Final Rule: Commercial Driver’s License Drug and Alcohol Clearinghouse

Federal Motor Carrier Safety Administration
Overview of the Clearinghouse Rule

- The Drug & Alcohol Clearinghouse will be a database containing CDL drivers’ drug and alcohol program violations.
- It will also contain information about whether a driver has successfully completed the mandatory return-to-duty drug and/or alcohol rehabilitation process.
- Clearinghouse requirements fall into two major categories:
  - Reporting and
  - Querying
Reporting

- Employers, consortia/third party administrators (C/TPAs) and/or medical review officers (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
Querying

- Employers will be required to query the Clearinghouse for covered drivers for two purposes:
  - Pre-employment screening
  - Annual verification

- Pre-employment
  - Purpose: to ensure that the prospective employee is eligible to drive.
  - Query-type: full queries would be conducted which means that FMCSA must verify specific driver consent prior to releasing information.

- Annual Queries
  - Purpose: to ensure that a driver did not violate the drug and alcohol program with another employer.
  - Query-type: limited queries to determine whether any data exists for a driver would be allowed and will only require general driver consent, subject to FMCSA audit.
Querying: Continued

- A limited query only identifies whether information about the driver exists in the Clearinghouse and will not result in release of any driver information.
- If the limited query shows a driver record in the Clearinghouse, the employer would be required to run a full query, triggering FMCSA verification of specific driver consent before releasing information.
- Drivers refusing consent will not be able to perform safety sensitive functions such as driving a commercial motor vehicle.
- Information regarding the driver will be accessible to employers for a minimum of 5 years. If the driver does not satisfy the mandatory return to duty requirements, the information will remain accessible to employers indefinitely.
State driver licensing agencies will also be required to query the Clearinghouse when a State-licensed driver obtains, renews, upgrades, or transfers his or her CDL.

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

- There will be no fees for a driver to access their own record in the Clearinghouse.

- Motor Carriers will pay a fee to query the Clearinghouse. The fee amount has not yet been determined, but will include options for subscription and batch use.