

What You Must Do for the CDL Drug & Alcohol Clearinghouse: A Checklist for Motor Carriers

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In June 2019, we provided a [*comprehensive overview*](#) of the motor carrier requirements of Federal Motor Carrier Safety Administration's (FMCSA's) new CDL Drug & Alcohol Clearinghouse rules set to be implemented on January 6, 2020. As carriers prepare to comply with the new rules, we have developed a short list of must-do activities designed to help carriers think through how their operations might need to change and to suggest ways to make implementation as smooth as possible.

CLEARINGHOUSE MUST-DOS FOR CARRIERS

1. *Get Educated* –

There are a host of things carriers and drivers must know. The Spireon [FMCSA Regulatory Resource Center](#) is a great place to start. FMCSA's Clearinghouse website also contains over 50 FAQs as well as a host of brochures and fact sheets to help carriers get started.

2. *Communicate with your drug and alcohol testing third-party administrators (TPA)* –

Many carriers use third party agents to manage components of their DOT Drug & Alcohol Programs. FMCSA has taken important steps to ensure that TPAs can continue to manage motor carriers' programs. TPA are authorized to both query and report information to the Clearinghouse, among other things.

Like carriers, TPAs are working hard to develop the resources necessary to continue to serve their clients and develop new business. Each will develop unique solutions to meet some, or all, of their client's needs. Talk with your TPAs now to understand what services they'll be offering and what you'll be on the hook to handle.

3. *Get registered* –

Registration is already open and this is free of charge. Upon registration, motor carriers will be able to identify which TPAs are authorized to interact with the Clearinghouse on their behalf. To do so, however, the TPA must already be registered. Motor carriers should also sign-up for updates to be sure you're receiving all the latest information.

4. *Update your current drug and alcohol testing policies* –

FMCSA has mandated specific content that must be added to your testing policies. Specifically, employers must provide detailed information on what personal information, collected and maintained as part of the DOT Drug and Alcohol Program, will be reported to the Clearinghouse. This can be found at 49 C.F.R. §382.601(b)(12).

Motor Carriers should also review all other company policies and procedures related to drug and alcohol testing to determine if any need updating.

5. *Communicate with all CDL drivers* –

New and updated policies and procedures will apply to both current and newly hired drivers. The policies should be clearly communicated to all drivers. Motor carriers should also provide drivers with a basic understand of what the Clearinghouse is and how it may impact their ability to drive. Motor carriers must be sure to provide drivers with a copy of any new or updated policies, obtain a signature verifying driver receipt, and ensure the documentation is added to the driver's file.

6. Think through your hiring process –

FMCSA has added additional layers to the hiring process. This requires motor carriers to evaluate how to adjust their processes for efficacy and efficiency. Here are some things to consider:

Driver recruiting: To hire a new CDL driver, motor carriers must first obtain consent from the driver applicant to conduct a pre-employment query. This consent can only be granted through the Clearinghouse, so all new hires will need to have registered with the Clearinghouse. Motor carriers should review driver recruiting literature and consider adding verbiage encouraging applicants to sign up for a Clearinghouse account before they apply.

Recruiter training should also be evaluated. Recruiters will need to be trained on what the Clearinghouse does, what information it contains, how a driver registers, and how a driver grants consent. Recruiters will need to be prepared to guide a driver prospect through the registration and consent process if necessary.

When to run a query: Motor carriers should perform a holistic review of their hiring process to determine where the Clearinghouse best fits in. At \$1.25 per query, performing a Clearinghouse check is less expensive than some background checks but more expensive than others.

On January 6, 2020, the Clearinghouse will contain very little data because violations occurring before then cannot be entered. Over time, however, more data will be added, improving the usefulness of the database. The key will be balancing the costs and benefits of the Clearinghouse as a prequalification too.

7. Purchase query bundles –

Beginning in November 2019, FMCSA will allow carriers to purchase bundles of queries which are drawn down as queries are conducted. Motor carriers should attempt to estimate the number of queries required annually and budget for them.

TPAs will not be allowed to query the Clearinghouse using their account and invoice employers the cost of the query. Instead, TPAs conducting queries on behalf of a motor carrier must identify the carrier for which they are conducting the query. The cost will then be deducted from the carrier's account. Queries cannot be conducted unless the carrier's account is funded. TPAs are prohibited from collecting or aggregating driver data so discounted query fees are unlikely. More information on queries bundles is available here.

<https://clearinghouse.fmcsa.dot.gov/Resource/Index/Query-Plan>

The CDL Drug & Alcohol Clearinghouse holds great promise in reducing the number of CMV crashes. While carriers will reap much of the benefit, they also share a significant portion of the burden. Early preparation will go a long way in easing the transition and ensuring full compliance by the implementation date.

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