



# Introducing the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse

When you hire safe drivers and promote good habits, you help make the road a safer place for everyone. And with the FMCSA's new Commercial Driver's License Drug and Alcohol Clearinghouse, you'll have access to a key driver history resource. Here's what you need to know before the Clearinghouse debuts.

## WHAT IS THE CLEARINGHOUSE?

The Clearinghouse is a secure online database that will give the FMCSA, state driver licensing agencies, state law enforcement personnel, and employers like you real-time access to important information about CDL driver drug and alcohol program violations.

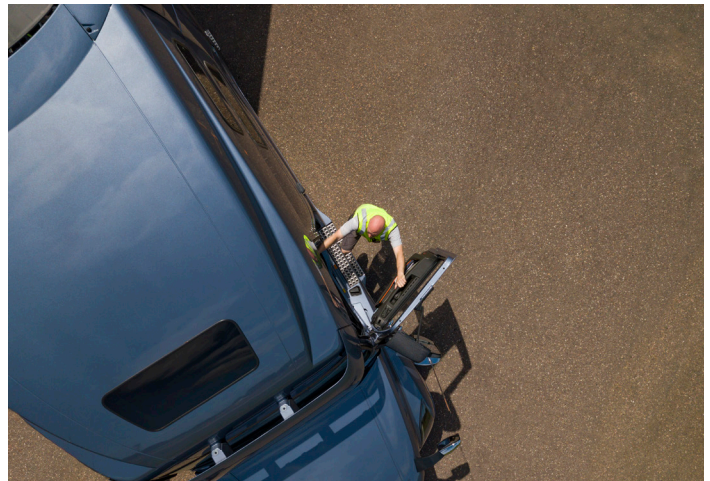
In 2012, Congress directed the Secretary of Transportation to establish the Clearinghouse as part of the Moving Ahead for Progress in the 21st Century Act (MAP-21). The Clearinghouse is scheduled to become operational on January 6, 2020.

To be sure you're up to speed—and compliant—as the Clearinghouse is implemented, please note these important dates:

- **Fall 2019:** You can begin registering accounts to allow access once the Clearinghouse becomes operational.
- **January 6, 2020:** You'll be required to use the Clearinghouse to report and query information about driver drug and alcohol program violations.
- **January 23, 2023:** You'll be required to query the Clearinghouse to satisfy employer requirements regarding prospective drivers who've committed drug and alcohol program violations.

## PRE-EMPLOYMENT CHECKS

During the hiring process, you'll need to check the Clearinghouse to ensure candidates are registered and determine whether they have any prior drug or alcohol violations that prohibit them from performing safety-sensitive functions.



Through January 23, 2023, you'll be required to check the Clearinghouse and request relevant employee history from all candidates' previous employers. After that, you'll only have to check the Clearinghouse for candidates subject to DOT testing. Keep in mind, however, that you'll still need to perform employer drug and alcohol queries for candidates who previously weren't subject to DOT testing. Additionally, you'll still need to perform Section 391.23 non-drug-and-alcohol pre-employment inquiries—including motor vehicle records and safety performance history—for all candidates.

## ANNUAL INQUIRIES

Along with pre-employment inquiries, you'll need to perform an annual Clearinghouse inquiry for your current drivers. This means each of your drivers will need to be registered with the Clearinghouse.



These annual checks may be full or limited inquiries. Full inquiries require the driver's specific consent to release their information through the Clearinghouse. Limited inquiries, meanwhile, only require a general driver consent. These inquiries indicate whether information exists in the Clearinghouse about the driver, but don't provide the specifics.

If a limited inquiry indicates information exists in the Clearinghouse about a driver, you'll need to request the driver's full consent and conduct a full inquiry within 24 hours. Without this consent, the driver won't be allowed to drive a CMV or perform any other safety-sensitive functions.

## REPORTING REQUIREMENTS

As an employer, you're required to report the following to the Clearinghouse:

- Alcohol confirmation tests of 0.04 or greater
- Negative return-to-duty tests
- Driver refusal to submit to DOT drug or alcohol tests
- Reports that drivers successfully completed all follow-up tests ordered by a substance abuse professional (SAP)
- Actual knowledge violations
  - "Actual knowledge" is defined in §382.107. It means confirmed knowledge by an employer that a driver has used alcohol or controlled substances, based on one or more of the following:
    - Information provided by the driver's previous employer(s)
    - A traffic citation for driving a CMV while under the influence of alcohol or controlled substances
    - The employee's admission of alcohol or controlled substance use, except as provided in §382.121
    - The employer's direct observation of the employee
      - Direct observation (as used in this definition) means observation of alcohol or controlled substances use, and doesn't include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing under §382.307.

If you receive information regarding an employee's or candidate's drug and alcohol violation, you'll need to report it within three business days after receiving the information. You'll only be able to submit DOT-approved drug and alcohol tests to the Clearinghouse.

A medical review officer (MRO) will need to report verified drug test results or refusal-to-test determinations—based on the employee's inability to provide a sufficient specimen for testing, or the adulteration or substitution of the specimen—within two business days of making a determination or verifying the drug test.

## PREPARE YOURSELF AND YOUR DRIVERS

Throughout the Clearinghouse rollout process, it's important that you and your drivers familiarize yourselves with related regulations by visiting the FMCSA website ([fmcsa.dot.gov](http://fmcsa.dot.gov)). You should consult your legal counsel regarding appropriate ways to implement these requirements in your particular workplace. And remember that we have a range of driver safety resources available via [sentry.com](http://sentry.com).

**If you have questions, give us a call at 800-4SENTRY (800-473-6879). We're here to help.**

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