of every query an employer conducts. This includes any queries conducted by a designated consortium/third-party administrator (C/TPA) on their behalf. Employers may choose to maintain separate copies in addition to these Clearinghouse records.

Last Updated: January 8, 2020

88) How is driver violation and return-to-duty (RTD) information recorded in the Clearinghouse?

Per § 382.705, the following individuals must report the following information:

- Employers, or consortia/third-party administrators (C/TPAs) acting on behalf of an employer, enter drug and alcohol program violation information into the Clearinghouse.
- Medical review officers (MROs) enter drug violation information. The driver does not need to be registered in the Clearinghouse for a violation to be added to their Clearinghouse record.
- Substance abuse professionals (SAPs) enter the date of initial SAP assessment and date the driver is eligible for RTD testing.
- Employers enter the negative RTD test result(s) and the date the driver's follow-up testing plan has been successfully completed.

Last Updated: January 8, 2020

89) How are bulk queries processed? (Employer information only. Not necessary for a SAP to know this)

Unlike individual queries, which are processed as soon as they are entered (in the case of limited queries) or as soon as a driver provides his or her electronic consent (in the case of full queries), bulk queries are processed in batches. These batches are processed each night, between the hours of 8:00 p.m. and 8:00 a.m. ET., in order to avoid overloading the system during peak user hours.

Each night, the system will rotate through the submitted files, processing a batch of queries from each file in turn. Therefore, all bulk files are processed at approximately the same rate, regardless of the number of queries they contain.

Last Updated: January 29, 2020

90) Is the annual requirement for employee queries based on the calendar year or the by-hire date?

Employees must be queried at least once within a 365-day period based on their hire date, or another 12-month period determined by the employer, as long as the requirements of § 382.701(b) are met.

Last Updated: January 8, 2020

91) What documentation must be maintained by an employer to serve as evidence that the employer, or their designated Consortium/Third Party Administrator (C/TPA) obtained consent for each query conducted? (Employer information only. Not necessary for a SAP to know this)

A history of an employer's full and limited queries, including those conducted by a designated C/TPA, is maintained in the Clearinghouse. This includes records of the driver's response to consent requests for any full queries conducted or initiated.

Employers must retain records of drivers' limited consent for 3 years. This does not have to be retained in the driver qualification file, but the employer must be able to provide evidence upon request.

Employers must retain records of drivers' limited consent for 3 years. This does not have to be retained in the driver qualification file, but the employer must be able to provide evidence upon request.

Last Updated: January 8, 2020

92) How does an employer or Consortium/Third Party Administrator (C/TPA) submit a bulk query? (Employer information only. Not necessary for a SAP to know this)

Download and complete the Bulk Upload Template File. (C/TPAs: If you work with multiple employers, you will need to upload a separate file for each employer.) Once you have completed the bulk upload file, log in to the Clearinghouse. Under My Dashboard, go to Queries and select "submit a bulk upload."

Last Updated: January 29, 2020

93) Are motor carrier employers operating in Puerto Rico required to query/report to the Clearinghouse if they employ Commercial Drivers License holder who rely on the CDL to legally operate a Commercial Motor Vehicle (CMV) in Puerto Rico?

No. The Clearinghouse final rule did not change the underlying requirements in 49 CFR § 382, which apply to employers of individuals subject to the Federal Motor Carrier Safety Administration (FMCSA) drug and alcohol use testing requirements. As stated in § 382.103, those testing requirements apply to CDL holders who operate a CMV in commerce "in any State." As defined in § 383.5, State means "a State of the United States and the District of Columbia."

Last Updated: January 8, 2020