OBJECTIVES

• The Clearinghouse Final Rule
• Timeline Leading Up To And Beyond Implementation
• How To Use The Clearinghouse
• Frequently Asked Questions
• User Register For The Clearinghouse
• Additional Resources and Information
WHAT IS THE CLEARINGHOUSE?
THE CLEARINGHOUSE FINAL RULE

• Mandated by Congress
• Published December 5, 2016
• Established requirements for the Clearinghouse
• Identified January 6, 2020 as the Clearinghouse implementation date

Read the Clearinghouse final rule at:
Commercial driver’s license (CDL) and commercial learner’s permit (CLP) holders with drug and alcohol program violations must not operate a commercial motor vehicle (CMV) until they complete required drug and/or alcohol education or treatment.

Current process relies on drivers to inform a new employer of any violations of the drug and alcohol rules committed while with a previous employer.

Motor carriers are required to monitor drivers’ compliance with DOT drug and alcohol regulations.

**THIS REQUIRES:**
Drivers to self-report positive test results
Motor carriers to conduct and/or respond to background checks and ongoing driver compliance
Request for Information From Previous Employer

The Federal Motor Carrier Safety Regulations require all previous employers of this applicant to respond to this request for information within 30 days. Failure to comply with this request is in violation of 49CFR 391.23 and 40.25, for which you may be prosecuted. Questions concerning the requirements of this regulation should be directed to the Federal Motor Carrier Safety Administration at 800-832-5660, during business hours.

TO:  

Former Employer's Name

Mailing Address

City / State / Zip

Phone #   Fax #

I, ____________________________, hereby authorize ______________________ to release all
records of employment, including assessments of my job performance, ability, and fitness, including the dates of any and all alcohol or drug tests, with confirmed results, and/or my refusal to submit to any alcohol and drug tests and any rehabilitation completion under direction of Substance Abuse Professional (SAP) and/or Medical Review Officer (MRO) to each and every company (or their authorized agents) making such request in connection with my application for employment with said company. I hereby, release the above named company, and its employees, officers, directors, and agents from any and all liability of any type as a result of providing the following information to the below mentioned person and/or company.

Applicant’s Signature & Date

TO:  

Company:

Address/City/State/Zip:

Phone Number:

Contact Person & Title:

NAME OF APPLICANT:

SSN

INQUIRY INTO EMPLOYMENT HISTORY, PRECEDING 3 YEARS

• Did applicant work for you as a ___________________________ from __________ to __________ YES or NO
• IF NO, please explain:
• IF employed as driver, please answer the following: Company Driver? Owner/Operator? Other?
• Type of truck(s) and/or truck/tractor(s) operated: ___________________________
• Commodities transported: ___________________________
• Area of operations: ___________________________
• Accidents? YES or NO IF YES, please give date(s) and brief description of each accident:

• Why did this employee leave your company?
• Would you re-employ this person? YES or NO IF NO, please explain:
• Additional comments:

INQUIRY FOR ALCOHOL AND CONTROLLED SUBSTANCES INFORMATION, PRECEDING 3 YEARS

• Alcohol tests with a result of 0.04 or greater? _________ YES or NO If yes, please give date(s):
• Verified positive controlled substances test results? _________ YES or NO If yes, please give date(s):
• Refusals to be tested? _________ YES or NO If yes, please give date(s):
• Was rehabilitation completed as required? _________ YES or NO If yes, please give date(s):

Person providing the above information:

Name: ___________________________ Title: ___________________________

Company: ___________________________ Date: ___________________________
THE FMCSA COMMERCIAL DRIVER’S LICENSE DRUG AND ALCOHOL CLEARINGHOUSE

Database containing CDL drivers’ drug and alcohol program violation information

- Reported by employers, MROs, SAPs, C/TPAs (e.g., positive tests, refusals, etc.)
- Information also includes whether a driver has successfully completed the mandatory return-to-duty (RTD) process following a violation as reported by a SAP.

The Clearinghouse will keep driver information secure

- Only authorized users, including employers and FMCSA, will be able to register and access the Clearinghouse for designated purposes.
- Other enforcement agencies, State Driver’s Licensing Agencies and State law enforcement agencies, will only receive driver eligibility status.
- Drivers can access their own information, but not information of other drivers.
TIMELINE: DRUG & ALCOHOL CLEARINGHOUSE

December 5, 2016
Final Rule Published
Requirements, user roles established

March 2019
Information Phase
- Launch of Clearinghouse website
- Subscribe for email updates

October 2019
Registration Opens
Create your user account ahead of Implementation Date

January 6, 2020
Implementation Date
- Mandatory reporting begins
- Both electronic and manual queries required

January 6, 2023
3-Year Post Implementation
- Clearinghouse contains 3 years of violation data
- Only electronic queries required
USING THE CLEARINGHOUSE
WHO WILL BE REQUIRED TO USE THE CLEARINGHOUSE?

• Drivers who hold CDLs or CLPs
• Employers of CDL drivers who operate CMV
• Consortia/Third-Party Administrators (C/TPAs)
• Medical Review Officers (MROs)
• Substance Abuse Professionals (SAPs)
• State Drivers Licensing Agencies (SDLAs)
REGISTRATION AND USER VERIFICATION

To register and access the Clearinghouse, users must:

1. Enter an email address for username
2. Complete the verification process to protect account
REPORTING

- *Employers, C/TPAs, and MROs* will be required to report drug and alcohol testing program violations to the Clearinghouse.

- *SAPs* will be required to report information about drivers undergoing the mandatory return-to-duty drug and/or alcohol rehabilitation process.

- Each time information is added to, modified, or removed from the Clearinghouse, FMCSA will notify the affected driver.
  - To receive electronic notification, drivers will have to register with the Clearinghouse.
QUERIES

• Employers will be required to query the Clearinghouse for prospective employees' drug and alcohol violations.

• Employers will be required to perform an annually query in the Clearinghouse for each driver they currently employ.

• The National Transportation Safety Board (NTSB) will be able to access Clearinghouse information for drivers involved in a crash under investigation by the NTSB.

  UPDATE

  There is a delay of State Drivers Licensing Agencies (SDLA) requirement until 01/06/2023

• The final rule did require SDLA to query the Clearinghouse when a State-licensed driver obtains, renews, upgrades, or transfers his or her license.
QUERIES AND CONSENT REQUESTS

Employers will be required to query the Clearinghouse for:

1. **PRE-EMPLOYMENT SCREENING** to ensure the prospective employee is eligible to perform safety-sensitive functions

2. **ANNUAL VERIFICATION** to ensure that a driver is still eligible to perform safety-sensitive functions

The type of consent request will depend on the type of query:

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Query Type</th>
<th>Consent Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-employment screening</td>
<td><strong>Full query:</strong> access full violation details</td>
<td>Specific consent – required for each full query; provided electronically in the Clearinghouse</td>
</tr>
<tr>
<td>Annual verification</td>
<td><strong>Limited query:</strong> verify presence of driver information in the Clearinghouse. If information is discovered, a full query is required</td>
<td>General consent – done outside the Clearinghouse; can be one-time or unlimited Specific consent required – if limited query results in a full query; provided electronically in the Clearinghouse</td>
</tr>
</tbody>
</table>
• Drivers must register in the Clearinghouse to provide consent for pre-employment queries

• Employers must obtain a driver’s consent before querying the driver’s violation information

• Drivers who decline their consent cannot perform safety-sensitive functions (including operating a CMV) for that employer
FMCSA does not require that motor carrier employers subject to the Agency's drug and alcohol use and testing regulations in 49 CFR Part 382 use this sample format to obtain an employee’s consent to conduct a limited query of the Drug and Alcohol Clearinghouse. Employers may, however, use or adapt the content as they see fit.

**Sample Format: General Consent for Limited Queries of the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse**

I, (Driver Name), hereby provide consent to (Company Name) to conduct a limited query of the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse) to determine whether drug or alcohol violation information about me exists in the Clearinghouse. [Employers and employees may also wish to include the terms of the consent. For example, is the driver consenting to a single limited query or multiple limited queries? If the driver consents to multiple limited queries, will those queries be conducted over a fixed period of time or for the duration of employment? Is the number of limited queries specific or unlimited? The scope of this consent would be determined by the employer and the employee.]

I understand that if the limited query conducted by (Company Name) indicates that drug or alcohol violation information about me exists in the Clearinghouse, FMCSA will not disclose that information to (Company Name) without first obtaining additional specific consent from me.

I further understand that if I refuse to provide consent for (Company Name) to conduct a limited query of the Clearinghouse, (Company Name) must prohibit me from performing safety-sensitive functions, including driving a commercial motor vehicle, as required by FMCSA's drug and alcohol program regulations.

_________________________  _______________________
Employee Signature          Date
**DRIVER PROHIBITION MESSAGE**

CQLIS.DOT.GOV

History Search Results for [Redacted]

PROHIBITED FROM DRIVING CMV - Drug and Alcohol Clearinghouse

**Driver General Information**

<table>
<thead>
<tr>
<th>First Name</th>
<th>Middle Name</th>
<th>Last Name</th>
<th>Suffix</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Redacted]</td>
<td>[Redacted]</td>
<td>[Redacted]</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SSN</th>
<th>Birth Date</th>
<th>Height</th>
<th>Weight</th>
<th>Eye Color</th>
<th>Sex</th>
</tr>
</thead>
<tbody>
<tr>
<td>XXXXXXXXXX</td>
<td>1983-01-29</td>
<td>509</td>
<td>195</td>
<td>BLUE</td>
<td>M</td>
</tr>
</tbody>
</table>

**Residence**
**QUERY PLANS AND PRICING**

*Employers may choose from two types of query plans:*

<table>
<thead>
<tr>
<th>Unlimited Query Plan</th>
<th>Individual Query Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>$2,500</strong></td>
<td><strong>$1.25</strong></td>
</tr>
<tr>
<td>• Expires 12 months after date of purchase</td>
<td>• Flat per query rate ($1.25), for limited and full queries</td>
</tr>
<tr>
<td></td>
<td>• Bundles customized to meet your business needs</td>
</tr>
<tr>
<td></td>
<td>• Queries never expire</td>
</tr>
<tr>
<td></td>
<td>• Purchase additional query plans, as needed</td>
</tr>
</tbody>
</table>

**Note:** Unlimited query plans purchased prior to January 6, 2020 will go into effect on January 6, and will expire on January 5, 2021.
# QUERY PLANS AND PRICING

## QUERY PLAN BUNDLES

### $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 and never expire
- Options are available for high-volume users, see: [https://clearinghouse.fmcsa.dot.gov/Query/Unlimited](https://clearinghouse.fmcsa.dot.gov/Query/Unlimited)

*Beginning fall 2019, registered employers will log into their Clearinghouse accounts to purchase their query plan.*

*Query plans may be purchased from the FMCSA Clearinghouse only.*

<table>
<thead>
<tr>
<th>Query Bundle</th>
<th>Plan Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$1.25</td>
</tr>
<tr>
<td>2</td>
<td>$2.50</td>
</tr>
<tr>
<td>3</td>
<td>$3.75</td>
</tr>
<tr>
<td>4</td>
<td>$5.00</td>
</tr>
<tr>
<td>5</td>
<td>$6.25</td>
</tr>
<tr>
<td>10</td>
<td>$12.50</td>
</tr>
<tr>
<td>20</td>
<td>$25.00</td>
</tr>
<tr>
<td>50</td>
<td>$62.50</td>
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<tr>
<td>100</td>
<td>$125.00</td>
</tr>
<tr>
<td>150</td>
<td>$187.50</td>
</tr>
<tr>
<td>200</td>
<td>$250.00</td>
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<td>300</td>
<td>$375.00</td>
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<td>1,500</td>
<td>$1,875.00</td>
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<td>2,000</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>2,500</td>
<td>$3,125.00</td>
</tr>
<tr>
<td>5,000</td>
<td>$6,250.00</td>
</tr>
<tr>
<td>7,500</td>
<td>$9,375.00</td>
</tr>
</tbody>
</table>
DRUG AND ALCOHOL CLEARINGHOUSE REGULATIONS
DRUG AND ALCOHOL CLEARINGHOUSE REGULATIONS

• 382.701 – Pre-employment and Annual Query requirements

• 382.703 – Employer must obtain driver consent to access information

• 382.705 – Reporting requirements for MRO, Employer, C/TPA, SAP

• 382.707 – FMSCA must notify drivers when information has been added, revised, or removed. Notified when information has been released to employer
DRUG AND ALCOHOL CLEARINGHOUSE REGULATIONS

- 382.711 – Registration requirements
- 382.713 – Registration valid for 5 years, will be canceled if no activity for 2 years
- 382.717 – Procedures for correcting inaccurate information
- 382.721 – “Reasonable” fees from entities requesting query (Free for drivers)
FREQUENTLY ASKED QUESTIONS
FREQUENTLY ASKED QUESTIONS

• What types of drivers and employers will the Clearinghouse affect?

  • All CDL drivers who operate CMVs on public roads and their employers and service agents. This includes, but is not limited to:
  • Interstate and intrastate motor carriers, including passenger carriers
  • School bus drivers
  • Construction equipment operators
  • Limousine drivers
  • Municipal vehicle drivers (e.g., waste management vehicles)
  • Federal and other organizations that employ drivers subject to FMCSA drug and alcohol testing regulations (e.g., Department of Defense, municipalities, school districts)
FREQUENTLY ASKED QUESTIONS

• Will violations that occur before the rule is implemented be included in the Clearing House?
  • No. Only violations occurring on or after January 6, 2020.

• How long will driver violations be available in the Clearinghouse?
  • 5 years or until the return to duty process is complete, whichever is longer.

• Are Social Security Numbers required to enter driver violations?
  • No. The driver’s CDL number and issuing state will be used to identify the driver.
FREQUENTLY ASKED QUESTIONS

• Will every driver need to register in the Clearinghouse?
  • No. A driver will only need to register if they need to provide consent to the employer in the Clearinghouse for pre-employment/full queries.
  • If a driver is currently with an employer, never incurs a drug or alcohol violation, and never seeks other employment, then the driver does not need to register in the Clearinghouse.

• Can an employer register their drivers in the Clearinghouse?
  • No. Each individual driver will need to register himself or herself. Registration and login will require users to complete the verification process.

• Are employers of non-CDL drivers who operate CMVs required to query or report violations to the Clearinghouse?
  • No. Only employers who employ drivers subject to Parts 382 and 383 must query or report information to the Clearinghouse.
FREQUENTLY ASKED QUESTIONS

• **What’s happens when there is D&A Violation information following a limited query?**
  1. Required to obtain drivers consent for a full query.
  2. Must conduct full query within 24 hours.
  3. If the driver refuses consent, then is not permitted to operate a CMV.

• **Do Owner-operators have to conduct queries on Themselves?**
  • Yes, same rules apply.

• **Will a driver’s follow-up testing plan be available on the Clearinghouse?**
  • No, the follow-up testing plan is maintained by the employer.
FREQUENTLY ASKED QUESTIONS

• What information must employers report to the Clearinghouse?
  • Alcohol confirmation tests 0.04 or greater
  • Negative return-to-duty test result
  • Driver’s refusal to submit to a DOT drug or alcohol test
  • Successful completion of all follow-up tests

• How much time does an employer have to submit a report to the Clearinghouse?
  • Close of the 3rd business day
FREQUENTLY ASKED QUESTIONS

- How is driver violation and return-to-duty (RTD) information recorded in the Clearinghouse? Per § 382.705, the following individuals will report the following information:
  - Employers, or consortia/third-party administrators (C/TPAs) acting on behalf of an employer, enter drug and alcohol program violation information into the Clearinghouse.
  - Medical review officers (MROs) enter drug violation information. The driver does not need to be registered in the Clearinghouse for a violation to be added to their Clearinghouse record.
  - Substance abuse professionals (SAPs) enter the date of initial SAP assessment and date the driver is eligible for RTD testing.
  - Employers will enter the negative RTD test result(s) and the date the driver’s follow-up testing plan has been successfully completed.
FREQUENTLY ASKED QUESTIONS

• **MRO Responsibilities – Within 2 business days**
  1. Must report positive test, or
  2. Refusal-to-test determinations, or
  3. Alteration/substitution of a specimen

• **SAP Responsibilities**
  1. SAP’s contact information
  2. Driver’s name, DOB, CDL number and state of issuance
  3. Date of driver’s initial assessment
  4. Date the SAP determined the driver successfully demonstrated compliance with the program and is eligible for return-to-duty testing

• **Drivers must select a SAP through the Clearinghouse for the RTD process.**
FREQUENTLY ASKED QUESTIONS

• **How does a driver change or remove inaccurate data?**
  
  - The driver may submit a petition via FMCSA’s DataQs system
  - FMCSA will review petition and notify driver of decision to remove, retain, or correct information in the Clearinghouse and the reason for decision
  - If the driver believes a petition decision was made in error, he/she may submit a request for an Administrative Review
    - Request must include an explanation why he/she believes FMCSA made an error in their decision
    - Driver informed of decision
    - Decision will constitute as the final Agency action

  
  **The petition must include:**
  - Petitioner’s contact information
  - Petitioner’s CDL number and state of issuance
  - Detailed description why the information is not accurate

• **What information may be challenged by the driver?**
  
  - The accuracy of the information reported
  - Report of employer’s actual knowledge the driver received a traffic citation for driving a CMV while under the influence of drugs or alcohol if it did not result in a conviction
  - **Accuracy of test results and refusals may not be challenged**
Available Now:

Register for the Clearinghouse

- Register your company and/or yourself
- Designate C/TPA (employers, if applicable)
- Set up Assistants (employers, C/TPAs, SAPs, MROs)
- Encourage drivers to register
REGISTER NOW
Registration is open for the Drug and Alcohol Clearinghouse.

To access the Clearinghouse once it is operational, authorized users will be required to request access from FMCSA by registering for the Clearinghouse. Registering this fall is the first step in ensuring you will be ready when the Clearinghouse is operational on January 6, 2020. Learn more about Clearinghouse registration.

Get Ready for Implementation: Register Today
Thank you! You are now logged into your login.gov account.

Follow the steps below to complete your Clearinghouse registration.

2. Select Your Role

Use the menu below to select the type of user account you will need in the Clearinghouse.

- Employer
- Driver
- Consortium/Third-Party Administrator (CTPA)
- Medical Review Officer (MRO)
- Substance Abuse Professional (SAP)
2. Select Your Role

Register for the FMCSA Portal

Visit https://portal.fmcsa.dot.gov/login to request access to the FMCSA Portal.

As an employee of a company with a USDOT Number, you should have an FMCSA Portal account. Please take a few moments to register for one now. Once you have your Portal account, you can re-start your Clearinghouse registration.

Securing your FMCSA Portal account now will make your Clearinghouse registration quicker and easier. You'll also get access to other FMCSA systems.

To register for a Portal account you will need:

- Your company's USDOT Number
- Your company's USDOT Number Personal Identification Number (PIN)
FOR MORE INFORMATION

Visit [https://clearinghouse.fmcsa.dot.gov](https://clearinghouse.fmcsa.dot.gov)

- Subscribe for email updates
- Read frequently asked questions
- Download the Clearinghouse factsheet
- Download the User Role card

Contact [clearinghouse@dot.gov](mailto:clearinghouse@dot.gov)
**Query Plans Available for Purchase**

Employers of CDL drivers can now purchase a query plan that will enable them to conduct queries beginning January 6, 2020. Query plans may only be purchased from the FMCSA Clearinghouse website.

To conduct limited queries, employers must obtain consent outside the Clearinghouse. Download a sample limited consent form.

[Learn About Query Plans]

**Frequently Asked Questions**

Check out the [FAQs page] with more than 50 questions and answers. Browse, search, or filter to find the information you need.

**How will authorized users access the Clearinghouse?**

Authorized users must register and create an account to access the Clearinghouse.

**When will authorized users be able to register?**

Authorized users may register now.

[Browse FAQs]

**Learning Center**

FMCSA has created a new centralized location for information about the Clearinghouse, including:

- Downloadable resources
- News and Events
- Links to additional resources from USDOT

Take a look and be prepared for January 6, 2020, when the Clearinghouse becomes fully operational and mandatory reporting begins.

[Visit the Learning Center]
QUESTIONS?

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Thank you.