

# FMCSA Clearinghouse FAQs

as on published July 22, 2019

*These questions appear on the FMCSA website, <https://clearinghouse.fmcsa.dot.gov/FAQ/FAQLearnMoreAll>.*

*Because many of the questions apply to more than one topic or service agent area, these questions are not organized by categories. To do so would mean that some of the questions would be repeated several times. FMCSA expects SAPs to have a thorough knowledge of how this regulation works. Therefore, we recommend that SAPs should try to be familiar with all the information in this document. An employer, or a driver, or another service agent, may ask you about anything related to the Clearinghouse, and you should be able to either answer the question, or know where to find the answer.*

## **1) What is the Drug and Alcohol Clearinghouse (Clearinghouse) and what information will it contain?**

The Clearinghouse is a secure online database that will give 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 will contain 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 will also be recorded in the Clearinghouse.

## **2) If a driver has a drug and alcohol program violation in one State, then applies for a commercial driver's license (CDL) in another State, will the Clearinghouse be able to connect that driver's drug and alcohol violation history to the new CDL?**

Yes. The Clearinghouse will identify drivers who move frequently and obtain CDLs in different States and link those CDLs, in order to maintain complete and accurate information on such drivers.

## **3) How do authorized users sign up to access the Clearinghouse database and when will registration be available?**

Employers, drivers, medical review officers (MROs), substance abuse professionals (SAPs), and consortia/third-party administrators (C/TPAs) must register in the Clearinghouse to access the Clearinghouse database.

Clearinghouse registration is scheduled to open in fall 2019.

## **4) Does the final rule change any of the existing drug and alcohol program requirements in Part 40?**

No, the final rule does not change any existing requirements in the U.S. Department of Transportation (DOT)-wide procedures for transportation workplace drug and alcohol testing.

## **5) Who is authorized to use the Clearinghouse?**

To access the Clearinghouse once it is operational, a user will be required to request access from the Federal Motor Carrier Safety Administration (FMCSA) by registering for the Clearinghouse. Authorized users include:

- CDL drivers
- Employers – this includes motor carriers and other employers of drivers operating commercial motor vehicles (CMVs) that require a commercial driver's license (CDL) or commercial learner's permit (CLP)
- Consortia/third-party administrators (C/TPAs)
- Medical review officers (MROs)
- Substance abuse professionals (SAPs)
- Enforcement personnel

**6) How are employers and consortia/third-party administrators (C/TPAs) required to use the Clearinghouse?**

The Clearinghouse offers employers a centralized location to report drug and alcohol program violations and check that no 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—that is, a violation for which the driver has not completed the return-to-duty (RTD) process. This query must be conducted as part of a pre-employment driver investigation, and at least annually for current employees.

In addition, employers may designate a C/TPA(s) who can report violations and perform queries on their behalf. An owner-operator is an employer that employs himself or herself as a CDL driver and must designate the C/TPA in the Clearinghouse.

To complete the actions outlined above, employers and C/TPAs will be required to register with the Clearinghouse.

**7) How are Medical Review Officers (MROs) required to use the Clearinghouse?**

MROs will use the Clearinghouse to report verified positive drug test results, or if a driver refuses to take a drug test. The MRO must report any changes of a verified drug test within one business day of making any changes to the reported results.

Registration will be required to complete these actions.

**8) How are Substance Abuse Professionals (SAPs) required to use the Clearinghouse?**

SAPs will use the Clearinghouse to report specific information about a CDL driver's return-to-duty (RTD) activities. This information includes the date of completion of the initial assessment, and the date the SAP determines that the driver is eligible for RTD testing.

**9) How will State Driver Licensing Agencies (DSLAs) use the Clearinghouse?**

As of January 6, 2020, SDLAs will be able to query the Clearinghouse prior to completing licensing transactions, such as the issuance, renewal, transfer, and upgrade of a commercial driver's license (CDL).

**10) Can there be more than one Clearinghouse user per company?**

Yes. Employers, consortia/third-party administrators (C/TPAs), medical review officers (MROs), and substance abuse professionals (SAPs) will need to register their company. The individual users will be managed by a representative for each company who will serve as a Clearinghouse administrator to manage the company's account.

**11) Will violations that occur before the Clearinghouse Implementation Date be included in the Clearinghouse?**

No. The Clearinghouse will contain only violations that occurred on or after January 6, 2020. If a driver's violation occurred prior to January 6, 2020 and is in the return-to-duty (RTD) process when the Clearinghouse is implemented, the violation and any related RTD activity will not be entered into the Clearinghouse.

**12) Is the Federal Motor Carrier Safety Administration (FMCSA) subject to the obligations under the Fair Credit Reporting Act (FCRA) for the Clearinghouse?**

Yes. The Clearinghouse is subject to certain provisions of the FCRA. However, the Agency does not fall within FCRA's definition of "consumer reporting agency." Therefore, provisions of the FCRA that impose obligations on "consumer reporting agencies" do not apply to the Agency's administration of the Clearinghouse regulations. If an employer or consortium/third-party administrator (C/TPA) is subject to the FCRA, they should comply with their individual requirements.

Employers should consult with their own experts for more information on how to comply with FCRA.

**13) Will drivers be able to access their own information in the Clearinghouse?**

Yes. Once a driver has registered in the Clearinghouse, he or she will be able to access his or her Clearinghouse record electronically, at no cost. This record would include any violation information available in the Clearinghouse, along with the status of their return-to-duty (RTD) process, if applicable.

**14) Will any information from the Clearinghouse appear in the National Highway Traffic Safety Administration's National Driver Register?**

No. Information from the Clearinghouse will not be shared with the National Highway Traffic Safety Administration's National Driver Register.

**15) How does the Clearinghouse impact employers of commercial driver's license (CDL) and commercial learner's permit (CLP) holders?**

The Clearinghouse will offer employers a centralized location to query driver information and report drug and alcohol program violations incurred by their current and prospective employees holding CDLs and CLPs. The employer must use the Clearinghouse to:

- Conduct a full query of the Clearinghouse as part of each pre-employment driver investigation process.
- Conduct limited queries at least annually for every driver they employ.
- Request electronic consent from the driver for a full query, including pre-employment queries.
- Report drug and alcohol program violations.
- Record the negative return-to-duty (RTD) test results and the date of successful completion of a follow-up testing plan for any driver they employ with unresolved drug and alcohol program violations.

**16) Which users will be charged a fee for using the Clearinghouse?**

The Drug and Alcohol Clearinghouse statute allows the Federal Motor Carrier Safety Administration (FMCSA) to collect Clearinghouse fees when querying from all employers, including Federal, State, or local government entities that employ commercial motor vehicle (CMV) operators.

**17) For which actions in the Clearinghouse will employers be charged a fee?**

Employers will be charged a fee to conduct limited and full queries within the Clearinghouse only. There will not be a fee for registration or other Clearinghouse activities.

**18) How much will it cost to conduct limited and full queries in the Clearinghouse?**

The fee structure for the queries is still pending. Employers subscribed to the Clearinghouse email list will receive a notification from the Federal Motor Carrier Safety Administration (FMCSA) when the cost information has been posted on the Clearinghouse website.

**19) How do owner/operators meet their Clearinghouse obligations?**

An owner-operator (an employer who employs himself or herself as a CDL driver) is subject to the requirements pertaining to employers as well as those pertaining to drivers. Under the Clearinghouse final rule, an employer who employs himself or herself as a CDL driver must designate a consortium/third-party administrator (C/TPA) to comply with the employer's Clearinghouse reporting requirements ([§ 382.705\(b\)\(6\)](#)).

**20) Does every driver need to register for the Clearinghouse?**

No, Clearinghouse registration is not a required step for drivers. If a driver is never required to provide consent to a pre-employment or other full query, and never incurs a drug and alcohol program violation, then the driver will not need to register for the Clearinghouse.

However, a driver will need to be registered to provide electronic consent in the Clearinghouse for a prospective or current employer to conduct a full query of his or her driver record. A full query releases detailed violation information contained in a driver's Clearinghouse record to the querying employer. Beginning January 6, 2020, a full query will be required during a pre-employment driver investigation for a commercial driver's license (CDL)

holder who will perform safety-sensitive functions, including operating a commercial motor vehicle (CMV). Early registration will allow drivers to respond quickly to a query request. A driver must also be registered to view the information electronically in his or her own Clearinghouse record.

**21) How will CDL drivers be notified when information about them is added to the Clearinghouse?**

The Clearinghouse will notify the driver using the method indicated during the driver's Clearinghouse registration—either mail or email—any time information about the driver is added, revised, or removed. If the driver has not yet registered for the Clearinghouse, these notifications will be sent by mail using the address associated with the driver's commercial driver's license (CDL).

**22) How do I manage my company's Clearinghouse user accounts?**

Employers, consortia/third-party administrators (C/TPAs), medical review officers (MROs), and substance abuse professionals (SAPs) will identify a representative for their company to serve as a Clearinghouse administrator. These Clearinghouse administrators have the option to invite users to serve in an assistant role, enabling them to use the Clearinghouse on their company's behalf.

- MROs and SAPs can assign assistants to enter information on their behalf.
- Employers and C/TPAs can assign assistants to conduct queries and/or report violation information on their behalf.

Motor carriers will manage these Clearinghouse administrator and assistant roles via their Federal Motor Carrier Safety Administration (FMCSA) Portal account. Other Clearinghouse administrators will be able to invite and manage assistants once they are registered.

**23) What actions will CDL drivers be able to take in the Clearinghouse?**

Drivers will be able to:

- View their own driver record electronically.
- Provide consent to release detailed violation information to a current or prospective employer.
- Identify a substance abuse professional (SAP) so the SAP may enter specific information regarding the driver's return-to-duty (RTD) activities.

To complete the actions outlined above, drivers must be registered in the Clearinghouse. Clearinghouse registration is scheduled to open in the fall of 2019.

**24) May an employer authorize a consortium/third-part administrator (C/TPA) to conduct queries in the Clearinghouse on their behalf?**

Yes. Employers may designate a C/TPA or C/TPAs to conduct queries and/or report violations on their behalf. The C/TPA must be registered in the Clearinghouse before an employer can select the C/TPA, and C/TPAs must be designated by the employer before reporting drug and alcohol program violations or querying the Clearinghouse on their behalf.

An owner-operator (an employer that employs himself or herself as a commercial driver's license (CDL) driver) must designate their C/TPA(s) as part of their Clearinghouse registration process.

**25) How is driver violation and return-to-duty (RTD) information recorded in the Clearinghouse?**

- 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 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.

**26) Can an employer or Medical Review Officer (MRO) enter a drug and alcohol program violation in a CDL driver's Clearinghouse record if the driver is not registered for the Clearinghouse?**

Yes. When a violation is entered, the Clearinghouse associates it with a driver's commercial driver's license (CDL) information. This will be recorded even if the driver has not registered for the Clearinghouse. When an employer queries a driver's information in the Clearinghouse (with the appropriate consent), they will enter the driver's CDL information to verify if any violations are associated with that driver's CDL.

A driver will be required to enter their CDL information during their Clearinghouse registration. This will allow them to view any violation or return-to-duty (RTD) information associated with their CDL.

**27) May a consortium/third-part administrator (C/TPA) register an employer for the Clearinghouse on their behalf?**

No. As part of the Clearinghouse registration process, each authorized user must obtain their own unique login.gov credentials and will use these credentials to access the Clearinghouse. For security reasons, a user verification process must be completed to ensure that only the authorized user is using their credentials.

**28) How will driver data be protected in the Clearinghouse?**

The Federal Motor Carrier Safety Administration (FMCSA) takes the protection of personal information very seriously. The Clearinghouse will meet all relevant Federal security standards and FMCSA will verify the effectiveness of the security protections on a regular basis.

- Clearinghouse information will not be available to the public; only authorized users will be able to register and access the Clearinghouse for designated purposes.
- The Clearinghouse will require authentication, via a login.gov username and password, to access records. Login.gov, a shared service which offers secure online access to participating government systems, also requires the completion of a user verification process to ensure the proper person is using those credentials.
- Drivers registered in the Clearinghouse will be able to access their Clearinghouse records at any time, and at no cost to them. Drivers will only be able to access their own information, not information about other drivers.
- FMCSA will only share detailed drug and alcohol violation information with a prospective or current employer, and/or their designated consortium/third-party administrator (C/TPA), when an employer or designated C/TPA has requested and received specific consent from the driver. Drivers will be able to see the information that would be released to an employer before consenting to the release.
- Driver information will only be used by FMCSA and other enforcement agencies as required to enforce drug and alcohol testing regulations.

**29) Is the Clearinghouse subject to the Privacy Act requirements?**

Yes. The Clearinghouse is subject to certain provisions of the Privacy Act. For example, the Agency will verify the driver's consent for the release of information prior to allowing an employer to access the driver's Clearinghouse record. Drivers have the right to request inaccurate information in their Clearinghouse record be corrected or removed. In addition, the Federal Motor Carrier Safety Administration (FMCSA) will notify employers if previously-released Clearinghouse information has been subsequently corrected or removed.

**30) Is a social security number (SSN) or employee identification number (EIN) required to enter a driver's violation in the Clearinghouse?**

No. The final rule requires the driver's commercial driver's license (CDL) number and issuing State will be used when reporting a drug and alcohol program violation in the Clearinghouse.

**31) Once the Clearinghouse is implemented, will prospective employers still need to conduct drug and alcohol three-year pre-employment driver investigations with previous employers?**

Yes, a prospective employer or their designated consortium/third-party administrator (C/TPA) will be required to conduct both electronic queries in the Clearinghouse and manual inquiries with previous employers to meet the three-year timeframe for pre-employment driver investigations as required per § [391.23\(e\)](#).

On January 6, 2023, once three years of violation data is stored in the Clearinghouse, prospective employers will no longer be required to conduct manual inquiries with a CDL driver's previous employers; the prospective employer's query of the Clearinghouse will satisfy that requirement.

However, if a prospective employee was subject to drug and alcohol testing by a Department of Transportation (DOT) mode other than the Federal Motor Carrier Safety Administration (FMCSA), prospective employers must continue to request drug and alcohol violation information from those DOT-regulated employers, since that information will not be reported to the Clearinghouse.

**32) Are employers required to query the Clearinghouse or report drug and alcohol program violations for drivers who do not hold a commercial driver's license (CDL) or commercial learner's permit (CLP)?**

No. Only employers who employ drivers subject to the licensing requirements in [49 CFR Part 383](#) and the drug and alcohol testing requirements in 49 CFR Part 382 are required to query or report information in the Clearinghouse. However, employers of drivers not holding a CDL or CLP must still comply with the driver investigation requirements of [§ 391.23\(e\)](#), which includes drug and alcohol violation history.

**33) When must current and prospective employers conduct a query of a CDL driver's information in the Clearinghouse?**

An employer must conduct a pre-employment query for a prospective employee in the Clearinghouse prior to hiring the employee for a position requiring him or her to perform safety-sensitive functions, such as operating a commercial motor vehicle (CMV). The employer must also query the Clearinghouse annually for all currently employed CDL drivers.

**34) What is the difference between a full and limited query?**

A limited query allows an employer to determine if an individual driver's Clearinghouse record has any information about resolved or unresolved drug and alcohol program violations, but does not release any specific violation information contained in the driver's Clearinghouse record. Limited queries require only a general driver consent, which is obtained outside the Clearinghouse; this general consent is not required on an annual basis, it may be effective for more than one year. However, the limited consent request must specify the timeframe the driver is providing consent for.

A full query allows the employer to see detailed information about any drug and alcohol program violations in a driver's Clearinghouse record. An employer must obtain the driver's electronic consent in the Clearinghouse prior to the release of detailed violation information during the full query.

**35) Will employees need to be queried annually based upon the calendar year, or by hire date?**

Employees must be queried at least once within a 365-day period based on their hire date, or another 12-month period determined by the employer, as long as the requirements of [§ 382.701\(b\)](#) are met.

**36) What is the consent process for full and limited queries?**

Section [382.703\(a\)](#) states "No employer may query the Clearinghouse to determine whether a record exists for any particular driver without first obtaining that driver's written or electronic consent." The type of consent required depends on the type of query.

For a limited query, a general consent is required. This will be obtained outside the Clearinghouse. Employers may obtain a multi-year general consent from the driver for limited queries. A sample limited consent form will be posted by the Federal Motor Carrier Safety Administration (FMCSA) on the Clearinghouse website for employers' reference.

For a full query, the driver must provide specific consent to the employer prior to each full query. This consent must be provided electronically within the Clearinghouse.

**37) Will a prospective employee's drug and alcohol violation history with Department of Transportation (DOT) modes other than the Federal Motor Carrier Safety Administration (FMCSA) be available in the Clearinghouse?**

No. The Clearinghouse will contain only drug and alcohol violation information for employees subject to the testing requirements under the Federal Motor Carrier Safety Regulations in 49 CFR Part 382 . Employers must continue to request information from previous employers if the employee was subject to DOT drug and alcohol testing required by a DOT modal administration other than FMCSA (as required by § 391.23(e)(4)(i)(B))).

Safety-sensitive employees under the Federal Transit Administration (FTA) umbrella (e.g., Federally-funded public transit operations) should not be included in the Clearinghouse database.

If an employee performs safety-sensitive functions that would subject him or her to the DOT testing programs of more than one DOT agency, the employee shall be subject to random alcohol and/or controlled substances testing at the annual percentage rate established for the calendar year by the DOT agency regulating more than 50% of the employee's safety-sensitive work as per § 382.305 (n)(0). This situation may occur where an employee performs both commercial driver's license (CDL) functions and pipeline maintenance functions for a DOT-regulated employer.

**38) Does an owner/operator have to conduct queries on himself/herself?**

Yes. Anyone who employs a commercial driver's license (CDL) holder must query the Clearinghouse (§ 382.701). This requirement includes owner-operators, who must comply with all Clearinghouse requirements imposed on both employers and employees. An owner-operator's designated consortium/third-party administrator (C/TPA) may conduct queries on their behalf. However, the C/TPA is responsible for reporting drug and alcohol program violations to the Clearinghouse for the owner-operator.

**39) Will employers have access to violation information regarding current employees, including violation recorded by a different employer?**

Employers may conduct a limited query, which requires consent outside of the Clearinghouse. If the limited query returns that records were found in the Clearinghouse for the queried driver, the employer must receive electronic consent for a full query from the driver in the Clearinghouse before detailed information may be released to the querying employer. The employer may also conduct a full query at any time, provided the employer has obtained the required electronic consent for the release of detailed violation information for the queried driver.

**40) Will employers have the option to submit multiple queries at one time, rather than conduct each inquiry individually?**

The Clearinghouse will support a feature allowing employers to upload a file containing multiple drivers to be queried; these queries will be conducted in batches. A template of the file to be used for this process will be made available on the Clearinghouse website.

**41) Are there plans to support an employer interface allowing for automated uploads via a web service, or similar?**

At this time, there are no integration specifications available. Due to the Federal Motor Carrier Safety Administration (FMCSA) security requirements and the sensitive nature of driver violation information, employers and consortia/third-party administrators (C/TPAs) must access the Clearinghouse directly. In addition, the Clearinghouse final rule requires FMCSA to record specific consent for the release of the driver's detailed violation information within the Clearinghouse.

**42) Can a driver correct information about him or her in the Clearinghouse?**

Yes. The final rule provides a petition process for drivers to request corrections to their Clearinghouse record (§ 382.717). Drivers may challenge only the accuracy of information reported, not the accuracy or validity of test results or refusals.

**43) What happens if an employer or service agent submits false information to the Clearinghouse?**

An employer or service agent who knowingly submits false information to the Clearinghouse may be subject to criminal and/or civil penalties.

Employers and consortia/third-party administrators (C/TPAs) are required to provide specific documentation to support the reporting of actual knowledge or a refusal to test (§§ 382.705(b)(3) and (4)). The Federal Motor Carrier Safety Administration (FMCSA) will remove information from the driver's Clearinghouse record that is determined to be false.

**44) Are Canadian and Mexican employers required to report drug and alcohol program violations to the Clearinghouse?**

Only Canadian and Mexican employers operating in the United States that are subject to the Federal Motor Carrier Safety Administration (FMCSA) drug and alcohol testing requirements must report drug and alcohol program violations to the Clearinghouse.

**45) Can Canadian and Mexican Medical Review Officers (MROs) report confirmed positive test results and refusal to test to the Clearinghouse?**

Yes, if the MRO meets the requirements under § 40.121.

**46) Can Canadian and Mexican Substance Abuse Professionals (SAPs) report date of initial assessment and date the driver is eligible for return-to-duty (RTD) testing:**

Yes, if the SAP meets the requirements under § 40.281.

**47) What violation and return-to-duty (RTD) information must employers report to the Clearinghouse?**

Per § 382.705(b), employers must report the following information to the Clearinghouse:

- An alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
- A CDL driver's refusal to submit to a Department of Transportation (DOT) test for drug or alcohol use;
- Actual knowledge, as defined in § 382.107;
- The negative RTD test results;
- The date the driver successfully completed all follow-up tests as ordered by the substance abuse professional (SAP).

**48) What is the timeframe in which an employer must submit a report of an employee's drug and alcohol program violation to the Clearinghouse?**

Employers are required to report a drug and alcohol program violation by the close of the third business day following the date on which the employer obtained the information.

**49) What are the repercussions if an employer does not meet the required timeframe for reporting a violation?**

The employer may still report the drug and alcohol program violation even if the required timeframe has passed. However, the Clearinghouse will capture the date the violation was reported. This information may be reviewed during an investigation of the employer's operations and compliance with the Federal Motor Carrier Safety Regulations.

**50) May employers report the results of drug or alcohol tests not required by the Department of Transportation (DOT) to the Clearinghouse?**

No. Only results of DOT drug or alcohol tests or refusals may be reported to the Clearinghouse. While employers may conduct drug and alcohol testing that is outside the scope of the DOT testing requirements, positive test results or refusals for non-DOT testing may not be reported to the Clearinghouse.

**51) What are a Medical Review Officer's (MRO's) responsibilities for reporting information to the Clearinghouse?**

Within two business days of making a determination or verification of a Department of Transportation (DOT)-approved drug test, an MRO must report:

- Verified positive, adulterated, or substituted controlled substances test results; or
- Refusal-to-test determination.

**52) What information is a Medical Review Officer (MRO) required to provide when reporting a determination or verification?**

The following information must be provided:

- Reason for the test;
- Federal Drug Testing Chain of Custody Form (CCF) specimen ID number;
- Driver's name, date of birth, and commercial driver's license (CDL) number and State of issuance;
- Employer's name, address, and USDOT Number, if applicable;
- Date of the test and date of the verified result;
- Test result;
- In the case of an adulterated specimen, the adulterant/reason must also be provided.

**53) What is the timeframe within which a Medical Review Officer (MRO) is required to report to the Clearinghouse?**

Within two business days of making a determination or verification of a Department of Transportation (DOT)-approved drug test.

**54) If a Medical Review Officer (MRO) changes a verified drug test result per 49 CFR Part 40, how long does the MRO have to submit the change to the Clearinghouse?**

If an MRO changes a verified drug test, the MRO must submit that change to the Clearinghouse within one business day of making the change in the reported results.

**55) What identifying number should be documented for drivers on the Federal Drug Testing Chain of Custody Form (CCF) and Alcohol Testing Form (ATF)?**

The current paper versions of the CCF and ATF specifically permit the use of either the driver's social security number (SSN) or an employee identification number (EIN). However, under § 382.705, the driver's commercial driver's license (CDL) number and the state of issuance must be used in place of the SSN or EIN when completing the Federal CCF or ATF.

**56) Are Canadian and Mexican CDL drivers conducting operations in the United States subject to the Clearinghouse requirements?**

Yes, all Mexican or Canadian employers, employees, or service agents operating in the United States that are subject to the Federal Motor Carrier Safety Administration (FMCSA) drug and alcohol testing requirements must comply with the Clearinghouse final rule.

**57) What must employers do when an authorized service agent is no longer conducting business for the employer's company?**

Employers must update any changes to its service agents within 10 days of the change.

**58) How long will CDL driver violation records be available for release to employers from the Clearinghouse?**

Driver violation records will be available in the Clearinghouse for five years from the date of the violation determination, or until the violation is resolved through the successful completion of the return-to-duty (RTD) process and follow-up testing plan, whichever is later.

**59) What information is an employer required to report to the Clearinghouse when reporting actual knowledge that a CDL driver used alcohol or controlled substance, as defined in 49 CFR Part 382.107?**

Per § 382.705(b)(5), when reporting actual knowledge, employers must report the following:

- Driver's name, date of birth, commercial driver's license (CDL) number and State of issuance;
- Employer name, address, and USDOT number, if applicable;
- Date the employer obtained actual knowledge of the violation;
- Witnesses to the violation, if any, including contact information;
- Description of the violation;
- Evidence supporting each fact alleged in the description of the violation, which may include, but is not limited to, affidavits, photographs, video or audio recordings, employee statements (other than admissions pursuant to § 382.121), correspondence, or other documentation; and
- A certificate of service or other evidence showing that the employer provided the employee with all information reported.

**60) What information is a Substance Abuse Professional (SAP) required to report to the Clearinghouse for each CDL driver engaging their services?**

The SAP must report the following:

- Driver's name, date of birth, commercial driver's license (CDL) number, and State of issuance;
- Date of initial assessment; and
- Date the SAP determined the driver demonstrated successful compliance with education and treatment requirements and is eligible for return-to-duty (RTD) testing.

**61) What is the timeframe within which a Substance Abuse Professional is required to report to the Clearinghouse?**

- The close of the business day following the date of the initial assessment.
- The close of the business day following the determination that the driver demonstrated successful compliance with education and treatment requirement and is eligible for return-to-duty (RTD) testing.

**62) Will a driver's follow-up testing plan be available in the Clearinghouse?**

No, follow-up testing plans will not be included in a driver's Clearinghouse record. When a prospective employee has not completed a follow-up testing plan prescribed by the substance abuse professional (SAP), the subsequent new employer must obtain the follow-up testing plan from the previous employer, as required in §382.413, and report the date the follow-up testing plan was completed.