

Final Rule:

Commercial Driver's License Drug and Alcohol Clearinghouse Federal Motor Carrier Safety Administration

PRESENTED BY CVSAS

**EXCELLENCE IN SAFETY THROUGH TRAINING &
EDUCATION**

Compliance Required

Date: January 6th, 2020

Requirements

- Employers & service agents will be required to report driver violations of FMCSA drug & alcohol testing regulations.
- Employers must run full queries in the Clearinghouse every time they hire a CDL Driver hire a CDL driver to perform safety-sensitive functions.
- Employers must run a queries on all current drivers performing safety-sensitive functions annually.
- Employers must continue manual inquiries with previous employers to meet the previous three years of employment history.

Requirements

- Employers are also responsible for reporting the following information to the Clearinghouse (within three business days of each instance):
 - ✓ Alcohol confirmation test result with alcohol concentration of 0.04 or greater
 - ✓ A refusal to test
 - ✓ A report that the driver completed all follow-up test prescribed in SAP report
 - ✓ Report actual knowledge of workplace drug and alcohol use
 - ✓ Reporting a negative drug and alcohol return to duty tests

Overview of Clearinghouse Rule

- The Drug & Alcohol Clearinghouse will be a database containing CDL drivers' drug and alcohol program violations.
- Registration will be mandatory.
- It will also contain information about whether a driver has successfully completed the mandatory return-to-duty drug and/or alcohol rehabilitation process.
- Clearinghouse requirements fall into two major categories: Reporting and Querying

Objectives

- Identify drivers who move frequently.
- Identify drivers who obtain CDL's in different states to circumvent the system.
- Identify drivers who tested positive and failed to successfully complete the 2nd chance procedures (SAP, RTD, Follow-up testing).
- Identify companies that hire drivers who have tested positive and failed to successfully pass the intervention process with SAP.

Reporting

- Employers, consortia/third party administrators (C/TPAs) and/or medical review officers.
- (MROs) will be required to report drug and alcohol testing program violations to the Clearinghouse.
- SAPs will be required to report information about drivers undergoing the mandatory return-to-duty drug and/or alcohol rehabilitation process.

Reporting

- Each time information is added to, modified or removed from the Clearinghouse, FMCSA will notify the affected driver.
- To receive electronic notification, drivers will have to register with the Clearinghouse.

Querying

- Employers will be required to query the Clearinghouse for covered drivers for two purposes:
 - Pre-employment screening
 - Annual verification
- Pre-employment
- Purpose: to ensure that the prospective employee is eligible to drive.

Querying

- Query-type: full queries would be conducted which means that FMCSA must verify specific driver consent prior to releasing information.
- Annual Queries
- Purpose: to ensure that a driver did not violate the Drug and Alcohol Program with another employer.
- Query-type: limited queries to determine whether any data exists if a driver would be allowed and will only require general driver consent, subject to FMCSA audit.

Querying

- A limited query only identifies whether information about the driver exists in the Clearinghouse and will not result in release of any driver information.
- If the limited query shows a driver record in the Clearinghouse, the employer would be required to run a full query, triggering FMCSA verification of specific driver consent before releasing information.
- Drivers refusing consent will not be able to perform safety sensitive functions such as driving a commercial motor vehicle.

Querying

- Information regarding the driver will be accessible to employers for a minimum of 5 years. If the driver does not satisfy the mandatory return to duty requirements, the information will remain accessible to employers indefinitely.
- State driver licensing agencies will also be required to query the Clearinghouse when a State-licensed driver obtains, renews, upgrades, or transfers his or her CDL.
- The National Transportation Safety Board (NTSB) will be able to access Clearinghouse information for drivers involved in a crash under investigation by the NTSB.

Fees

- There will be no fees for a driver to access their own record in the Clearinghouse.
- Motor Carriers will pay a fee to query the Clearinghouse.
- The fee amount has not yet been determined but will include options for subscription and batch use.

Thank You For Your Attention

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