

## Fundamental White Paper

### FMCSA Drug and Alcohol Clearinghouse

As of January 6, 2020, all employers of CDL Class A and B drivers will be required to query and enter data into the Drug and Alcohol Clearinghouse.

Mandated by Congress, the Drug and Alcohol Clearinghouse is a central database that will contain records of commercial drivers' drug and alcohol violations, including positive drug and alcohol tests, refusals to test, and return-to-duty test results.

The Drug and Alcohol Clearinghouse will be used to prevent drivers who have drug and alcohol violations from performing safety sensitive functions. The full regulation can be found in the FMCSA 382.701. This white paper specifically addresses the driver employer responsibilities that pertain to this regulation.

#### Register

Employers will be required to register in the Clearinghouse. Registration is now open: <https://clearinghouse.fmcsa.dot.gov/Register>. Registration will require a login.gov account which you can access on this registration page.

#### Queries

Driver employers are required to query the Clearinghouse for all existing drivers annually and for pre-employment purposes for each driver applicant. There are two types of Clearinghouse queries: limited and full.

1. A **limited query** can be completed for existing drivers and reveals if any records are in the Clearinghouse for the individual driver. If any record exists on an existing driver, the driver employer will be required to complete a full query.
2. A **full query** is required for pre-employment purposes and for any existing driver whose limited query reveals a record in the Clearinghouse. A full query requires the driver's electronic consent through the Clearinghouse portal. A driver must be registered with the Clearinghouse to give his or her electronic consent. The employer is required to run the full query within 24 hours of notification of a record in the Clearinghouse. If the driver does not give his or her consent through the Clearinghouse, the employer must not permit the driver to perform safety sensitive functions.

For the first three years of the Clearinghouse, employers will still need to conduct traditional manual inquiries with previous employers in addition to the electronic queries explained above. On January 6, 2023, after three years of violation data have been reported and entered into the Clearinghouse, employers will no longer have to traditionally request information from a driver's prior employer (391.23(e)). Instead, conducting a query of the Clearinghouse will acceptable.

#### Driver Violations

According to the DOT's description of the Drug and Alcohol Clearinghouse, an employer cannot allow a driver with particular violations (see detailed list below) to perform safety sensitive functions. If the

Clearinghouse also has a record of the driver's successful completion of the SAP evaluation, referral and education/treatment process, has a negative return to duty test and completes the follow up testing plan prescribed by the SAP, then the driver can perform safety sensitive functions.

List of violations that prohibit drivers from performing safety sensitive functions:

- A verified, positive, adulterated, substituted controlled substance test result;
- An alcohol confirmation test with a concentration of 0.04 or higher;
- Refusal to submit a test (382.211);
- Employer has reported actual knowledge (382.107);
- Driver used alcohol on duty ( 382.205);
- Driver used alcohol before duty (382.207);
- Driver used alcohol following an accident (382.209);
- Driver used a controlled substance (382.213).

#### **Report a Violation**

Employers are responsible for reporting the following information about a driver to the Clearinghouse within 3 business days:

1. Alcohol confirmation test of 0.04 or greater
2. Negative return-to-duty test
3. Refusals to test
4. A report that the driver has successfully completed all follow-up tests as prescribed in the SAP report
5. On-duty or pre-duty alcohol use
6. Alcohol use following an accident
7. Controlled substance use

#### **Additional Resources & Driver Education**

Employers will be required to provide training and information about the Drug and Alcohol Clearinghouse to their drivers.

- [FMCSA Overview](#)
- [Main Drug and Alcohol Clearinghouse website](#)
- [FMCSA Regulations](#)
- [Procedures for Transportation Workplace Drug and Alcohol Testing Programs](#)
- [Query Plans](#)