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DOT Compliance

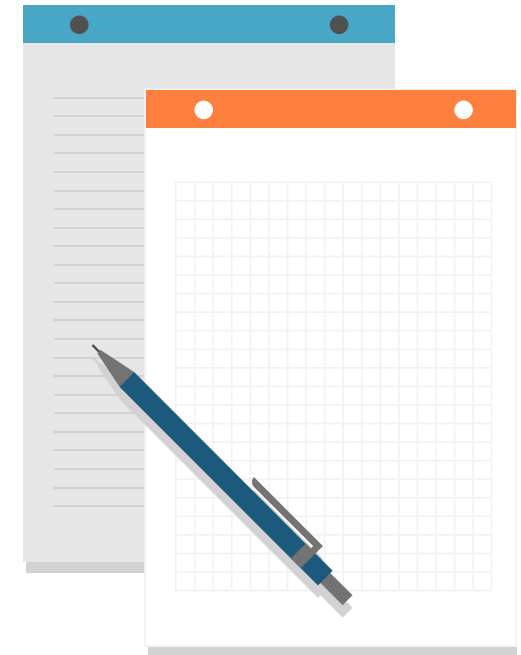
FMCSA CLEARINGHOUSE: NEW RULE UPDATES & WHAT YOU NEED TO KNOW

NOVEMBER 2024



WEBINAR TOPICS

- What is the Clearinghouse?
- Login.gov / CH Registration
- Linking your CH Account to your Portal Account
- Company vs. Owner Operator
- Designating your C/TPA
- Purchasing Query Plans
- Running Queries - Limited vs. Full Query
- Reporting CH Violations
- Return-to-Duty Process (RTD)
- Substance Abuse Professional (SAP)
- Updating your D & A Policy
- Clearinghouse II / Map 21
- CDL Downgrades
- Safety Performance History Requests (SPHR's)



PRESENTER



Marc Nault

DOT Compliance Director


Patron

WHAT IS THE COMMERCIAL DRIVER'S LICENSE DRUG AND ALCOHOL CLEARINGHOUSE?

- The Federal Motor Carrier Administration (FMCSA) established the Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse (Clearinghouse) effective January 6, 2020. This new database contains information pertaining to violations of the U.S. Department of Transportation (DOT) controlled substances (drug) and alcohol testing program for holders of CDLs.
- The Clearinghouse rule requires FMCSA-regulated employers, medical review officers (MROs), substance abuse professionals (SAPs), consortia/third party administrators (C/TPAs), and other service agents to report to the Clearinghouse information related to violations of the drug and alcohol regulations in 49 Code of Federal Regulations, Parts 40 and 382 by current and prospective employees.

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The Clearinghouse contains information about holders of commercial driver's licenses (CDLs) and commercial learner's permits (CLPs) who are covered by FMCSA's Drug and Alcohol Testing Program.



- ✓ Record
- ✓ Consent
- ✓ Query
- ✓ Safety



WHAT IS THE COMMERCIAL DRIVER'S LICENSE DRUG AND ALCOHOL CLEARINGHOUSE?

The Clearinghouse provides FMCSA and employers the necessary tools to identify drivers who are prohibited from operating a CMV based on DOT drug and alcohol program violations and ensure that such drivers receive the required evaluation and treatment before operating a CMV on public roads. Specifically, information maintained in the Clearinghouse enables employers to identify drivers who commit a drug or alcohol program violation while working for one employer, but who fail to subsequently inform another employer (as required by current regulations).

Records of drug and alcohol program violations will remain in the Clearinghouse for five years, or until the driver has completed the return-to-duty process, whichever is later.

WHAT IS THE COMMERCIAL DRIVER'S LICENSE DRUG AND ALCOHOL CLEARINGHOUSE?

The Clearinghouse final rule requires the following:

- Employers must query the Clearinghouse for current and prospective employees' drug and alcohol violations before permitting those employees to operate a commercial motor vehicle (CMV) on public roads. **(FULL QUERY)**
- Employers must annually query the Clearinghouse for each driver they currently employ. **(LIMITED QUERY)**

For more information on the Clearinghouse, visit <http://clearinghouse.fmcsa.dot.gov/>

REGISTRATION: EMPLOYERS

Create a Login.gov Account

Accessing the Clearinghouse requires the creation of an account with login.gov, a shared service that offers secure online access to participating government systems, including the Clearinghouse. If you do not have a login.gov account, or would like to create a new one, you will need to follow the steps below.

1

Visit <https://clearinghouse.fmcsa.dot.gov/register> and click **Go to login.gov**.

During the login.gov registration process, after 15 minutes of inactivity, the current page will clear whatever information is entered into data fields.

The screenshot shows the FMCSA Drug & Alcohol Clearinghouse registration page. At the top, there is a navigation bar with the FMCSA logo and 'Federal Motor Carrier Safety Administration'. Below this, the page title is 'DRUG & ALCOHOL CLEARINGHOUSE'. The main heading is 'Register for the Clearinghouse now and be ready for implementation'. There are three columns of information: 'GOVERNMENT PERSONNEL' (for enforcement and licensing agencies), 'DRIVERS' (for entering CDL information), 'EMPLOYERS' (for managing testing programs), and 'SAPS & MROS' (for inviting assistants). A red box highlights the 'Go to login.gov' button in the 'Need a login.gov account?' section.

2

On the login.gov sign in screen, click **Create an account**.

Or, if you already have a login.gov account, enter your credentials on this screen, click **Sign In** and go to step 10.

The screenshot shows the login.gov sign in screen. It features a header with the text 'The FMCSA Drug & Alcohol Clearinghouse is using login.gov to allow you to sign in to your account safely and securely.' Below this, there is a section for 'Are you FMCSA or State Driver Licensing Agency personnel?' with a link to 'Visit the Government User login'. There are input fields for 'Email address' and 'Password' (with a 'Show password' checkbox). A 'Sign In' button is visible. A red box highlights the 'Create an account' link at the bottom of the page.

REGISTRATION: EMPLOYERS

3

Enter your email address and click **Submit**. This is the email address the Clearinghouse will use to send you notifications about your Clearinghouse account. This email address will also be used to identify you in the Clearinghouse, and cannot be modified.

Are you FMCSA or State Driver Licensing Agency personnel?
FMCSA enforcement and SOLA staff do not need to create a login.gov account to access the Clearinghouse. This includes staff from Departments of Motor Vehicles.
[Visit the Government User login](#)

STEP 1 OF 4

Enter your email address

Email address

Submit

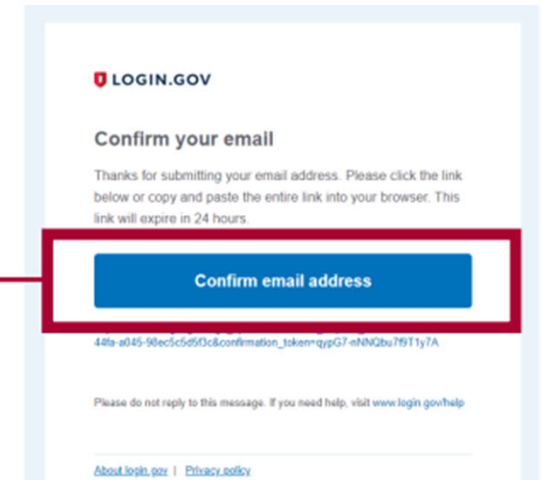
[Cancel](#)



4

Check your email and open the email from **no-reply@login.gov**, with the subject line **Confirm your email**.

Click **Confirm email address**, or copy and paste the link into a web browser.



REGISTRATION: EMPLOYERS

- 5 Create a password. This password must be at least 12 characters long. If the password you enter is not strong enough, you will not be able to continue. Enter a strong password and click **Continue**.

The screenshot shows the 'Create a strong password' step (STEP 3 OF 4) of the registration process. At the top, it says 'You have confirmed your email address' with a green checkmark. Below that, the heading is 'Create a strong password' and a note states 'It must be at least 12 characters long and not be a commonly used password. That's it!'. There is a 'Password' input field with a 'Show password' toggle. Below the input field is a 'Password strength: Great!' indicator with a green progress bar. A blue 'Continue' button is at the bottom. There is also a 'Password safety tips' link with a plus icon and a 'Cancel account creation' link at the very bottom.

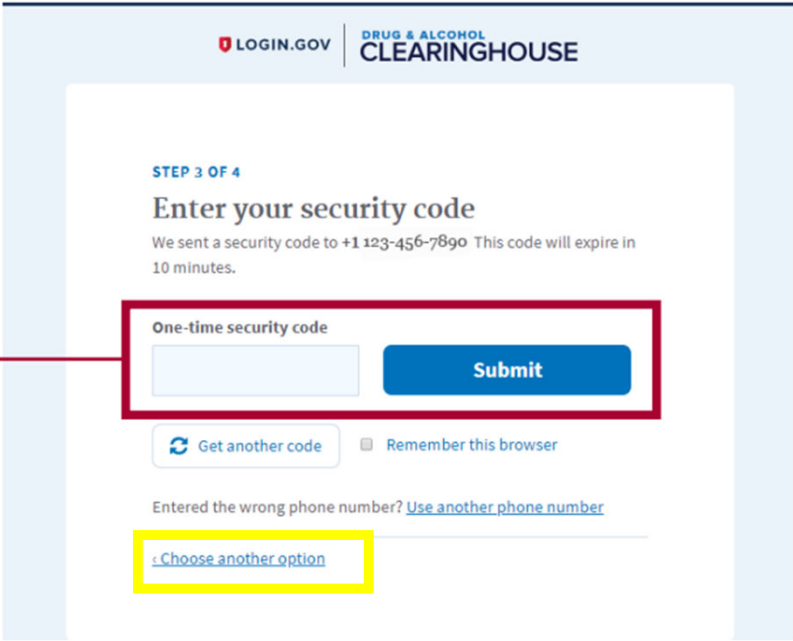
- 6 Select an option to secure your account and click **Continue**.

Login.gov requires the completion of a user verification process to ensure the proper person is using those credentials. Follow the instructions for the method you select.

The screenshot shows the 'First authentication method setup (1 of 2)' step (STEP 3 OF 4) of the registration process. It says 'Add a second layer of security so only you can sign in to your account.' and 'You'll only use one authentication method to sign in, but we ask you to set up two. This makes sure you can still sign in if you lose access to one.' Below this is the heading 'Select an option to secure your account:' and five radio button options: 'Phone' (selected), 'Authentication application', 'Security key', 'Government employees', and 'I don't have any of the above'. Each option has a brief description. A blue 'Continue' button is at the bottom. There is also a 'Cancel account creation' link at the very bottom.

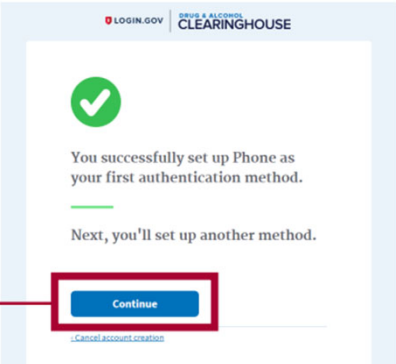
REGISTRATION: EMPLOYERS

7 Enter your security code and click **Submit**. This code will be provided via the method you selected. The screenshot below illustrates the SMS phone method.



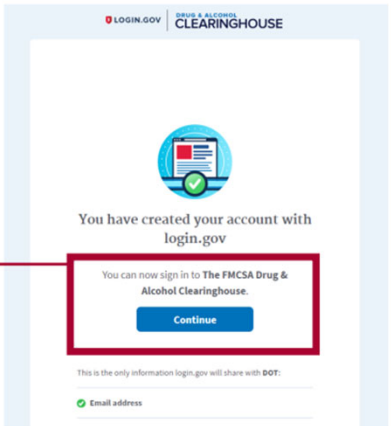
The screenshot shows the 'STEP 3 OF 4' screen titled 'Enter your security code'. It includes a text input field for the 'One-time security code' and a blue 'Submit' button. Below the input field are links for 'Get another code' and 'Remember this browser'. At the bottom, there are links for 'Use another phone number' and 'Choose another option'.

8 Once you have completed setting up your first authentication method, you will be prompted to set up a second authentication method. You'll only use one authentication method to sign in, but you will need to set up two methods in case you lose access to one. **Repeat steps 6 and 7 to set up your second method.**



The screenshot shows a green checkmark icon and the text: 'You successfully set up Phone as your first authentication method. Next, you'll set up another method.' A blue 'Continue' button is highlighted with a red box.

9 You have created your login.gov account. Click **Continue** to return to the Clearinghouse website and complete your Clearinghouse registration.



The screenshot shows a blue checkmark icon and the text: 'You have created your account with login.gov. You can now sign in to The FMCSA Drug & Alcohol Clearinghouse.' A blue 'Continue' button is highlighted with a red box.

REGISTRATION: EMPLOYERS WITH A PORTAL ACCOUNT

10

Select **Yes I have an FMCSA Portal Account**, and click **Next**.

2. Select Your Role
Your answer to the question below will determine which steps you will take to complete the Clearinghouse registration for you and your company.

DO YOU HAVE AN FMCSA PORTAL ACCOUNT?

YES I have an FMCSA Portal Account NO I do not have an FMCSA Portal Account

Previous Next Cancel

11

Enter your Portal User ID and password and click **Sign In**.

You will need to have the proper Portal user role before you can complete this step. Follow the instructions in the [Portal User Role Job Aid](#) to determine which user role you need and request that role in the Portal. If you have multiple USDOT Numbers associated with your Portal account, you will need to request a user role for each USDOT Number.

3. Contact Information
Link With Your FMCSA Portal Account
We will import your company and personal contact information so you will not need to manually enter it.

Why link your Clearinghouse account and Portal account?
Linking with your Portal account will associate your Clearinghouse activity with your USDOT Number, which will enable enforcement personnel to verify your Clearinghouse activity quickly and easily after January 6, 2020. Establishing this link today will help streamline interactions with enforcement personnel down the road.

Note: You can link your accounts after you complete your Clearinghouse registration, but this may result in some of your activity not being associated with your USDOT Number.

ENTER YOUR FMCSA PORTAL CREDENTIALS

Enter your Portal User ID and password below to link your Clearinghouse account with your Portal account.

User ID [Forget your user ID?](#)

Password [Forget your password?](#)

Sign In

Unlock your account.

12

Review your contact information. You may also add an alternate phone number. Click **Next**.

If you need to update your personal contact information, you will need to log into your FMCSA Portal account to make any necessary changes. You will not be able to make these changes in the Clearinghouse.

3. Contact Information
Questions about your contact information?
Your information has been pulled from the FMCSA Portal and cannot be updated in the Clearinghouse.
If this information needs to be updated, you will need to log into the FMCSA Portal to make the change.

CONTACT INFORMATION

Contact Information

Name: _____
User: _____
Phone: _____
Email (Login.gov Username): user@company.com
Alternate Email: user@company.net

Add Optional Contact Information

Alternate Phone Number Type

Previous Next Cancel

REGISTRATION: EMPLOYERS WITHOUT A PORTAL ACCOUNT

1 LOGIN.GOV 2 ROLE SELECTION 3 CONTACT INFORMATION 4 COMPANY INFORMATION 5 DESIGNATE C/TPA 6 TERMS & CONDITIONS

STEP 2 OF 6
Select Your Role
Your answer to the question below will determine which steps you will take to complete the Clearinghouse registration for you and your company.

DO YOU HAVE AN FMCSA PORTAL ACCOUNT?

YES I have an FMCSA Portal Account NO I do not have an FMCSA Portal Account

Previous **Next** Cancel

1 LOGIN.GOV 2 ROLE SELECTION 3 CONTACT INFORMATION 4 COMPANY INFORMATION 5 DESIGNATE C/TPA 6 TERMS & CONDITIONS

STEP 2 OF 6
Select Your Role
Will you manage your employer's users in the Clearinghouse?
Clearinghouse Administrators can invite or remove users who will use the Clearinghouse on behalf of an employer.

Are you the Clearinghouse Administrator?
 Yes, I am my employer's Clearinghouse Administrator.

If you are not authorized to be your employer's Clearinghouse Administrator you will need to register as an Employer Assistant. Contact your employer's Clearinghouse Administrator and request he or she send you an invitation to register as an Assistant.

Previous **Next** Cancel

1 LOGIN.GOV 2 ROLE SELECTION 3 CONTACT INFORMATION 4 COMPANY INFORMATION 5 DESIGNATE C/TPA 6 TERMS & CONDITIONS

STEP 2 OF 6
Select Your Role
A USDOT Number is a unique identifier assigned to a company that has registered with FMCSA. Learn more about USDOT Numbers.

DOES YOUR COMPANY HAVE A USDOT NUMBER?

YES My company has a USDOT Number NO My company does not have a USDOT Number

Not sure if your company has a USDOT Number?
Contact your safety manager to determine if your company has a USDOT Number.

Previous **Next** Cancel

1 LOGIN.GOV 2 ROLE SELECTION 3 CONTACT INFORMATION 4 COMPANY INFORMATION 5 DESIGNATE C/TPA 6 TERMS & CONDITIONS

STEP 2 OF 6
Select Your Role
A USDOT Number is a unique identifier assigned to a company that has registered with FMCSA. Learn more about USDOT Numbers.

DOES YOUR COMPANY HAVE A USDOT NUMBER?

YES My company has a USDOT Number NO My company does not have a USDOT Number

Not sure if your company has a USDOT Number?
Contact your safety manager to determine if your company has a USDOT Number.

DRUG & ALCOHOL CLEARINGHOUSE

Do you need to obtain a USDOT Number?

Companies that operate commercial vehicles transporting passengers or hauling cargo in interstate commerce must be registered with FMCSA and must have a USDOT Number. Also, commercial intrastate hazardous materials carriers that haul types and quantities requiring a safety permit must register for a USDOT Number. Learn more about USDOT Numbers

If your company meets the criteria above and does not have a USDOT Number, you may request one from FMCSA, then re-start your Clearinghouse registration.

I do not need a USDOT Number
 I will obtain my USDOT Number later

Cancel Registration **Proceed With Registration**

Previous **Next**

REGISTRATION: EMPLOYERS WITHOUT A PORTAL ACCOUNT

1 LOGIN.GOV 2 ROLE SELECTION 3 CONTACT INFORMATION 4 COMPANY INFORMATION 5 DESIGNATE C/TPA 6 TERMS & CONDITIONS

STEP 3 OF 6 Contact Information

Enter your contact information below. All fields are required unless otherwise noted.

Name

First Name

Middle Name (Optional)

Last Name

Phone/Email

Phone Number Type

Alternate Phone Number (Optional) Type

Email Address (Login.gov Username)

Previous **Next** Cancel

1 LOGIN.GOV 2 ROLE SELECTION 3 CONTACT INFORMATION 4 COMPANY INFORMATION 5 DESIGNATE C/TPA 6 TERMS & CONDITIONS

STEP 4 OF 6 Company Information

Company Name

Name

Company Type

You must inform FMCSA if you are an owner-operator. This means that as an employer, you employ yourself as a CDL driver. This is typically a single-driver operation. Owner-operators have specific requirements to ensure the integrity of their company drug and alcohol program per § 382.103(b).

Are you an owner-operator? Yes No

Contact Information

Phone Number Type

Alternate Phone Number (optional) Type

Company Email Address (optional)

Address (Physical)

Street

City

Country State ZIP Code

Address (Mailing) Same as Physical Address

Previous **Next** Cancel

REGISTRATION: EMPLOYERS WITHOUT A PORTAL ACCOUNT

LOGIN.GOV ROLE SELECTION CONTACT INFORMATION COMPANY INFORMATION **DESIGNATE C/TPA** TERMS & CONDITIONS

STEP 5 OF 6

Designate Your Consortium/Third-Party Administrator

As an employer, you may use one or more consortia/third-party administrators (C/TPAs) to manage your drug and alcohol testing program. A C/TPA manages all or part of an employer's DOT drug and alcohol testing program. They perform tasks as agreed to by the employer to help keep the employer compliant with the DOT/FMCSA Drug and Alcohol Testing rules and regulations.

If you do choose to work with one or more C/TPAs, you must identify them in the Clearinghouse by designating them below. This enables them to act on your behalf in the Clearinghouse, as defined in § 382.705(c).

You can designate your C/TPA(s) now, or after you have completed your registration.

DESIGNATE YOUR C/TPA(S)

For each C/TPA you designate, you must indicate which actions the C/TPA may take your behalf. If you don't currently have a C/TPA, you may designate the C/TPA once you have acquired their services.

Note: Per § 382.711(b)(3), any changes to designated C/TPAs must be updated in the Clearinghouse within 10 days.

Who is your C/TPA?

C/TPA not listed?
A C/TPA must be registered in the Clearinghouse before they can be designated by an employer. If your C/TPA is not listed, contact them to confirm they have completed their Clearinghouse registration.

Designated C/TPA(s)
I authorize the Clearinghouse to allow these C/TPA(s) to perform the following functions on my behalf.

C/TPA	Report Violations	Report RTD Information	Conduct Queries
PATRON COMPLIANCE SOLUTIONS, LLC (Official) 5000 Hwy 17 Ste. 18-256, Fleming Island, FL 32003 +1 904-517-8181	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

19 Review the Clearinghouse terms and conditions. Check the box to affirm that the information you provided throughout the registration process is true and that you agree to the terms and conditions and click I Agree.

Note that the Clearinghouse terms and conditions may be updated on occasion.

STEP 7 OF 7

Terms and Conditions

FMCSA IT Rules of Behavior

The user of the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse, understands that he or she is personally responsible for the use and any misuse of the system account and password. I also understand that by accessing a U.S. Government information system, I must comply with the following requirements:

- The Drug and Alcohol Clearinghouse is authorized for official use only.
- The Drug and Alcohol Clearinghouse may not be used for a purpose that violates any Federal law, for the mass mailing of personal messages, for commercial purposes, financial gain, or to support "for profit" non-Government activities, or to engage in any DOT or FMCSA disallowed activities (e.g., gambling, viewing of adult content, "FMCSA disallowing activities") also include sending, transmitting, collecting, or storing defamatory, discriminatory, obscene, harassing, or misleading messages or materials.
- FMCSA reserves the right to monitor the activity of any machine connected to its infrastructure.
- Drug and Alcohol Clearinghouse is the property of the Federal Government and FMCSA and the data stored in this system.
- Nonpublic information that was obtained via the Drug and Alcohol Clearinghouse may not be divulged outside of authorized channels without the express permission of the owner of that information.
- Any activity that violates Federal laws for information protection (e.g., tracking, spyware) is prohibited.
- Users must lock the computer if they are away from the desk and use a password-protected screen saver to automatically lock the computer.
- Drug and Alcohol Clearinghouse accounts are linked to your login.gov profile solely for the use of the individual for whom they were created. Your login.gov password or any other authentication mechanism **shall never** be shared or posted **before** in any public or private forum, or in any other manner, if an account is a password must not be stored in a clear text or a readable format. You may store your login.gov "out of use" information in printed or digital form.
- The Drug and Alcohol Clearinghouse uses login.gov to authenticate you. Login.gov has password format requirements and a password expiration policy that must be followed. Login.gov passwords do not expire because login.gov uses multi-factor authentication. Multi-factor authentication expires every 30 days. See [https://www.fda.gov/oc/identity/using-identity-when-offline](#) for more information.
- Any security problems or password compromises must be reported immediately to the FMCSA Information System Security Manager at FMCSA@clearinghouse.gov.
- Users must protect all nonpublic information and privacy information from disclosure.
- Hard copies of confidential information and privacy information must be shredded and destroyed.
- I agree to accept any written communication from FMCSA relating to my participation on Drug and Alcohol Clearinghouse by electronic mail at the email address(es) provided to FMCSA. Such electronic communication shall be complete upon its transmission by FMCSA.
- I understand that Federal law provides for punishment under Title 18 of the U.S. Code, including a fine and up to 10 years in prison for the first offense for anyone who:
 - Intentionally accesses a Government information system without authorization, or exceeds authorized access, and obtains information that requires protection against unauthorized disclosure.
 - Intentionally accesses a Government information system without authorization, or exceeds authorized access, and impairs the Government's operation, including availability of that system.
 - Intentionally accesses a Government information system without authorization, or exceeds authorized access, and alters, damages, or destroys information therein.
 - Intentionally accesses a Government information system without authorization, or exceeds authorized access, and obtains anything of value.
 - Provides authorized use of a Government information system.
- Users must only use Section Personally Identifiable Information (PII) on encrypted laptops, mobile devices, and storage media devices. PII is a subset of PII which if lost, compromised or disclosed without authorization, could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual (e.g., OMB, DHS, and State's list).
- Users of FMCSA IT systems using non-FMCSA furnished equipment to access FMCSA IT systems must install and maintain antivirus and anti-spyware tools on said equipment.

Drug and Alcohol Clearinghouse Terms of Use

I am capable and willing to comply with the requirements under of 49 CFR 382 Subpart G, Requirements and Procedures for Implementation of the Commercial Driver's License Drug and Alcohol Clearinghouse.

I agree to accept any written communication from FMCSA relating to the Clearinghouse by electronic mail at the email address(es) provided to FMCSA or by physical letters sent via United States Postal Service, including any notice of proposed removal from the Clearinghouse and any information addressing my registration as an authorized user of the Clearinghouse. Such communication shall be considered complete upon its transmission by FMCSA.

I understand that by utilizing the Clearinghouse, I am participating in covered transactions and am required to comply with the suspension and debarment regulations of 49 C.F.R. part 382 and that I am required to comply with the regulations of 49 CFR part 382, I certify that I will comply with the information and disclosure requirements set forth in 49 C.F.R. part 382. I agree that I will not access information in the Clearinghouse without authorization, share, distribute, publish, or otherwise release information unless specifically authorized by me, and I will not post, transmit or otherwise disseminate information to the Clearinghouse. I understand that by submitting information to the Clearinghouse I am participating in covered transactions and that submitting false or misleading statements may subject me to administrative, civil, or criminal penalties, including a maximum under 18 U.S.C. 1001 or government-wide suspension and debarment under 2 C.F.R. part 181. I understand that failure to comply with the Clearinghouse Rules of Behavior and Terms of Use may result in revocation of my Clearinghouse registration under 49 C.F.R. 382.713.

I agree that I will obtain the driver's written or electronic consent before providing the Clearinghouse to determine whether a record exists or to obtain any of the types of information identified in 49 C.F.R. 382.703. I agree that I will only access and use information obtained from the Clearinghouse to determine whether there is a prohibition in a driver performing a safety-sensitive function in accordance with FMCSA regulations and will not divulge or permit other persons to divulge the information for any other purpose. I understand that violations of 49 CFR 382 are subject to criminal and civil penalties in accordance with applicable laws, including those set forth in 49 CFR 382.713.

I affirm that all of the information provided is true and accept all of the terms above.

Your Clearinghouse registration is complete.

You will be directed to your Dashboard, a logged-in homepage for your Clearinghouse activity. This is where you will come to designate C/TPAs, invite and manage Clearinghouse Assistants, report drug and alcohol program violations, conduct queries, and purchase query plans.

REGISTRATION: EMPLOYERS WITH PORTAL ACCOUNTS

13

If you serve as a Clearinghouse Administrator for more than one company, you will need to register each company separately. Select the company you would like to register first from the dropdown menu and click **Next**. If you are the Administrator for one company only, you will not see this step.

If you do not see all your companies in this dropdown menu, log into your Portal account and ensure that you have the DACH user role approved for each USDOT Number.

United States Department of Transportation
New DOT | Our Actions | Area of Focus

FMCSA
Federal Motor Carrier Safety Administration

DRUG & ALCOHOL CLEARINGHOUSE

Do you need help? Download step-by-step instructions for employer registration.

1 LOGIN.GOV 2 ROLE SELECTION 3 CONTACT INFORMATION 4 COMPANY INFORMATION 5 DESIGNATE C/TPA 6 TERMS & CONDITIONS

4. Company Information

SELECT COMPANY

Our records indicate that you serve as the Administrator for more than one company. You will need to register each company separately in the Clearinghouse.

Select which company you would like to register first.

Previous Next Cancel

14

Review your company's information. You will need to indicate whether you are an owner-operator (that is, an employer that employs himself or herself as a CDL driver, typically a single-driver operation). Make a selection and click **Next**.

If your company information needs to be updated, you will need to update your company's registration with FMCSA. You will not be able to make this change in the Clearinghouse.

4. Company Information

Questions about your company information?

Information has been pulled from the USDOT Registration system and cannot be updated in the Clearinghouse. If this information needs to be updated, you will need to update your registration.

XYZ CORP

Company Information

Name: _____
USDOT #: _____
Company Email: _____

Address Information

Physical Address: _____
Mailing Address: _____

Are you an owner-operator?
You must inform FMCSA if you are an owner-operator. This means that as an employer, you employ yourself as a CDL driver. This is typically a single-driver operation.

Yes, I am an owner-operator.
 No, I am not an owner-operator.

Click "Next" to save this information and proceed. This information cannot be updated in the Clearinghouse.

Previous Next Cancel

REGISTRATION: EMPLOYERS WITH PORTAL ACCOUNTS

15 If you are working with a consortium/third-party administrator (C/TPA), you will need to designate your C/TPA in the Clearinghouse. This allows your C/TPA to access the Clearinghouse on your behalf. **This step is required of all owner-operators.**

Enter the name of your C/TPA in the field labeled **Who is your C/TPA?** and **click on the search icon**, or hit **Enter**. If you enter enough characters of the C/TPA's name, a list of options will also appear.

5. Designate Your Consortium/Third-Party Administrator

As an employer, you may use one or more consortium/third-party administrators (C/TPAs) to manage your drug and alcohol testing program. If you do choose to work with one or more C/TPAs, you must identify them in the Clearinghouse by designating them below. This enables them to act on your behalf in the Clearinghouse, as defined in § 382.705(c).

You can designate your C/TPA(s) now, or after you have completed your registration.

DESIGNATE YOUR C/TPA(S)

For each C/TPA you designate, you must indicate which actions the C/TPA may take your behalf. If you don't currently have a C/TPA, you may designate the C/TPA once you have acquired their services.

Who is your C/TPA?

C/TPA not listed?
A C/TPA must be registered in the Clearinghouse before they can be designated by an employer. If your C/TPA is not listed, contact them to confirm they have completed their Clearinghouse registration.

Previous Next Cancel

16 This will generate a list of registered C/TPAs that match your search terms. Locate your C/TPA in the list and click **Designate** on the appropriate line.

A C/TPA must be registered in the Clearinghouse before you can designate them. If you do not see your C/TPA in your search results, contact them to confirm they have completed their Clearinghouse registration.

5. Designate Your Consortium/Third-Party Administrator

As an employer, you may use one or more consortium/third-party administrators (C/TPAs) to manage your drug and alcohol testing program. If you do choose to work with one or more C/TPAs, you must identify them in the Clearinghouse by designating them below. This enables them to act on your behalf in the Clearinghouse, as defined in § 382.705(c).

You can designate your C/TPA(s) now, or after you have completed your registration.

DESIGNATE YOUR C/TPA(S)

For each C/TPA you designate, you must indicate which actions the C/TPA may take your behalf. If you don't currently have a C/TPA, you may designate the C/TPA once you have acquired their services.

Note: Per § 382.711(b)(3), any changes to designated C/TPAs must be updated in the Clearinghouse within 10 days.

Who is your C/TPA?

C/TPA not listed?
A C/TPA must be registered in the Clearinghouse before they can be designated by an employer. If your C/TPA is not listed, contact them to confirm they have completed their Clearinghouse registration.

There are 1 C/TPAs which match the search: "harlow"

Harlow Consortium Inc.
[View Profile](#)

Previous Next Cancel

REGISTRATION: EMPLOYERS WITH PORTAL ACCOUNTS

19 Review the Clearinghouse terms and conditions. Check the box to affirm that the information you provided throughout the registration process is true and that you agree to the terms and conditions and click **I Agree**.

Note that the Clearinghouse terms and conditions may be updated on occasion.

STEP 7 OF 7
Terms and Conditions

FMCSA Rules of Access

As a user of the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse, I understand that I am personally responsible for the use and any misuse of my system account and password. I also understand that by accessing a U.S. Government information system, I must comply with the following requirements:

1. The Drug and Alcohol Clearinghouse is authorized for official use only.
2. The Drug and Alcohol Clearinghouse may not be used for a purpose that violates any Federal law, (2) for the most readily of personal management, (3) for commercial purposes, financial gain, or to support "for profit" non-Government activities, or (4) to engage in any DOT or FMCSA disallowed activities (e.g., gambling, viewing of adult content, "FMCSA disallowed activities" also include using, transmitting, receiving, or storing defamatory, discriminatory, obscene, harassing, or threatening messages or materials).
3. FMCSA reserves the right to monitor the activity of any machine connected to its information system.
4. Drug and Alcohol Clearinghouse is the property of the Federal Government and FMCSA owns the data stored in this system.
5. Non-public information that was obtained as the Drug and Alcohol Clearinghouse may not be divulged outside of authorized channels without the express permission of the source of that information.
6. Any activity that violates Federal laws for information protection (e.g., hacking, spyware) is prohibited.
7. Users must lock the computer if they are away from the desk and use a password-protected screen to automatically lock the computer.
8. Drug and Alcohol Clearinghouse accounts are linked to your login.gov profile solely for the use of the individual for whom they were created. Your login.gov profile or any other authentication mechanism **must** be shared or received **electronically** in any direct accessible, if shared **electronically**, a password must not be stored in a clear-text or a readable format. You may store your login.gov "2nd in case" information in printed or digital form.
9. The Drug and Alcohol Clearinghouse uses login.gov for authentication purposes. Login.gov has password format requirements and a password expiration policy that must be followed. Login.gov passwords do not expire because login.gov uses multi-factor authentication. Multi-factor authentication expires every 30 days. See [login.gov help](#) for more information regarding login.gov authentication for more information.
10. Any security problems or potential compromises must be reported immediately to the FMCSA Information Security Manager at FMCSA@uscg.mil.
11. Users must protect all confidential and privacy information from disclosure.
12. Hard copies of confidential and privacy information must be shredded and destroyed.
13. I agree to accept any written communication from FMCSA relating to my participation on Drug and Alcohol Clearinghouse by electronic mail at the email address(es) provided to FMCSA. Such electronic communication shall be complete upon its transmission by FMCSA.
14. I understand that Federal law provides for government action "for the U.S. Code, including a fine and up to 10 years in prison for the first offense for anyone who:
 1. Intentionally accesses a Government information system without authorization, or exceeds authorized access, and obtains information that requires protection against unauthorized disclosure.
 2. Intentionally accesses a Government information system without authorization, or exceeds authorized access, and impairs the Government's operation, including availability of that system.
 3. Intentionally accesses a Government information system without authorization, or exceeds authorized access, and alters, damages, or destroys information therein.
 4. Intentionally accesses a Government information system without authorization, or exceeds authorized access, and obtains anything of value.
15. I possess authorized use of a Government information system.
16. Users that only use Services Personally Identifiable Information (SPI) on unencrypted laptops, mobile devices, and storage media devices, SPI is a subset of PI which if lost, compromised or disclosed without authorization, could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual (e.g., SSN, EIN, and Driver's License).
17. Users of FMCSA IT systems using non-FMCSA furnished equipment to access FMCSA IT systems must install and maintain anti-virus and anti-spyware tools on said equipment.

Drug and Alcohol Clearinghouse Terms of Use

I am capable and willing to comply with the requirements under 49 CFR 382 Subpart G, Requirements and Procedures for implementation of the Commercial Driver's License (Drug and Alcohol Clearinghouse) (Clearinghouse).

I agree to accept any written communication from FMCSA relating to the Clearinghouse by electronic mail at the email address(es) provided to FMCSA or by physical letters sent via United States Postal Service, including any notice of proposed removal from the Clearinghouse and any information addressing my obligations as an authorized user of the Clearinghouse. Such communication shall be considered complete upon its transmission by FMCSA.

I understand that by utilizing the Clearinghouse, I am participating in covered transactions and am required to comply with the suspension and disqualification regulations at 49 C.F.R. part 382 and that I am required to comply with the regulations at 49 CFR part 382. I certify that I will comply with the information use and disclosure requirements set forth in 49 C.F.R. part 382. I agree that I will not access information in the Clearinghouse without authorization, share, disclose, publish, or otherwise release information unless specifically authorized by law, and will not report inaccurate or misleading information to the Clearinghouse. I understand that by submitting information to the Clearinghouse I am participating in covered transactions and the following data (including statements) may be subject to re-administration, and, or original penalties, including prosecution under 18 U.S.C. § 1505 or governments with suspension and disqualification under 49 C.F.R. part 382. I understand that failure to comply with the Clearinghouse Rules of Access and Terms of Use may result in revocation of my Clearinghouse registration under 49 C.F.R. § 382.713.

I agree that I will obtain the driver's written or electronic consent before entering the Clearinghouse to determine whether a record exists or to obtain any of the types of information described in 49 C.F.R. § 382.703. I agree that I will only access and use information obtained from the Clearinghouse to determine whether there is a prohibition on a driver performing a safety sensitive function in accordance with FMCSA regulations and will not divulge or permit other persons to divulge the information for any other purpose. I understand that violations of 49 CFR 382 are subject to criminal and civil penalties in accordance with applicable law, including those set forth in 49 CFR 382.707.

I affirm that all the information provided is true and accept all of the terms above.

Your Clearinghouse registration is complete.

You will be directed to your Dashboard, a logged-in homepage for your Clearinghouse activity. This is where you will come to designate C/TPAs, invite and manage Clearinghouse Assistants, report drug and alcohol program violations, conduct queries, and purchase query plans.

FMCSA
Federal Motor Carrier Safety Administration

DRUG & ALCOHOL CLEARINGHOUSE

Log Out Mark

My Dashboard

Learn About Contact

Violations
Violation History
Report a Violation

Queries
Query History
Conduct a Query
Submit a Bulk Upload
Purchase a Query Plan
Query Plan Summary

RTD Process
RTD History
Report RTD Information

Reports
Compliance Report

Manage
C/TPAs
Users
My Employer Profile
Notification Settings

WELCOME MARK

This is your Employer Dashboard, an overview of action items you need to take in the Clearinghouse. Visit the [Clearinghouse Learning Center](#) to learn more about how employers are required to use the Clearinghouse.

QUERY OVERVIEW

Time frame: Last 7 days

Query Balance: 89 remaining

View Query Plan Summary
Purchase a Query Plan

Conduct a Query

PRE-EMPLOYMENT QUERIES

- 0 Drivers Prohibited View
- 2 Updated Results View
- 1 Pending Driver Consent View

ANNUAL QUERIES

- 0 Drivers Prohibited View
- 0 Full Queries Required View
- 0 Pending Driver Consent View

PURCHASING A QUERY PLAN

From the Dashboard click Purchase a Query Plan

FMCSA Federal Motor Carrier Safety Administration

DRUG & ALCOHOL CLEARINGHOUSE

My Dashboard | Learn | About | Contact

Violations | Queries | RTD Process | Reports | Manage

WELCOME DEREK

QUERY OVERVIEW

Query Balance: 0 remaining

PRE-EMPLOYMENT QUERIES: 0 View

ANNUAL QUERIES: 0 View

Select the number of queries to purchase and cont. to pay.gov

DRUG & ALCOHOL CLEARINGHOUSE

My Dashboard | Violations | Queries | Return-to-Duty | Reports | Manage

Purchase a Query Plan

Query Balance: 0 remaining

INDIVIDUAL QUERY PLAN

\$1.25
Flat per query rate (limited or full)

- ✓ Flat per query rate (\$1.25), for limited and full queries
- ✓ Bundles customized to meet your business needs
- ✓ Queries never expire
- ✓ Purchase additional query plans, as needed

Select Plan Size

Continue to Pay.gov



You will be directed to Pay.gov to process your payment.

Plan Size	Plan Cost
1	\$1.25
2	\$2.50
3	\$3.75
4	\$5.00
5	\$6.25
10	\$12.50
20	\$25.00
50	\$62.50
100	\$125.00
150	\$187.50
200	\$250.00
300	\$375.00
500	\$625.00
1,000	\$1,250.00
1,500	\$1,875.00
2,000	\$2,500.00
2,500	\$3,125.00
5,000	\$6,250.00
7,500	\$9,375.00

Pay.gov VIEW PAYMENT OPTIONS

If you anticipate having to conduct a high volume of queries on an annual basis, view the options for high-volume users.

TYPES OF QUERY'S - FULL, LIMITED, & FOLLOW-ON

Query Type	Reason for Query	Consent Requirements	Consent Responses and Required Actions	Query Results and Required Actions
LIMITED QUERY 	Annual check on currently-employed driver OR Ad hoc/periodic check on driver	Outside the Clearinghouse May be electronic or wet signature Limited consent form must specify time range	Consent refused <ul style="list-style-type: none"> Query cannot be conducted Driver removed from safety-sensitive functions Consent provided <ul style="list-style-type: none"> Retain via paper or electronically in driver's qualification file Request limited query in the Clearinghouse 	No records found in the Clearinghouse for queried driver <ul style="list-style-type: none"> No action required Records found in the Clearinghouse for queried driver; full query needed <ul style="list-style-type: none"> Full query must be conducted for violation and/or return-to-duty (RTD) details to be released If full query is not conducted within 24 hours, driver is removed from safety-sensitive functions, including operating a CMV
FULL QUERY 	Pre-employment check on prospective driver OR Limited query returned records found for queried driver OR Ad hoc/periodic check on driver	Electronically within the Clearinghouse, for each full query for individual driver	Consent refused <ul style="list-style-type: none"> Employer notified of refused consent Query cannot be conducted Driver cannot perform/removed from safety-sensitive functions Consent provided <ul style="list-style-type: none"> Query conducted Full violation and/or RTD details released, if any 	Prohibited <ul style="list-style-type: none"> If driver has a violation and no negative RTD test result, driver is removed from safety-sensitive functions Not Prohibited <ul style="list-style-type: none"> If a driver has no violations, or a violation and a negative RTD test result, no action required

QUERIES AND CONSENT REQUESTS

Beginning January 6, 2020, employers, or their designated consortium/third-party administrator (C/TPA), will be required to conduct queries to check if current and prospective employees are prohibited from performing safety-sensitive functions, such as operating commercial motor vehicles (CMVs), due to an unresolved drug and alcohol program violation.

THERE ARE TWO TYPES OF QUERIES:



All queries require driver consent; the type of consent depends on the query type.

- Record
- Consent
- Query
- Safety

CONDUCTING A FULL QUERY

An employer may designate a consortium/third-party administrator (C/TPA) in the Clearinghouse to conduct queries on their behalf. See the [How to Conduct a Full Query: C/TPAs Job Aid](#).

What is a full query?

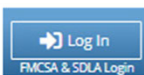
A query is an electronic check of a driver's record in the Clearinghouse, as required of employers of CDL drivers per § 382.701. A full query determines if a current or prospective employee is prohibited from performing safety-sensitive functions, such as operating a commercial motor vehicle (CMV), due to an unresolved drug and alcohol program violation. Once a driver completes the [return-to-duty \(RTD\) process](#) by obtaining a negative RTD test result, the driver is no longer prohibited from performing safety-sensitive functions. The violation will remain unresolved until the driver successfully completes the follow-up testing plan prescribed by the substance abuse professional (SAP). Obtaining a driver's electronic consent is required before conducting each full query; general consent is required for [conducting limited queries](#). All pre-employment queries must be full queries. [Learn more about full and limited queries.](#)



Conducting Full Queries

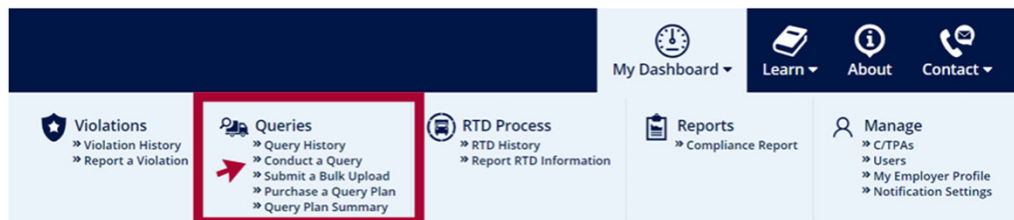
Follow the instructions below for a step-by-step guide on how to conduct a full query.

1



Log In and Access the Dashboard

Visit <https://clearinghouse.fmcsa.dot.gov>. Click **Log In** and access the Clearinghouse using your login.gov username and password. Under **My Dashboard**, go to **Queries** and click **Conduct a Query**.



CONDUCTING A FULL QUERY CONT.

2

Enter and Verify Driver Information

Enter the information of the driver you need to query and click **Verify Driver Information**.

You will need to provide the following driver information:

- Driver first and last name
- Driver date of birth
- Driver commercial driver's license (CDL) or commercial learner's permit (CLP) number, and the State and country of issuance

Driver Information > Query Type > Conduct Query

Driver Information

A query checks to see if a driver has information about resolved or unresolved drug and alcohol program violations in his or her Clearinghouse record. Which driver's record do you want to query?

First Name Last Name

Date of Birth
month day year

CDL/CLP Number Country of Issuance State of Issuance

Once a driver's CDL information is verified, you will not be able to edit it. If you entered the driver's information in error, click **Cancel** and begin again with a new query. When the driver's information is correct, click **Next**.

Driver Information > Query Type > Conduct Query

This driver information has been verified and cannot be changed. If you entered this in error, click "Cancel" and begin a new query.

Driver Information

A query checks to see if a driver has information about resolved or unresolved drug and alcohol program violations in his or her Clearinghouse record. Which driver's record do you want to query?

First Name Last Name

Date of Birth

CDL/CLP Number Country of Issuance State of Issuance


[I want to submit a bulk upload](#)

An employer may designate a consortium/third-party administrator (C/TPA) in the Clearinghouse to conduct queries on their behalf. See the [How to Conduct a Full Query: C/TPAs Job Aid](#).

CONDUCTING A FULL QUERY CONT.

Once a driver's CDL information is verified, you will not be able to edit it. If you entered the driver's information in error, click **Cancel** and begin again with a new query. When the driver's information is correct, click **Next**.

Driver Information Query Type Conduct Query

 This driver information has been verified and cannot be changed. If you entered this in error, click "Cancel" and begin a new query.

Driver Information

A query checks to see if a driver has information about resolved or unresolved drug and alcohol program violations in his or her Clearinghouse record. Which driver's record do you want to query?

First Name: Last Name:

Date of Birth:

CDL/CLP Number: Country of Issuance: State of Issuance:



BULK UPLOAD

If you need to query multiple drivers at once, you can click **I want to submit a bulk upload**. You will be redirected to the Bulk Query Upload page.

Follow the instructions on the screen to download, complete, and upload the file containing the information of the drivers whose Clearinghouse records you need to query. This file must be either a tab-delimited file, XLS file, or XLSX file, and must use the format outlined in the Bulk Queries File Setup instructions. [Download the instructions and example files.](#)

VERIFYING ERRORS

If there is an issue verifying the driver CDL information, please check that you have entered all the information correctly and re-submit. If the CDL number has special characters (such as spaces or hyphens), try entering the number with or without those characters, as requirements vary by State.

You will have two attempts to enter the driver's information correctly. If the driver CDL information cannot be verified, the query cannot be completed, as violation information is associated with a CDL number in the Clearinghouse.

If you have confirmed the driver's information is correct and the Clearinghouse cannot verify it, the driver will need to log in to the Clearinghouse for further instructions.

CONDUCTING A FULL QUERY CONT.

3

Initiate the Full Query

Select **Full Query**. Indicate whether or not the query is for a pre-employment screening. Per § 382.701(c), if there are any changes to the queried driver's record within 30 days of a pre-employment query, you will be notified that updated information is available and prompted to request the driver's specific consent again. This is only the case for full queries conducted as part of pre-employment screenings. Once you have made this selection, click **Next**.

Query Type

WHICH TYPE OF QUERY DO YOU NEED TO CONDUCT?

LIMITED QUERY Results will determine if an individual driver's Clearinghouse record has any information about resolved or unresolved drug and alcohol program violations. General consent from the driver is required (obtained outside the Clearinghouse).

FULL QUERY Results will include detailed information about any drug and alcohol program violations in a driver's Clearinghouse record, including the driver's eligibility to perform safety-sensitive functions such as operating a CMV. Electronic consent is required.

Is this full query being conducted as part of a pre-employment screening? ⓘ

Yes No

Request Driver Consent

Before FMCSA can release to you detailed information from the driver's Clearinghouse record, you must obtain the driver's electronic consent in the Clearinghouse.

To obtain the driver's electronic consent, click "Send Consent Request" below.

One query will be deducted from your Query Balance once the consent request has been sent. If the driver refuses his or her consent, your Query Balance will be credited.

Before a full query can be conducted, the driver's consent must be obtained electronically through the Clearinghouse. Click **Send Consent Request**. One query will be deducted from your query balance, and the query status will appear as "pending driver consent." If the driver declines his or her consent, or if the consent request is canceled, your Query Balance will be credited.

CONDUCTING A FULL QUERY CONT.

You will receive confirmation that the request has been sent.

Consent Requested



The consent request has been sent.

You will receive a notification email once the driver has responded to the consent request.

You can check the status of the consent request on your [Queries](#) page.

Note: The driver must be registered in the Clearinghouse to respond to this consent request.

If this driver is not registered in the Clearinghouse, he or she will receive a letter via United States Postal Service (allow 1-2 weeks for delivery) advising him or her to register in the Clearinghouse to respond to this consent request

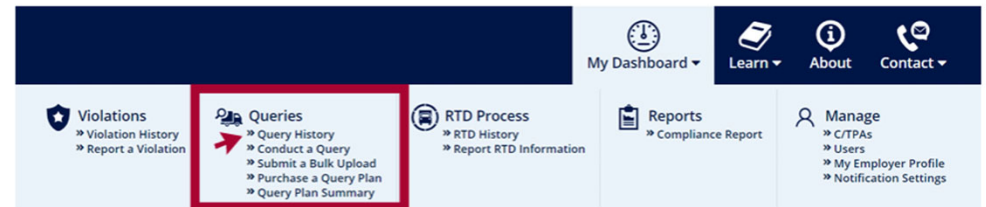
Drivers who are not registered with a verified CDL in the Clearinghouse, or who have selected "U.S. Mail" as their preferred contact method, will be sent a letter about the consent request. This letter can take 2-3 weeks to arrive. To avoid delays in the hiring process, employers can encourage queried drivers to register for the Clearinghouse, if needed, and log in to respond to the consent request.

4

View Full Query Results

Once a driver has provided his or her consent, the query will be conducted. You can log in to the Clearinghouse to view the full details in the driver's Clearinghouse record.

Under **My Dashboard**, go to **Queries** and click **Query History**.



Your Query History Page contains records of queries that have been conducted by you, your Clearinghouse Assistants, or any C/TPAs who have conducted queries on your behalf. For more information on viewing your Query History, see the [Query History for Employers Job Aid](#).

Record ID: QUERY.329AH6.MBWZ

Employer Conducting Query: [REDACTED] INC (USDOT# [REDACTED])

Query Status: Pending driver consent (11/13/2024 10:00:42)

Conducted By: Samantha Barnes | Query Type: Pre-employment | Query Submitted: Manually

Driver Information	Consent Information	Query History
Name: [REDACTED]	Requested: 11/13/2024 10:00:42	Created: 11/13/2024 10:00:42
Date of Birth: 3/17/1971	Recorded:	
CDL/CLP O: US-GA-CLP- [REDACTED]	Status: Pending	

[View Query Details](#) [Cancel Query](#)

Record ID: QUERY.31W54S.GHEP

Employer: [REDACTED]

Query Result: Driver Not Prohibited

Query Status: Completed (11/11/2024 10:05:04)

Conducted By: KEVIN HONZ | Query Type: Pre-employment | Query Submitted: Manually

Driver Information	Consent Information	Query History
Name: [REDACTED]	Requested: 11/6/2024 7:36:28	Created: 11/6/2024 7:36:28
Date of Birth: 9/13/1978	Recorded: 11/11/2024 10:05:04	Completed: 11/11/2024 10:05:04
CDL/CLP O: US-TN-153 [REDACTED]	Status: Provided	Query Result: Driver Not Prohibited

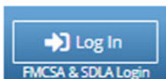
[View Query Details](#)

CONDUCTING A LIMITED QUERY

What is a limited query?

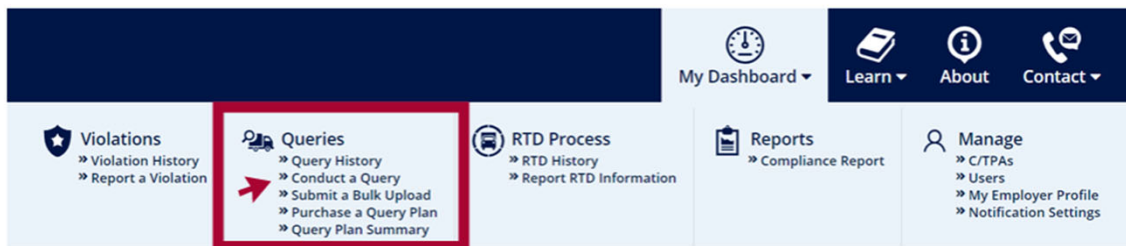
A query is an electronic check of a driver's record in the Clearinghouse, as required of employers of CDL drivers per § 382.701. A limited query determines if an individual driver's Clearinghouse record has any information about resolved or unresolved drug and alcohol program violations. Once a driver completes the [return-to-duty \(RTD\) process](#) by obtaining a negative RTD test result, the driver is no longer prohibited from performing safety-sensitive functions, such as operating a commercial motor vehicle (CMV). The violation will remain unresolved until the driver successfully completes the follow-up testing plan prescribed by the substance abuse professional (SAP). Obtaining a driver's general consent is required to conduct a limited query. To view full details of a driver's Clearinghouse record, you would need to [conduct a full query](#). All pre-employment queries must be full queries. [Learn more about limited and full queries.](#)

1



Log In and Access the Dashboard

Visit <https://clearinghouse.fmcsa.dot.gov>. Click **Log In** and access the Clearinghouse using your login.gov username and password. Under **My Dashboard**, go to **Queries** and click **Conduct a Query**.



CONDUCTING A LIMITED QUERY CONT.

2

Enter and Verify Driver Information

Enter the information of the driver you need to query and click **Verify Driver Information**.

You will need to provide the following driver information:

- Driver first and last name
- Driver date of birth
- Driver commercial driver's license (CDL) or commercial learner's permit (CLP) number, and the State and country of issuance

Driver Information

A query checks to see if a driver has information about resolved or unresolved drug and alcohol program violations in his or her Clearinghouse record. Which driver's record do you want to query?

First Name:

Last Name:

Date of Birth: month day year

CDL/CLP Number: number

Country of Issuance: country

State of Issuance: state

Verify Driver Information Cancel

Once a driver's CDL information is verified, you will not be able to edit it. If you entered the driver's information in error, click **Cancel** and begin again with a new query. When the driver's information is correct, click **Next**.

Driver Information

This driver information has been verified and cannot be changed. If you entered this in error, click "Cancel" and begin a new query.

Driver Information

A query checks to see if a driver has information about resolved or unresolved drug and alcohol program violations in his or her Clearinghouse record. Which driver's record do you want to query?

First Name:

Last Name:

Date of Birth: month day year

CDL/CLP Number:

Country of Issuance:

State of Issuance:

Next Cancel

I want to submit a bulk upload

CONDUCTING A LIMITED QUERY CONT.

3

Conduct the Limited Query

Select **Limited Query**. Check the box to certify that you have obtained general consent from the driver outside the Clearinghouse and click **Next**.

Query Type

WHICH TYPE OF QUERY DO YOU NEED TO CONDUCT?

<input checked="" type="radio"/> LIMITED QUERY	Results will determine if an individual driver's Clearinghouse record has any information about resolved or unresolved drug and alcohol program violations. General consent from the driver is required (obtained outside the Clearinghouse). <input checked="" type="checkbox"/> I certify that I have obtained the driver's general consent to conduct limited queries in the Clearinghouse and that this limited query falls within the timeframe specified by that general consent.
<input type="radio"/> FULL QUERY	Results will include detailed information about any drug and alcohol program violations in a driver's Clearinghouse record, including the driver's eligibility to perform safety-sensitive functions such as operating a CMV. Electronic consent is required.

[Previous](#) [Next](#) [Cancel](#)

Click **Conduct Query**.

The results of the limited query will be displayed immediately and one query will be deducted from your Query Balance.

Conduct Query

This limited query will determine if this driver's Clearinghouse record has any information about resolved or unresolved drug and alcohol program violations. It will not release any specific violation information contained in the driver's Clearinghouse record.

Click "Conduct Query" below to proceed. One query will be deducted from your Query Balance.

[Previous](#) [Conduct Query](#) [Cancel](#)

CONDUCTING A LIMITED QUERY CONT.

Limited Query Results

DRIVER NOT PROHIBITED

If the limited query determines that there is no violation information in the driver's Clearinghouse record, the results will show "Driver Not Prohibited."

The screenshot shows a 'Query Complete' notification with a green checkmark icon. The text reads: 'Result: Driver Not Prohibited. No violation information was found in the Clearinghouse for the driver you queried. The driver is not prohibited from performing safety-sensitive functions based on the information available in the Clearinghouse.' Below the text are two buttons: 'View My Queries' and 'Conduct Another Query'.

RECORD(S) FOUND; FULL QUERY NEEDED

If information related to a drug and alcohol program violation is present in the driver's Clearinghouse record, a notice appears stating "Record(s) Found; Full Query Needed."

The screenshot shows a 'Query Complete' notification with a yellow warning icon. The text reads: 'Result: Record(s) Found; Full Query Needed. Information related to drug and alcohol program violations has been found in the Clearinghouse record of the driver you queried. To determine if this driver is prohibited from performing safety-sensitive functions, you will need to conduct a full query. You must obtain the driver's electronic consent before you can conduct the full query and access the driver's detailed information. If the full query is not conducted within 24 hours, the driver must be removed from the Clearinghouse.' A red box highlights the 'Send Consent Request' button, with a red arrow pointing to the right. Below the text are two buttons: 'Send Consent Request' and 'Conduct Another Query'.

Note: A notice that a result of "Record(s) Found" is not a notification that a queried driver is prohibited from performing safety-sensitive functions. A full query is needed to determine the driver's eligibility status.

A full query must be completed within 24 hours or the driver must be removed from safety-sensitive functions. Click **Send Consent Request to generate the request and obtain the driver's electronic consent to [conduct a full query](#).**

View Query History

Your Query History Page contains records of queries that have been conducted by you, your Clearinghouse Assistants, or any C/TPAs who have conducted queries on your behalf. For more information on viewing your Query History, see the [Query History for Employers Job Aid](#).

CONDUCTING A FOLLOW-ON QUERY

A Clearinghouse follow-on query is a full query that an employer performs after receiving a notification that a driver's Clearinghouse record has changed. The purpose of the follow-on query is to determine if the driver is prohibited from performing safety-sensitive functions, such as operating a commercial motor vehicle (CMV), due to the new information.

Employers who have previously conducted a query on a driver will be notified by email when there is new information in a driver's Clearinghouse record if:

- The query was initiated on or after the September 14, 2022, System of Records Notice; and
- The new information was recorded after March 8, 2023.

All users registered under the employer, including Assistants, will receive the notification email. If a consortium third-party administrator (C/TPA) initiated the query on behalf of the employer, the C/TPA's Clearinghouse users will also receive the notification email. These users will also see a notice of new information in the Query History.

CONDUCTING A FOLLOW-ON QUERY

Driver record change in the Clearinghouse

 clearinghouse@dot.gov
To

 If there are problems with how this message is displayed, click here to view it in a web browser.

Federal Motor Carrier Safety Administration

DRUG & ALCOHOL CLEARINGHOUSE

You previously conducted a query of FMCSA's Drug and Alcohol Clearinghouse for information on a driver. This email is to notify you that information has been modified in this driver's Clearinghouse record. This notification is permitted as a "routine use" of the driver's information under the Privacy Act and is set forth in FMCSA's System of Records Notice for the Clearinghouse, accessible at [2019-22915](#).

Follow-On Clearinghouse Query Needed to View Driver Status

To determine if this information resulted in the driver having a "Prohibited" status, you must conduct a follow-on full query, which requires sending the driver a new consent request. You can do this from your Query History page. You will not be charged for this follow-on query.

[View Query History](#)

Note: You should complete a full follow-on query within 24 hours to determine if the new information prohibits the driver from performing safety-sensitive functions, such as operating a commercial motor vehicle (CMV). In accordance with 49 CFR [382.703\(c\)](#), if the driver refuses to grant specific consent for this full query, you must remove the driver from safety-sensitive functions until a full query is conducted and the results obtained. Once the full query is conducted, the driver may resume safety-sensitive functions only if the query returns a "Not Prohibited" status.

If you have questions about this, you can contact the Clearinghouse Team at <https://clearinghouse.fmcsa.dot.gov/Contact>

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CONDUCTING A FOLLOW-ON QUERY

A follow-on query in the Drug & Alcohol Clearinghouse is required when an employer receives a notification that a driver's Clearinghouse record has changed:

Timeframe

- The follow-on query must be completed within 24 hours of receiving the notification

Purpose

- The query determines if the new information prevents the driver from performing safety-sensitive functions, like driving a (CMV) **PROHIBITED** or **NOT PROHIBITED**

Consent

- The driver must provide electronic consent in the Clearinghouse for the employer to conduct the query

Consequences

- If the employer doesn't complete the query within 24 hours, the driver must be removed from safety-sensitive functions. The employer could also face **substantial fines** if audited.

Annual query

- A follow-on query can satisfy the annual query requirement. *

*For example, if an employer completes a follow-on query on Feb. 1, 2023, they won't need to complete another annual query until Feb. 1, 2024.

HOW TO REPORT VIOLATIONS

Violation Reporting Requirements

Employers are required to report driver drug and alcohol program violations in the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse. An employer may designate a consortium/third-party administrator (C/TPA) in the Clearinghouse to assist with meeting these reporting requirements; however, the employer retains ultimate responsibility for compliance. See the [Reporting Violations for C/TPAs Job Aid](#) for instructions.

Employers also have reporting requirements regarding any drivers they employ who are undergoing a return-to-duty (RTD) process. [Learn more about the RTD process.](#)

Owner-operators—that is, employers who employ themselves as CDL drivers, typically a single-driver operation—are required to designate a C/TPA in the Clearinghouse. Owner-operators may choose to report drug and alcohol program violations for any other drivers they employ, however, the C/TPA has the responsibility to report any drug and alcohol program violation incurred by the owner-operator.

HOW TO REPORT VIOLATIONS CONT.

Which violations are employers responsible for reporting?

Both employers and medical review officers (MROs) are required to report drug and alcohol program violations in the Clearinghouse per § 382.705. The table below identifies who is responsible for reporting each type of violation.

Reporting Entity	Violations Reported to the Clearinghouse	Timeframe for Reporting
Prospective/Current Employer of CDL Driver	An alcohol confirmation test with a concentration of 0.04 or higher	Employers must report any drug and alcohol program violation information by the close of the third business day following the date on which the employer obtained the information.
	Refusal to test (alcohol) as specified in 49 CFR § 40.261	
	Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR § 40.191	
	Actual knowledge of a drug or alcohol violation, as defined in 49 CFR § 382.107	
MRO	Verified positive, adulterated, or substituted drug test result	MROs must report results within two business days of making a determination or verification of a Department of Transportation (DOT)-required drug test. Any changes to the results report of a verified drug test must be reported to the Clearinghouse within one business day of making the changes.
	Refusal to test (drug) requiring a determination by the MRO as specified in 49 CFR § 40.191	

HOW TO REPORT VIOLATIONS CONT.

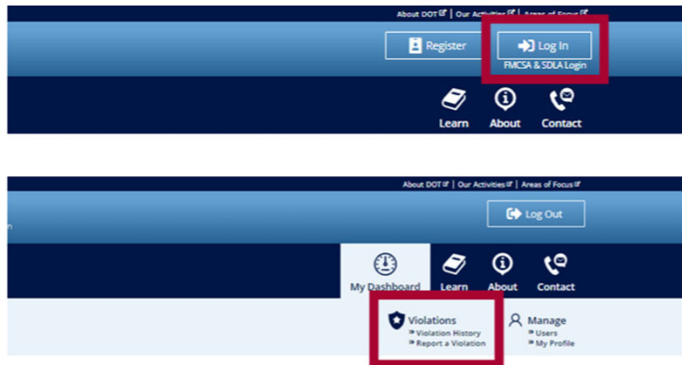
How to Report a Violation

The instructions below will walk through how to report a drug and alcohol program violation as an employer.

1 Log In and Access the Dashboard

Visit <https://clearinghouse.fmcsa.dot.gov>. Click **Log In** and access the Clearinghouse using your login.gov username and password.

Under **My Dashboard**, go to **Violations** and click **Report a Violation**.



2 Enter and Verify the Driver Information

Enter the information of the driver who incurred the violation and click **Verify Driver Information**.

You will need to provide the following driver information:

- Driver first and last name
- Driver date of birth
- Driver commercial driver's license (CDL) number, and the country and state of issuance

The 'Driver Information' form contains the following fields: First Name, Last Name, Date of Birth (month, day, year), Driver CDL Number (number), Country of Issuance (country), and State of Issuance (state). The 'Verify Driver Information' button is highlighted with a red box.



This driver information has been verified and cannot be changed. If you entered this in error, click "Cancel" and begin a new violation entry.

Driver Information

Enter the information of the driver who committed the violation. All fields are required unless otherwise noted.

HOW TO REPORT VIOLATIONS CONT.

REPORTING POSITIVES TEST RESULTS AND TEST REFUSALS

If you select **alcohol concentration of 0.04 or greater**, **refusal to take an alcohol test**, or **refusal to take a drug test**, you will be required to provide the following information:

3

Enter the Violation Information

Select the type of violation you are reporting and click **Next**. Each violation must be entered separately.

Type of Violation	Information to Enter	Additional Information to Enter
Alcohol concentration of 0.04 or greater	<ul style="list-style-type: none"> Reason for the test Date of test 	No additional information required
Refusal to take an alcohol OR drug test	<ul style="list-style-type: none"> Reason for the test Type of test refusal Date of test (all refusals except "failed to appear for any test") <p><i>Note: See "Uploading Documentation" on the next page for instructions on using the file upload feature.</i></p>	<p>Failed to cooperate with any of the testing process</p> <ul style="list-style-type: none"> Remarks/Additional Information (optional) <p>Failed to appear for any test</p> <ul style="list-style-type: none"> When the driver was notified to appear The address and time at which they were directed to appear Documentation that the driver was notified to appear for testing Driver employment status and documentation of date of termination or resignation, if applicable Evidence that the driver was provided with all documents submitted with the violation report

The amount of violation information you will need to enter will depend on the type of violation you select. See below for an overview of the types of information you will need to enter for each violation type. Prompts will also appear on the screen to guide you through each process.

HOW TO REPORT VIOLATIONS CONT.

3 Enter the Violation Information (Continued)

REPORTING ACTUAL KNOWLEDGE

If you select **actual knowledge of an alcohol violation** or **actual knowledge of a drug violation**, you will be required to provide the following information (for a definition of actual knowledge, see § 382.107):

- Whether the use was on-duty, pre-duty, or post-duty (alcohol only)
- The type of actual knowledge
- Date you obtained actual knowledge of the violation
- Date the violation occurred, if known
- Detailed description of the violation
- Name and at least one form of contact information for each witness, if any
- Evidence supporting each fact alleged in the violation description
- Acceptable evidence includes, but is not limited to, affidavits, photographs, video or audio recordings, employee statements (other than those admissions pursuant to § 382.121), correspondence, electronic copies of any enforcement citations, or other documentation.
- Evidence that the driver was provided with all documents submitted with this violation report

UPLOADING DOCUMENTATION

At certain points in the violation reporting process, you may be required to submit files to serve as evidence. To do so, you will use the Upload Documentation tool.

To begin, select **Upload Files** to open a file directory. Choose the file you need to upload and click **Open** (files may not exceed 50MB). This will start a list of files that will be uploaded with your report

Upload Documentation
Upload the email message, affidavit, or other documentation providing evidence that the driver was notified to appear for testing. The document(s) must show that the driver received notification of all the information listed above. Files must not be larger than 50MB.

File	Category Type	Description (optional)
SampleFile.docx	type	description

Buttons: Previous, Next, Cancel

Select the **category type** (this is required). You also have the option to enter a description of the file.

Repeat this process to upload any additional files. Once all files have been uploaded, click **Next**.

HOW TO REPORT VIOLATIONS CONT.

4

Review and Submit the Violation

Review the information you provided below. If you need to make changes, click the edit icon to return to the section requiring correction. Once all the information is correct, submit the violation.

Employer Information

Driver Information

Once a driver's CDL/CLP information is verified, it cannot be edited. If the driver information was entered in error, delete this violation and enter a new one.

DOB: _____ CDL/CLP#: _____
Country: _____ State: _____

Violation Information

Type of Violation: Alcohol test refusal
Reason for Test: Random
Type of Test Refusal: Failed to appear for any test

Notice to Appear

Driver Notified: _____
Testing Site Location: _____
Date and Time to Appear: _____
Documentation
SampleFile.docx
Document Type: Email Message

Driver Employment Status

Separation due to: Terminated
Documentation
SampleFile.docx
Document Type: Affidavit

Driver Provided with Documentation

SampleFile.docx
Document Type: Other

Review and Submit the Violation

Review the information you have entered. The categories of information displayed will vary depending on the type of violation selected.

If the violation information needs corrections, click the **Previous** button until you reach the relevant screen. You can also click the edit icon (✎) of the appropriate section to return to that screen. Once you have finished making corrections, click the **Next** button to navigate through the following screens until you return to the Review and Submit the Violation screen.

I certify that the violation information that I am reporting to the Clearinghouse is accurate and complete. I understand that reporting false, inaccurate, or misleading information to the Clearinghouse may subject me to civil and/or criminal penalties in accordance with applicable law, including 49 USC 521. I further understand that I am participating in a covered transaction and that reporting false information may subject me to government-wide suspension or debarment under 2 C.F.R. Part 180.

Previous Submit Violation Cancel

Once all the information is accurate, **check the box** to accept the Clearinghouse certification statement and click **Submit Violation**.

THE VIOLATION HAS BEEN REPORTED.

Once the violation has been reported, you will be given the option to enter another violation.

Violation Reported

 The violation has been recorded in the Clearinghouse.

Do you have another violation to enter?

Yes No

If you select **Yes**, you will be taken back to the Driver Information screen.

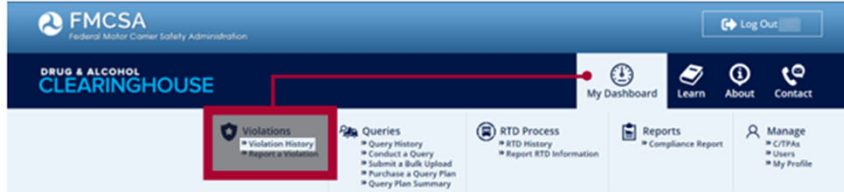
If you select **No**, you will be directed to your Violations History page.

HOW TO EDIT A REPORTED VIOLATION

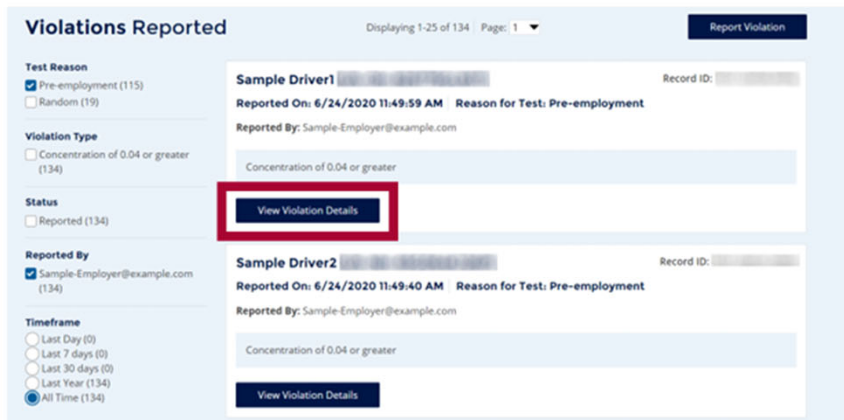
How to Edit a Reported Violation

If you have entered a violation in error, you can submit a request to have the violation removed.

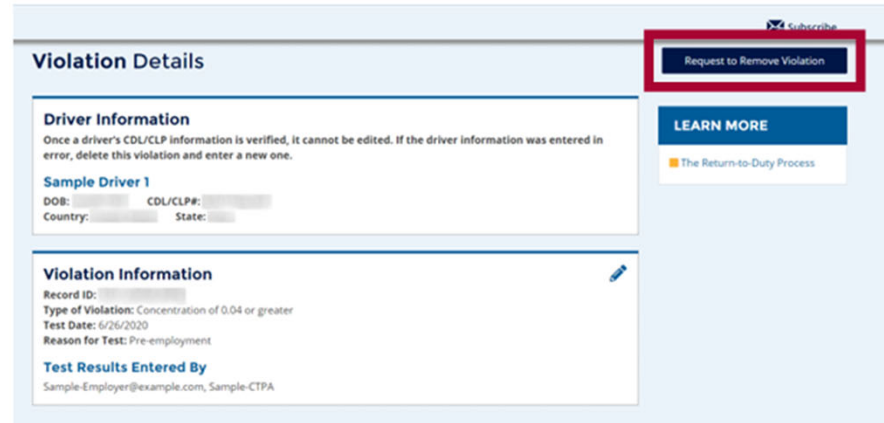
1 Under **My Dashboard**, go to **Violations** and access your **Violation History**.



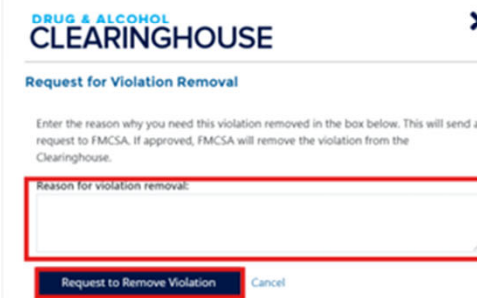
Locate the violation and click **View Violation Details**.



2 Click **Request to Remove Violation**



3 In the pop up window, **enter the reason** the violation needs to be removed and click **Request to Remove Violation**.



FMCSA will review the request and, if approved, remove the violation from the Clearinghouse.

RETURN-TO-DUTY PROCESS (RTD) SUBSTANCE ABUSE PROFESSIONAL (SAP)

The Federal Motor Carrier Safety Administration (FMCSA) Return to Duty (RTD) process is a protocol that allows commercial drivers to safely return to their duties after violating drug or alcohol regulations. The process includes the following steps: Once an employer receives a positive test result, **the driver must immediately be placed out-of-service.**

- 1. Evaluation** - A driver must be evaluated by a DOT-qualified substance abuse professional (SAP). The SAP determines the extent of the driver's condition and develops a return-to-duty program. These SAP's can be found at <http://www.saplist.com>
- 2. Treatment** - The driver must complete the recommended education, treatment, counseling, or rehabilitation that the SAP recommends. The length of treatment depends on the nature and severity of the violation and is solely up to the SAP.
- 3. Re-evaluation** - Once the driver completes recommended treatment, the SAP will then re-evaluate the driver to determine compliance and establish a follow-up testing plan.
- 4. Return-to-duty test** - The driver must pass a Federal drug and/or alcohol return-to-duty test administered under direct observation. Note: Some SAP's will do a non-DOT test on the driver that does not count as a RTD drug test.
- 5. Follow-up testing** - The driver must complete a series of unannounced follow-up tests over the course of at least one year. The Federal minimum is at least six follow-up tests within the first year. Follow-up plans can go as long as up to 5 year. It is solely up to the SAP for that recommendation. **All follow up test must be administered under direct observation.**

***** A violation remains in the Clearinghouse for five years after the driver completes the SAP process. *****

RETURN-TO-DUTY PROCESS (RTD)

Employers, or their designated consortia/third-party administrators (C/TPAs), and substance abuse professionals (SAPs) must now report select parts of the return-to-duty (RTD) process in the Clearinghouse, within specific time frames. This reported information will update the driver's view of their RTD status (see right).



Information must be reported in the Clearinghouse within required time frames:



Employers (or their designated C/TPAs) must report violation information by the **close of the third business day** following the date on which they obtained the information.



SAPs must report the date of completion of an initial SAP assessment and the date of determination of eligibility for RTD testing, by the **close of the business day** following the assessment or determination.

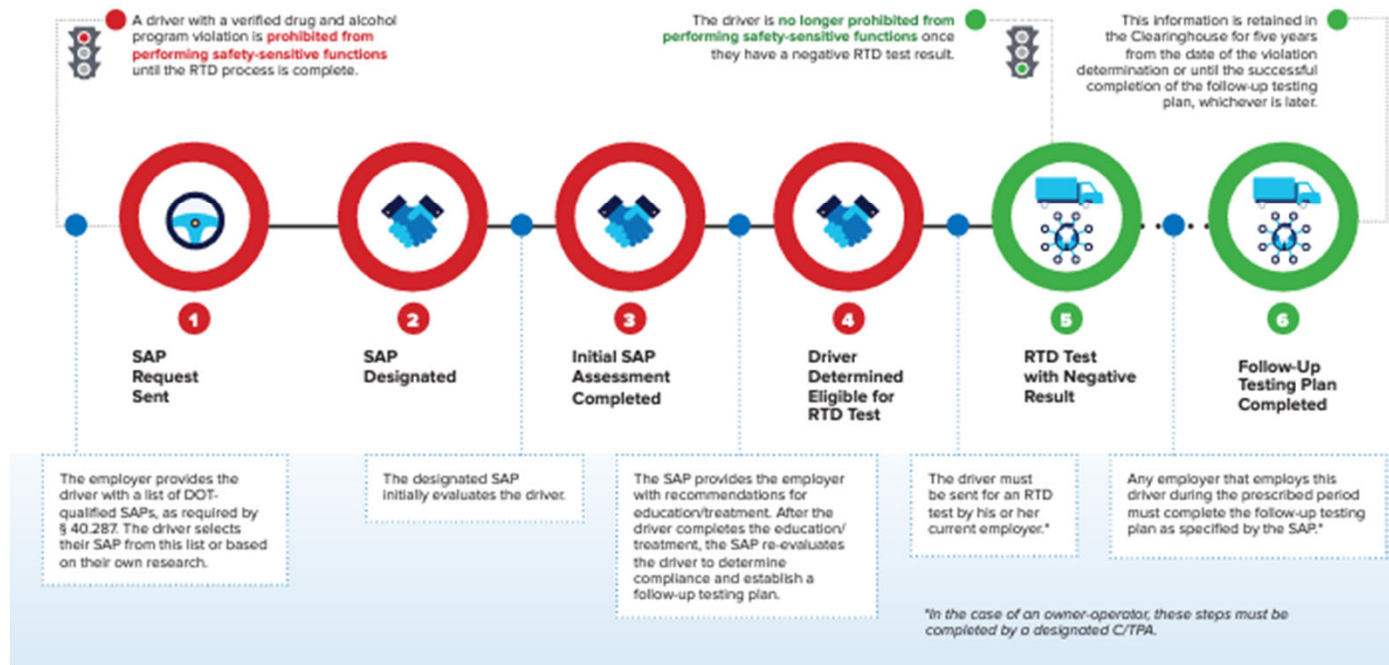
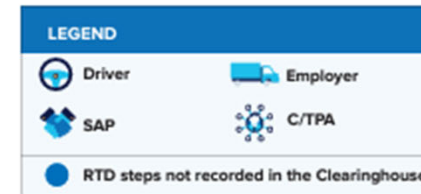


NOTE: The steps of the RTD process must be completed in the order listed above to be properly recorded in the Clearinghouse. Reporting this information within the mandated time frames is critical to ensuring that the driver's Clearinghouse status is kept up-to-date.

RETURN-TO-DUTY PROCESS (RTD)

How does the Clearinghouse fit into the RTD process?

The return-to-duty (RTD) process outlined in Part 40 Subpart O has not changed. The graphic below illustrates how the reporting requirements detailed in § 382.705 fit into this process.



RETURN-TO-DUTY PROCESS (RTD)

§ 40.287 What information is an employer required to provide concerning SAP services to an employee who has a DOT drug and alcohol regulation violation?

As an employer, you must provide to each employee (including an applicant or new employee) who violates a DOT drug and alcohol regulation a listing of SAPs readily available to the employee and acceptable to you, with names, addresses, and telephone numbers. You cannot charge the employee any fee for compiling or providing this list. You may provide this list yourself or through a C/TPA or other service agent.

- Payment for SAP evaluations and services is left for employers and employees to decide and may be governed by existing management-labor agreements and health care benefits.
- As an employer, you are not required to provide a SAP evaluation or any subsequent recommended education or treatment for an employee who has violated a DOT drug and alcohol regulation.
- However, if you offer that employee an opportunity to return to a DOT safety-sensitive duty following a violation, you must, before the employee again performs that duty, ensure that the employee receives an evaluation by a SAP meeting the requirements of [§ 40.281](#) and that the employee successfully complies with the SAP's evaluation recommendations.
- Employers must be consistent in their RTD process. In other words, if you offer to keep an employee after being evaluated and released back to duty, you must give the same opportunity to all employees with violations. Or Zero Tolerance.

RETURN-TO-DUTY PROCESS (RTD)

§ 40.295 May employees or employers seek a second SAP evaluation if they disagree with the first SAP's recommendations?

(a) As an employee with a DOT drug and alcohol regulation violation, when you have been evaluated by a SAP, you must not seek a second SAP's evaluation in order to obtain another recommendation.

(b) As an employer, you must not seek a second SAP's evaluation if the employee has already been evaluated by a qualified SAP. If the employee, contrary to paragraph (a) of this section, has obtained a second SAP evaluation, as an employer you may not rely on it for any purpose under this part.

UPDATING YOUR FEDERAL DRUG & ALCOHOL POLICY § 382.601

To update your federal drug and alcohol policy for the Clearinghouse, you need to explicitly incorporate the requirement to query the Clearinghouse for all pre-employment and periodic drug and alcohol tests of commercial drivers, outlining procedures for accessing the database, interpreting results, and taking appropriate actions based on a driver's "prohibited" status, including mandatory return-to-duty processes if a violation is found; ensure your policy clearly defines the reporting obligations to the Clearinghouse for any positive tests or refusals, and specify the consequences for drivers with violations in their Clearinghouse record.

This section describes the required content that needs to be addressed in your company's Federal Drug & Alcohol Testing Policy.

§ 382.601 Employer obligation to promulgate a policy on the misuse of alcohol and use of controlled substances.

(a) General requirements. Each employer shall provide educational materials that explain the requirements of this part and the employer's policies and procedures with respect to meeting these requirements.

- (1) The employer shall ensure that a copy of these materials is distributed to each driver prior to the start of alcohol and controlled substances testing under this part and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle.
- (2) Each employer shall provide written notice to representatives of employee organizations of the availability of this information.

UPDATING YOUR FEDERAL DRUG & ALCOHOL POLICY § 382.601 CONT.

(b) Required content. The materials to be made available to drivers shall include detailed discussion of at least the following:

- 1) The identity of the person designated by the employer to answer driver questions about the materials;
- 2) The categories of drivers who are subject to the provisions of this part;
- 3) Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the workday the driver is required to be in compliance with this part;
- 4) Specific information concerning driver conduct that is prohibited by this part;
- 5) The circumstances under which a driver will be tested for alcohol and/or controlled substances under this part, including post-accident testing under § 382.303(d);
- 6) The procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures and instructions required by § 382.303(d);
- 7) The requirement that a driver submit to alcohol and controlled substances tests administered in accordance with this part;
- 8) An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences;
- 9) The consequences for drivers found to have violated **subpart B of this part, including** the requirement that the driver be removed immediately from safety-sensitive functions, and the procedures under part 40, subpart O, of this title;
- 10) The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04;
- 11) Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a co-worker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management; and
- 12) The requirement that the following personal information collected and maintained under this part shall be reported to the Clearinghouse:
 - i. A verified positive, adulterated, or substituted drug test result;
 - ii. An alcohol confirmation test with a concentration of 0.04 or higher;
 - iii. A refusal to submit to any test required by subpart C of this part;
 - iv. An employer's report of actual knowledge, as defined at § 382.107:
 - A. On duty alcohol use pursuant to § 382.205;
 - B. Pre-duty alcohol use pursuant to § 382.207;
 - C. Alcohol use following an accident pursuant to § 382.209; and
 - D. Controlled substance use pursuant to § 382.213;
 - v. A substance abuse professional (SAP as defined in § 40.3 of this title) report of the successful completion of the return-to-duty process;
 - vi. A negative return-to-duty test; and
 - vii. An employer's report of completion of follow-up testing.

UPDATING YOUR FEDERAL DRUG & ALCOHOL POLICY § 382.601 CONT.

- c) Optional provision.** The materials supplied to drivers may also include information on additional employer policies with respect to the use of alcohol or controlled substances, including any consequences for a driver found to have a specified alcohol or controlled substances level, that are based on the employer's authority independent of this part. Any such additional policies or consequences must be clearly and obviously described as being based on independent authority.
- d) Certificate of receipt.** Each employer shall ensure that each driver is required to sign a statement certifying that he or she has received a copy of these materials described in this section. Each employer shall maintain the signed certificate and may provide a copy of the certificate to the driver.

§ 382.603 Training for supervisors.

Each employer shall ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing under [§ 382.307](#). The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. Recurrent training for supervisory personnel is not required.

CLEARINGHOUSE-II FINAL RULE

According to the July 2024 Clearinghouse Report, a total of 175,650 CLP and CDL holders currently carry a prohibited status. Of those drivers, 133,414 have not begun the return-to-duty process.

In November 2021, the Federal Motor Carrier Safety Administration published a final rule that would require state driver licensing agencies to “remove the CLP or CDL privilege from the driver’s license of an individual” carrying a prohibited status due to one or more drug and alcohol program violations. Once downgraded, CMV privileges can only be reinstated after the “driver complies with return-to-duty requirements.”

According to the FMCSA, the second Clearinghouse rule on November 18, 2024 will improve the enforcement of the current driving prohibition by requiring that states refrain from issuing, renewing, transferring, or upgrading the CLP or CDL of affected drivers. After the compliance date, it will be more difficult for prohibited drivers to complete the return-to-duty process, as the states will determine what requirements are needed to get their CDL back.

Under the second phase, state driver licensing agencies will be required to:

- Query the Clearinghouse before issuing, renewing, upgrading or transferring CDLs and issuing, renewing and upgrading commercial learner’s permits
- Review a driver’s information when notified by FMCSA of a driver’s Clearinghouse status change

CLEARINGHOUSE-II FINAL RULE SDLA'S

What does the Clearinghouse-II final rule require of SDLAs?

The final rule establishes requirements for SDLAs to access and use information from the Clearinghouse indicating that CLP or CDL holders or applicants may not lawfully operate a CMV because they violated the drug and alcohol use and testing prohibitions in 49 CFR part 382, subpart B. The rule also makes certain clarifying and conforming changes to existing regulations, as described below.

Major Provisions for SDLAs

FMCSA amended regulations applicable to SDLAs in 49 CFR parts 382, 383, and 384 as follows.

SECTION 382.725

Regulatory Text	What it means for States
We revised subparagraphs (a)(1) and (a)(2) to establish that, beginning November 18, 2024, SDLAs must request information from the Clearinghouse for CDL applicants.	You must begin querying the Clearinghouse for driver information no later than November 18, 2024.

SECTION 383.73

Regulatory Text	What it means for States
We added subparagraph (3) to paragraph (a) and revised paragraphs (b)(10); (c)(10); (d)(9); (e)(8); and (f)(4) to require that if, in response to the required query information, FMCSA notifies you that, pursuant to § 382.501(a), the individual is prohibited from operating a CMV, you must not complete the specified CLP, CDL, non-domiciled CDL, or non-domiciled CLP transaction, and you must initiate the downgrade process. We added new paragraph (q) to establish the downgrade requirements.	<p>You must query the Clearinghouse prior to issuing, renewing, transferring, or upgrading a CDL or issuing, renewing, or upgrading a CLP.</p> <p>If the result of the query is that the driver is in a "prohibited" status, you must deny the transaction.</p> <p>If the applicant currently holds a CLP or CDL, you must begin the downgrade process for States. A downgrade removes the CLP or CDL privilege from the driver's license (for more details see § 383.5).</p>

SECTION 383.73 (continued)

Regulatory Text	What it means for States
We also revised paragraph (d)(9) to clarify that you must not renew an H endorsement if FMCSA notifies you that the individual is prohibited from operating a CMV, and you must initiate a downgrade, as applicable. We revised paragraph (f)(4) to clarify that the requirement also applies to non-domiciled CLPs.	<p>You must query the Clearinghouse prior to renewing a hazardous materials (H) endorsement.</p> <p>If the result of the query is that the driver is in a "prohibited" status, you must deny the transaction.</p> <p>If the applicant currently holds a CLP or CDL, you must begin the downgrade process.</p>
<p>We added new paragraph (q) to specify the actions you are required to take upon receipt of information from FMCSA:</p> <ul style="list-style-type: none"> You must complete and record a CLP or CDL downgrade on the CDLIS driver record within 60 days of receiving notification from FMCSA that the driver is prohibited from operating a CMV due to a drug and alcohol program violation. Rely on established State processes to initiate and complete the downgrade. If we notify you that the driver completed the RTD process before the SDLA completes and records the downgrade on the CDLIS driver record, you must, if permitted by State law, terminate the downgrade process at that point. If FMCSA notifies you that the driver's license was downgraded on the basis of erroneous information in the Clearinghouse, you must reinstate the CDL or CLP privilege to a driver's license as expeditiously as possible following the notification from FMCSA that the driver status is "not prohibited." States must also clear the individual's driving record of any reference to the driver's prohibited status. 	<p>You must be able to receive notifications from the Clearinghouse.</p> <p>If the notification indicates that the driver's Clearinghouse status has changed, you must use information in the Clearinghouse to determine the new status.</p> <p>If the driver's status has changed to "prohibited," you must downgrade the CDL or CLP and update the driver record within 60 days of receiving the notification.</p> <p>If the driver's status has changed to "not prohibited," you must reinstate the CDL or CLP or terminate the downgrade if it is in process.</p> <p>If the driver's status has changed to "not prohibited" and the Clearinghouse indicates that the prohibited status was due to an erroneous violation entry, you must reinstate the CDL or CLP as soon as possible and remove any reference to the previously recorded prohibited status from the driver record.</p> <p>Note: As stated in § 383.73(q)(3)(iii), the driver record includes the Commercial Driver's License Information System (CDLIS) record and, if applicable, the Motor Vehicle Record (MVR).</p>

SAFETY PERFORMANCE HISTORY REQUESTS (SPHR) § 391.23(D) INVESTIGATION AND INQUIRIES.

The Clearinghouse replaces the investigation or inquiry to the previous employer in the last 3 years as it relates to the Drug & Alcohol Testing.

As of January 6, 2023, employers subject to and § 391.23(e) Investigation and inquiries must use the Drug and Alcohol Clearinghouse to comply with the requirements of § 391.23(e) with respect to FMCSA-regulated employers.

After January 6, 2023, the prospective motor carrier must investigate, at a minimum, the information listed below from all previous employers of the applicant that employed the driver to operate a CMV within the previous three years. The investigation may consist of personal interviews, telephone interviews, letters, or any other method for investigating that the carrier deems appropriate. Each motor carrier must make a written record with respect to each previous employer contacted, or good faith efforts to do so.

- 1) General driver identification and employment verification information.
- 2) Accidents involving the driver that occurred in the three-year period preceding the date of the employment application.
- 3) Any accidents the previous employer may wish to provide that are pursuant to the employer's internal policies for retaining more detailed minor accident information.

HELPFUL LINKS

<https://clearinghouse.fmcsa.dot.gov/Learn>

<https://clearinghouse.fmcsa.dot.gov/FAQ/>

<https://clearinghouse.fmcsa.dot.gov/Resource/Storyline/Employer-Reg/>

<https://clearinghouse.fmcsa.dot.gov/resource/page/sdla-resources>

<https://clearinghouse.fmcsa.dot.gov/FAQ/>

QUESTIONS?



NORTH RISK WEBINARS | 2024