



In January 2017, the Federal Motor Carrier Safety Administration (FMCSA) amended the Federal Motor Carrier Safety Regulations to establish requirements for the Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse), a database that contains information about violations of FMCSA's drug and alcohol testing program for the holders of CDLs. In a recent FMCSA update, employers are now notified if there's a change to a driver's Clearinghouse record (such as updated return-to-duty status or a removed or new violation) up to 12 months following a driver query. According to a [December 2022 Report](#), Texas currently leads the nation in the number of reported violations.

What is the Clearinghouse?

The Clearinghouse is a secure online database that gives employers, the Federal Motor Carrier Safety Administration (FMCSA), State Driver Licensing Agencies (SDLAs), and State law enforcement personnel real-time information about commercial driver's license (CDL) and commercial learner's permit (CLP) holders' drug and alcohol program violations.

The Clearinghouse contains records of violations of drug and alcohol prohibitions in 49 CFR Part 382, Subpart B, including positive drug or alcohol test results and test refusals. When a driver completes the return-to-duty (RTD) process and follow-up testing plan, this information is also recorded in the Clearinghouse.

What types of drivers and employers does the Clearinghouse affect?

All CDL drivers who operate CMVs on public roads and their employers and service agents. This includes, but is not limited to:

- Interstate and intrastate motor carriers, including passenger carriers.
- School bus drivers.
- Construction equipment operators.
- Municipal vehicle drivers (e.g., waste management vehicles).
- Federal and other organizations that employ drivers subject to FMCSA drug and alcohol testing regulations (e.g., Department of Defense, municipalities, school districts).

What's the law?

- The U.S. Department of Transportation (DOT) drug and alcohol testing regulations for Commercial Drivers Licensed (CDL) employees are contained in 49 CFR Part 382, and 49 CFR Part 40.
- In addition, the State of Texas has incorporated Federal Motor Carrier Safety Regulations into the Texas Transportation Code Title 7. Chapter 522 – Commercial Driver's Licenses.

What steps do I need to take?

1. Inform Your Drivers of the FMCSA Update and their responsibilities under the regulation - <https://clearinghouse.fmcsa.dot.gov/Learn>
2. Register your entity through the FMCSA Clearinghouse - <https://clearinghouse.fmcsa.dot.gov/Register>

3. Designate Your Consortia/Third Party Administrator (C/TPA), if applicable. If your organization uses a C/TPA for your drug and alcohol testing program, you'll need to let the Clearinghouse know who is reporting violations on your behalf.- <https://clearinghouse.fmcsa.dot.gov/Resource/Index/Clearinghouse-Designate-CTPA>
4. Purchase a Query Plan. Query plans enable employers, and their C/TPA, to conduct queries of a driver's Clearinghouse records - <https://clearinghouse.fmcsa.dot.gov/Resource/Index/Query-Purchase-Factsheet>
5. Understand the Difference between a Limited Query & Full Query - <https://clearinghouse.fmcsa.dot.gov/Resource/Index/Query-Consent-Factsheet>
6. Obtain Driver Consent to Conduct Limited Query - <https://clearinghouse.fmcsa.dot.gov/Resource/Index/Sample-Limited-Consent-Form>
7. Register Your Drivers - <https://clearinghouse.fmcsa.dot.gov/Resource/Index/Registration-Driver-Instructions>
8. Perform Initial Query - <https://clearinghouse.fmcsa.dot.gov/Resource/Index/Conduct-Limited-Query-Employer>
9. Understand How to Report a Violation - <https://clearinghouse.fmcsa.dot.gov/Resource/Index/Report-Violation-Employer>

Other Items to Consider:

1. Consider amending your current CDL DOT Drug and Alcohol Testing Policies to include the updated information regarding the Clearinghouse.
2. Update your new hire and application process to ensure applicants are registered in the Clearinghouse. As of January 6, 2023, employers are no longer required to request information from the driver's previous FMCSA-regulated employers.
3. Ensure drivers have a valid email address.
4. Encourage driver registration before queries are done to ensure there is no delay in accessing and/or releasing driver history records. Consent can be through the website portal or US Mail. Drivers must understand the consent selection process as it may impact eligibility to operate a commercial motor vehicle for the employer requesting consent.

Is there a webinar or training video I can watch from DOT?

Yes. To access the FMCSA recorded webinars on the Clearinghouse for Employers and C/TPAs and CDL Drivers, visit the [FMCSA learning center](#).

Is there a website where I can learn all this information?

Yes, FMCSA created a Learning Center website that provides all the information needed to comply with the regulations. Information includes job aids, webinars, videos, and brochures. To access popular questions regarding Clearinghouse or Drug and Alcohol information, consult the Clearinghouse FAQ - <https://clearinghouse.fmcsa.dot.gov/FAQ>