

# Driving the point home with changes to CDL rules

By Lisa Knapton

Four years ago, the US Congress called for a national database providing information on commercial truck drivers who have drug and alcohol violations. The purpose of such a clearinghouse is to impede the ability of Commercial Driver's License (CDL) holders and those with Commercial Learner's Permits (CLP) with positive drug and/or alcohol test results, those who refused required drug and alcohol tests or who have undergone a return-to-duty drug and alcohol rehabilitation process from moving to different states where the results are not available. The US Department of Transportation has established a secure, online central database to contain all the relevant drug and alcohol testing information for commercial drivers called the Commercial Driver's License Drug and Alcohol Clearinghouse. Members who employ CDL and CLP drivers were required to register all CDL and CLP drivers in the clearinghouse by the implementation date of January 6, 2020.

Members operating a CDL program should have registered with the Federal Motor Carrier Safety Administration's (FMCSA) Clearinghouse by now. If a Member has not already done so, they must log on to the FMCSA's site at [FMCSA Clearinghouse](#) to register. Clearinghouse registration is good for five years unless cancelled or revoked.

Additionally, FMCSA regulations require that employers add language to their FMCSA drug and alcohol testing policies to notify drivers and driver-applicants that the following information will be reported to the Clearinghouse beginning on January 6, 2020:

- A verified positive, adulterated or substituted drug test result;
- An alcohol confirmation test with a concentration of 0.04 or higher;
- A refusal to submit to a drug or alcohol test;
- An employer's report of actual knowledge, as defined at [49 CFR § 382.107](#);
- On duty alcohol use pursuant to [49 CFR § 382.205](#);
- Pre-duty alcohol use pursuant to [49 CFR § 382.207](#);
- Alcohol use following an accident pursuant to [49 CFR § 209](#);
- Drug use pursuant to [49 CFR § 382.213](#);
- Substance Abuse Professionals (SAPs) report of the successful completion of the return-to-duty (RTD) process;
- A negative return-to-duty test;
- An employer's report of completion of follow-up-testing.

CDL employers must search the clearinghouse prior to allowing newly hired CDL drivers or existing employees who have transferred into such positions to begin driving a commercial motor vehicle. Employers must query the clearinghouse, at minimum, annually for each driver they currently employ. Drivers must sign a consent form allowing their employer to do so. Member's must report drivers' drug and alcohol violations to the Clearinghouse within three business days after the employer learns of the information. Violations occurring prior to January 6, 2020, should not be reported. If a driver's violation occurred prior to January 6, 2020 and was in the RTD process when the clearinghouse was implemented, the violation and any related RTD activity should not be entered into the Clearinghouse. Information from the Clearinghouse will not be shared with the National Highway Traffic Safety Administration's National Driver Register.

A driver with a CDL or CLP is not required to register with the Clearinghouse, however a driver can access their own information in the Clearinghouse once they have registered. He or she will be able to access his or her Clearinghouse record electronically, at no cost. Also, once a driver has registered with the Clearinghouse, prospective or current employers are able to request an electronic consent from the driver for a full query, including those done for pre-employment driver investigations.

For employers, there is no charge to register with the Clearinghouse. However, there are fees charged when an employer performs limited or full queries. Registered employers can purchase query plans that fit their needs at the FMCSA link previously listed. Failure to report violations to the Clearinghouse will result in legal and civil penalties.

For further information, the previously listed FMCSA link will direct Members to the Clearinghouse. The US Department of Transportation may also be reached at 855-368-4200. Your WCIA Risk Management Representative is also able to assist. Also...keep an eye out for a revised guideline on this issue...FLT.03...coming soon to a Liability Resource Manual near you!