

# DRUG & ALCOHOL CLEARINGHOUSE

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Coming  
January 6, 2020



## What is the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse?

The Clearinghouse is a secure online database that will give employers, FMCSA, State Driver Licensing Agencies, and State law enforcement personnel real-time access to important information about CDL driver drug and alcohol program violations, thereby enhancing safety on our Nation's roadways.

An act of Congress directed the Secretary of Transportation to establish the Clearinghouse.

The Clearinghouse contains information about drivers with commercial driver's licenses (CDL drivers) who are covered by FMCSA's drug and alcohol program. This also includes drivers with commercial learner's permits (CLPs).

For more information on drivers affected by the Clearinghouse, see below.



### JAN 2020 When must I use the Clearinghouse?

**JANUARY 6, 2020:** Authorized users will be required to complete the actions described in the Clearinghouse final rule. At this time, employers will be required to conduct both electronic queries and traditional manual inquiries with previous employers to meet the three-year timeframe, required by FMCSA's drug and alcohol use testing program, for checking CDL driver violation histories. Drivers may also view their own records for information recorded on or after January 6, 2020.

**JANUARY 6, 2023:** Once three years of violation data are stored in the Clearinghouse, employers are no longer required to also request information from the driver's previous FMCSA-regulated employers under 391.23(e); an employer's query of the Clearinghouse will satisfy that requirement.

### How will the Clearinghouse improve highway safety?

- ✓ Make it easier for employers to meet their pre-employment investigation and reporting obligations.
- ✓ Make it more difficult for drivers to conceal their drug and alcohol program violations from current or prospective employers.
- ✓ Provide roadside inspectors and other enforcement personnel with the means to ensure that drivers receive required evaluation and treatment before performing safety-sensitive functions, such as driving a commercial motor vehicle (CMV).
- ✓ Make it easier for FMCSA to determine employer compliance with testing, investigation, and reporting requirements.

## What information will the Clearinghouse contain?



The Clearinghouse will contain information on all CDL driver drug and alcohol program violations. These violations include:

- Report for duty/remain on duty for safety-sensitive function with alcohol concentration of 0.04 or greater or while using any drug specified in the regulations (Part 40), other than those prescribed by a licensed medical practitioner
- Alcohol use while performing, or within four hours of performing, a safety-sensitive function
- Alcohol use within eight hours of a post-accident alcohol test
- Test positive for use of specified drugs
- Refusing to submit to a required alcohol or drug test

## How will I use the Clearinghouse?

### EMPLOYERS

Report drug and alcohol violations and check that no current or prospective employee is prohibited from performing safety-sensitive functions, such as operating a CMV, due to a drug and alcohol program violation for which a driver has not successfully completed a Return-To-Duty (RTD) process.

### CDL DRIVERS

View own record, provide consent to current or prospective employers to access details about any drug and alcohol program violations, and select a Substance Abuse Professional, if needed.

### MEDICAL REVIEW OFFICERS

Report verified positive drug test results and test refusals.

### SUBSTANCE ABUSE PROFESSIONALS

Report RTD initial assessment and eligibility status for RTD testing.

### CONSORTIUM/THIRD-PARTY ADMINISTRATORS

On behalf of an employer, report drug and alcohol program violations and perform driver queries as required.

### STATE DRIVER LICENSING AGENCIES

Query the Clearinghouse prior to completing licensing transactions.



## 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 State agencies that employ drivers subject to FMCSA drug and alcohol use testing regulations (e.g., Department of Defense, public transit)