



Guide to the

DRUG & ALCOHOL CLEARINGHOUSE

for Employers with DOT/FMCSA Commercial Drivers

Background

On December 5, 2016, the DOT issued a [final rule \(full text of rule\)](#) implementing the [Drug and Alcohol Clearinghouse](#) for drivers regulated by the Federal Motor Carrier Safety Administration (FMCSA).

The Clearinghouse is a database maintained by the FMCSA to record all drug and alcohol testing violations in one central location. This information is accessed through an [online portal](#). Employers, Medical Review Officers (MROs), Consortium/Third Party Administrators (C/TPAs) and Substance Abuse Professionals (SAPs) are all required to record information about an employee's drug and alcohol violations into the Clearinghouse.

This [link](#) to the FMCSA's "role card" defines what information each of the above roles are responsible for entering into the Clearinghouse database.

The purpose of the ruling, and creation of the Clearinghouse, is to ensure that CDL holding employees cannot hide drug and alcohol violations by changing employers, failing to inform their other employers of violations (as required by part 40 section 382), or by changing jurisdictions. As of January 6, 2023, querying the Clearinghouse replaced the need to contact previous employers to get a driver's history.

Registration Requirements

Registration: Employers must [register a designated administrator](#) with the Clearinghouse before querying or reporting information. Once an administrator has been registered that person may designate additional

individuals to be "Clearinghouse Assistants" which also have the ability to query and report information. Step-by-step information on how to register [can be found here](#).

All CDL holding employees ('Drivers') must also [register](#) with the Clearinghouse so that they are able to consent to full query requests as needed and select a SAP for any violations that may occur. Drivers should be encouraged to proactively register for the Clearinghouse, as delays may occur if they do not have their account setup prior to a full query being run.

Employer-Specific Requirements

Reporting: Employers are responsible for reporting the following violations to the Clearinghouse before the close of the third business day after they are informed:

- Alcohol test results with blood alcohol content (BAC) greater or equal to 0.04
- Refusal to test (alcohol) as specified in [49 CFR Part 40 Section 40.261](#)
- Refusal to test (drug) not requiring a determination by the MRO as specified in [49 CFR Part 40 Section 40.191](#)
- Actual knowledge of a drug or alcohol violation,



Questions?

PRISM staff can answer any additional questions that you may have either via email: riskcontrol@prismrisk.gov or by phone at 916.850.7300.

The FMCSA has also published [FAQ](#) and [Contact Us](#) pages, if you would like to contact them directly.



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as defined in [49 CFR Part 382 Section 107](#), which includes:

- Alcohol use while performing, or within 4 hours of performing, a safety sensitive function.
- Alcohol use within 8 hours of an accident, or prior to post-accident test
- Controlled substance use while performing safety sensitive functions

Employers must also report:

- Negative return-to-duty (RTD) test results
- The successful completion of a driver's follow-up testing plan

This [factsheet](#) has more information on employer requirements.

Records: Employers must maintain records of driver violations for all of their drivers for a minimum of 5 years.

Queries: Employers are required to query the Clearinghouse:

- Before new OR current employees are allowed to operate a commercial motor vehicle on public roads.
- Annually for each driver that they employ.

There are two different types of queries, limited and full. A limited query is completed annually and will inform the employer if there is information within the Clearinghouse that needs to be reviewed by the employer, without disclosing the details. If the limited

query results state that there are no records found in the Clearinghouse, no action is required. If, however, there are records to review, a full query must then be run for the employer to gain access to that information. Full queries are also conducted for pre-employment screening before allowing a new employee to perform safety-sensitive functions.

Consent Forms: Before being allowed to query the Clearinghouse, employers must also acquire consent from the drivers. The type of consent is determined by the type of query. Full queries must have consent given by the driver through the clearinghouse website. Limited queries require an organization to have their own consent form, which can be electronically or wet signed. The Clearinghouse has provided a sample consent form for limited queries that employers can use as a [template here](#).

You can find out more about query types and consent requirements from this [factsheet](#).

Query Fees: Employers will be charged a flat \$1.25 fee for each query they conduct, which must be purchased in bundles based on the number of queries that will be conducted or are expected to be conducted (i.e. number of drivers currently employed and/or drivers expected to be hired).

It is recommended that employers select a plan for the number of drivers that they currently employ. Additional query plans can be purchased as needed for new drivers or new queries. The query plan information and bundle amounts can be found on this [factsheet](#).

