EMA COMPLIANCE BULLETIN

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FMCSA ONLINE DATABASE FOR CDL DRIVER DRUG AND ALCOHOL VIOLATIONS

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ONLINE DATABASE FOR DRIVER DRUG AND ALCOHOL VIOLATIONS

The U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) has announced that registration is now open for the Commercial Driver's License Drug and Alcohol Online Clearinghouse Database. The Clearinghouse is a secure online, searchable electronic database where all CDL driver drug and alcohol violations will now be posted. The Clearinghouse will provide employers, CDL drivers, medical review officers (MRO), substance abuse professionals (SAP), state driver licensing agencies (SDLA) and enforcement authorities real-time information about CDL drivers drug and alcohol program violations. The Clearinghouse will contain records of violations of drug and alcohol prohibitions, including positive drug or alcohol test results, test refusals, completion of return-to-duty (RTD) process and follow-up testing plan. CDL drivers, employers, MROs, SAPs and SDLAs must all register to use the database.

The Clearinghouse mandate **does not** change any existing U.S. DOT drug and alcohol testing regulations or procedures other than to require use of the online database. Employer use of the Clearinghouse **is required** for pre-employment CDL driver record investigation; annual drug and alcohol investigations for all current CDL employees; to upload driver drug and alcohol violations; and return to duty status records. Congress required the FMCSA to create and implement the Clearinghouse under the *Moving Ahead for Progress in the 21st Century Act* (Pub. L. 112-141, 126 Stat. 405).

1. EMPLOYER RESPONSIBILITIES

The Clearinghouse will offer employers (or their third-party assignees) a centralized location to query driver information and report drug and alcohol program violations incurred by their current and prospective employees holding CDLs and/ commercial driver learner's permit. The employer must use the CDL driver drug and alcohol violation Clearinghouse to:

- **Register** online to access the Clearinghouse database.
- **Search** the Clearinghouse as part of each pre-employment driver investigation process.
- **Conduct** limited annual queries 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.

2. SEARCHING THE CLEARINGHOUSE DATABASE

Employers are able to conduct two types of queries on the Clearinghouse database:

- **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 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, the limited consent request must be in writing, and specify the duration of the consent period.
- The limited query meets the annual drug and alcohol record check requirements all employers must already conduct for CDL drivers.

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

    - The full query meets the federal pre-employment drug and alcohol violations search employers must conduct before hiring a CDL driver.

The Clearinghouse database will only contain ***new*** driver drug and alcohol information occurring after January 6, 2020. Manual record investigation must continue to reach back three years for pre-employment or one year for annual employee driver record check already required by the DOT regulations. A fact sheet on Clearinghouse database searches may be found here: [Clearinghouse Queries.](#)

3. USER QUERY FEE

- **Query Fee** – The FMCSA is charging a flat $1.25 rate for each query. Query purchase plans may be purchased here: [Query Purchase Plans.](#)

4. CLEARINGHOUSE REGISTRATION

Employers must register with the Clearinghouse database ***before*** searching and /or uploading driver information. Employers must follow a two-step registration process:

- **Federal "login.gov" Registration** - The first registration step requires employers to obtain a secure federal government login account. The secure login account will help ensure that the information in the Clearinghouse remains secure and private. Login accounts may be obtained here: [Secure Login Account.](#)

- **Clearinghouse Registration –** Once employers obtain a secure login account the must register with the Clearinghouse here: [Clearinghouse Registration.](#)

5. ASSIGNING THIRD PARTIES TO SEARCH AND UPLOAD DRIVER INFORMATION

Once registered, employers may designate a consortium/third-party administrator (C/TPA) to access the Clearinghouse on your behalf (Drug and Alcohol Testing Vendors)

- **Third Party Assignment -** Employers, consortia/third-party administrators (C/TPAs), medical review officers (MROs), and substance abuse professionals (SAPs) must identify an individual for their company to serve as a Clearinghouse Administrator. These Clearinghouse Administrators have the option to invite users to serve in an Assistant role, enabling them to use the Clearinghouse on their company's behalf.

6. DRIVER RESPONSIBILITIES

Drivers must register with the Clearinghouse in order to:

- **Check Records –** Drivers must register with the clearing house to check their drug and alcohol driving record and be able to contest incorrect entries.

- **Provide Consent –** Drivers must register to provide electronic consent for prospective employers to conduct pre-employment drug and alcohol records search.

7. COMPLIANCE DEADLINE

- **Employers and drivers** *must* register with the FMCSA drug and alcohol Clearinghouse no later than **January 6, 2020**.

- **Employers and drivers** *may* register with the Clearinghouse starting **October 11, 2019.**

- **Employers and/or their third-party designees** must begin using the database for pre - employment investigations on **January 6, 2020.**

- *Important!* *Employers will no longer to be required to conduct manual pre-employment driver drug and alcohol investigations once three years of testing and/or violation data is stored in the Clearinghouse. Manual pre-employment investigation will no longer be required after **January 6, 2023.***

- **Employers and/or third-party designees,** medical review officers, and substance abuse professionals must begin uploading driver drug and alcohol violations on **January 6, 2020.**

It is ***highly recommended*** that employers, drivers, drug and alcohol testing vendors and substance abuse professionals register now with the Clearinghouse rather than wait for the January 6, 2020 registration deadline.

8. ADDITIONAL INFORMATION

- For additional information on the FMCSA Drug and Alcohol Clearinghouse go to https://clearinghouse.fmcsa.dot.gov.

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