

# How Will the New CDL Drug & Alcohol Clearinghouse Rules Be Enforced – Let Me Count the Ways!



By P. Sean Garney, VP, Scopelitis Transportation Consulting & Consultant to Spireon February 2020

On January 6, 2020, enforcement of the Federal Motor Carrier Safety Administration's (FMCSA) new Drug and Alcohol Clearinghouse rules began. To be compliant, motor carriers who hire and employ CDL drivers need to use the Clearinghouse to verify their drivers are not prohibited from operating a commercial motor vehicle requiring a CDL based on drug and alcohol violations that occurred on or after January 6, 2020. Not doing so can result in stiff penalties following a safety audit/investigation and can result in drivers being placed out-of-service and fined if found to be prohibited from operating a CMV during a roadside inspection.

## CLEARINGHOUSE ENFORCEMENT AND PENALTIES

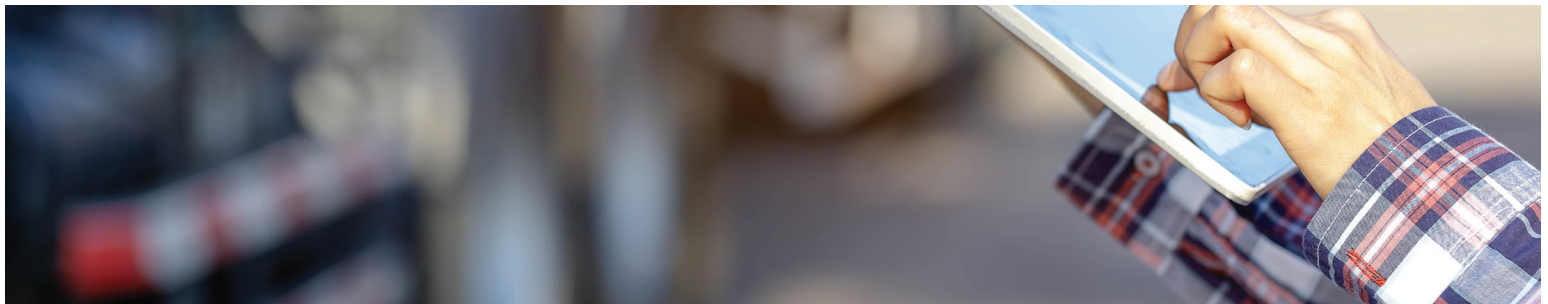
### How Will the Rules Be Enforced?

In general, FMCSA will rely on its existing enforcement mechanisms to ensure compliance by motor carriers and CDL drivers. What's changed is the ease with which FMCSA safety investigators and state roadside inspectors can and will identify non-compliance.

Now, enforcement officials can leverage data contained in the Clearinghouse to identify which carriers to prioritize for a safety audit/investigation. Because the Clearinghouse tracks use of the database by each carrier's DOT number, it will be easy for FMCSA to run a report to determine if a carrier has registered for the Clearinghouse and whether the company has been obtaining the required annual limited query on the CDL drivers it employs. FMCSA will also be able to compare the number of drivers a carrier declares on its biennial MCS-150 form with the number of limited queries it requests annually to assess whether a carrier may not be requesting enough limited queries.

If these reports indicate a carrier isn't registered, or may not be requesting enough limited queries, FMCSA may initiate a safety audit/investigation. These investigations can be focused on reviewing only the carrier's drug and alcohol testing program and policies, or they may be a more comprehensive audit that looks at the carrier's compliance with all safety regulations.

In addition, state roadside enforcement personnel now have access to drivers' qualification status based on data from the Clearinghouse. Using existing inspection technology, roadside inspectors will be able to easily identify if a driver is disqualified from driving a CMV due to a drug or alcohol violation reported to the Clearinghouse and hasn't yet completed the required evaluation and return-to-duty process.



## What Are the Penalties for Non-compliance?

As for penalties, the Drug and Alcohol Clearinghouse final rule spells out specific penalties for non-compliance. Carriers who are found in violation of any provision of the Clearinghouse rules will be subject to civil and/or criminal penalties including fines up to \$2500 per violation. On roadside, beginning April 1, 2020, disqualified drivers will be placed out-of-service in addition to being cited for the violation. [Here is a link](#) to the recently published Inspection Bulletin from the Commercial Vehicle Safety Alliance which details how roadside inspectors can verify compliance and steps they should take if a driver has been disqualified based on a drug or alcohol violation.



The Drug and Alcohol Clearinghouse rules created new tools to make law enforcement's job much easier. Because identifying non-compliant carriers and drivers will be relatively easy, motor carrier and drivers should remain vigilant to avoid enforcement action.

Have questions? Want to know more? If so, call or email P. Sean Garney of Scopelitis Transportation Consulting LLC at [sgarney@scopelitisconsulting.com](mailto:sgarney@scopelitisconsulting.com) or 202-728-2850

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