



FMCSA's New Drug & Clearinghouse Rule

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The Federal Motor Carrier Safety Administration (FMCSA) has begun accepting registrations in preparation for the mandatory use of the new [Drug and Alcohol Clearinghouse database](#) on January 6, 2020. The purpose behind this new rule is to provide for a central storage repository of all U.S. DOT drug and alcohol testing results conducted in accordance with the FMCSA regulations. The thought process is to prevent drivers from being able to hide their positive results by frequently switching employers or obtaining new CDLs in different states to obscure their true and accurate history.

This regulation applies only to CDL holders and their employers, non-CDL drivers are not subject to U.S. DOT regulated drug and alcohol testing and therefore their test results may not be reported to, or obtained from, this clearinghouse. This clearinghouse database is only for FMCSA required drug and alcohol testing programs as required by regulation [49 CFR Part 382](#) for CDL drivers as defined in [49 CFR Part 383](#). The clearinghouse regulations can be found in Subpart G of 49 CFR Part 382.

Beginning on January 6, 2020 employers must query all perspective new CDL driver applicant's drug and alcohol testing history through the clearinghouse. Additionally, until January 2023, all employers will also be required to submit the current manual request for drug and alcohol testing results to all of the applicant's previous employers for the last three years.

In addition to the pre-hire query, all employers - including single truck/driver owner operators, will be required to query the database annually on the hire date or other date designated by the employer that is within 365 days of the previous inquiry.

Employers are also required to promptly submit all testing results to the clearinghouse beginning on January 6th. Employers may designate their consortium or other third-party testing administrator to complete the reporting requirements, however the employer is ultimately responsible to assure the reporting is completed accurately and in a timely manner.

As part of this new regulation all state driver licensing agencies will be required to query the clearinghouse database beginning in January 2023 prior to renewing, transferring or issuing a new CDL to anyone.

Registration is required on or before January 6, 2020 for all current CDL holders, employers of CDL drivers and consortia/third party administrators of drug and alcohol testing programs. This includes their medical review officers, substance abuse professionals and clerks that process test results. Owner operator CDL drivers must register as an employer, identify themselves as a covered driver and designate their drug testing consortium as an authorized reporter on their behalf.

Registrations can be completed online in less than 5 minutes with no fee. You will need to create a [login.gov account](#) and verify your credentials using any two of their many authentication protocols. I found the process simple when completing my personal registration.

There are no fees associated with submitting test or return to duty process results to the database, however employers will be charged a fee for all queries. Currently the fee is \$1.25 per query, sold in pre-paid bundles based upon your anticipated usage. These bundles never expire. Employers or prospective employers, including owner operators, must purchase the query packages directly. The query cost cannot be passed on to drivers. Nor can any outside 3rd party, such as a drug testing consortium or program administrator, purchase or supply the query fees. For high volume users there is an unlimited annual access pass available for \$24,500.

Employers are required to obtain permission from current and prospective CDL drivers prior to checking their database record. For a limited query, which is all that is required under usual circumstances, written permission outside of the clearinghouse portal is all that is required. Should the limited query return a positive result, in which case you must submit a full record query, or you wish to do a full query of their record out of an abundance of caution, electronic permission must be granted in the clearinghouse portal by the CDL holder prior to you checking their record. A fee will only be charged one time if an employer requests a full query after a limited query has returned a result that requires further investigation.

In summary, as a driver you should register as soon as possible to prevent delays in your current employer's annual review process, or the hiring process should you need to change jobs, after January 6, 2020. Employers should make sure their consortium or third-party administrator is already registered, then complete their online registration to allow for seamless access to the database beginning in January 2020. This registration is required even if you do not anticipate hiring any new drivers because you are required to check the database records annually for all currently employer CDL drivers.