



November 13, 2019

Commercial Driver's License Drug and Alcohol Clearinghouse

The Commercial Driver's License Drug and Alcohol Clearinghouse (the "Clearinghouse") is an online database that gives employers and state and federal agencies real-time information about certain drug and alcohol violations committed by commercial driver's license and commercial learner's permit holders. See 49 C.F.R. Part 382, Subpart B. The purpose of the database is to make information about such violations easier to access and to avoid situations where drivers/applicants intentionally fail to disclose prior work history and prior testing history to a different employer. Records of drug and alcohol program violations will remain in the Clearinghouse for five years, or until the driver has completed the return-to-duty process, whichever is later.

Employers of CDL drivers, third-party testing program administrators, and other covered entities will be required to use the Clearinghouse database **starting on January 6, 2020**.

Employers of drivers of commercial motor vehicles that require a CDL for operation, including school systems, are required to register with the Clearinghouse at <https://clearinghouse.fmcsa.dot.gov/Register>. In addition, the school system must authorize a person or persons to report information to or obtain information from the Clearinghouse and must verify the name of that person annually. This may be done prior to January 2020.

School systems should consider acting now to complete the registration and authorization requirements in order to be ready to begin using the Clearinghouse on January 6, 2020.

Beginning January 6, 2020, school systems must query the Clearinghouse database as part of their obligation to identify prospective drivers who have committed drug and alcohol program violations and who are not legally permitted to operate or perform other "safety-sensitive functions" related to school buses or other commercial motor vehicles that require a commercial driver's license to operate. Two types of queries are required: Pre-employment Inquiries and Annual Queries. Applicant and employee consent must be obtained prior to conducting these queries.

Pre-employment queries must be conducted on applicants and on existing employees who, due to a change in job duties, are newly subject to the drug and alcohol testing requirements of 49 C.F.R. Part 382. Annual (or more frequent) queries must be conducted on all employees who are subject to the drug and alcohol testing requirements.

In addition, employers are required to report drug and alcohol program violations and certain other information to the Clearinghouse. For example, employers must report verified positive test results, refusals to submit to any DOT-mandated test, any alcohol or controlled-substance use that is prohibited by federal regulations, and information about a driver's follow-up and return-to-duty tests.

Employers must give notice to individuals who are subject to the federal drug and alcohol testing requirements that this personal information must be reported to the Clearinghouse database.

For the initial three-year period, users of the Clearinghouse who are verifying driver/applicant records will need to conduct both electronic queries within the Clearinghouse and manual inquiries with previous/other employers. Starting in January 2023, it is expected that sufficient information will be held in the Clearinghouse that a query of the Clearinghouse will be sufficient to satisfy the background check requirements.

For additional information, review the resources available on the federal DOT web page at <https://clearinghouse.fmcsa.dot.gov/>.

An FAQ is available at <https://clearinghouse.fmcsa.dot.gov/FAQ/FAQLearnMoreAll>.

Information specific to registering with the Clearinghouse is available at <https://clearinghouse.fmcsa.dot.gov/Resource/Index/Registration-Employer-Instructions>.

A link to the Clearinghouse regulations is available at <https://www.fmcsa.dot.gov/regulations/rulemaking/2016-27398>.

If you have any questions or comments about the enclosed information, please feel free to contact Kathy Boyd at kboyd@ncsba.org or Justice Warren at jwarren@ncsba.org. We welcome your feedback regarding this policy update.

Thank you for subscribing to the PLS Update Service.

With regards,

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