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FMCSA CLEARINGHOUSE POLICY ADDENDUM

This FMCSA Clearinghouse Policy Addendum is incorporated into and made part of the original Drug and Alcohol Testing Policy from ComplianceOne. This addendum is effective January 1, 2020.

The Clearinghouse is a secure online database that will give employers, the Federal Motor Carrier Safety Administration (FMCSA), State Driver Licensing Agencies (SDLAs), and State law enforcement personnel real-time information about commercial driver's license (CDL) and commercial learner's permit (CLP) holders' drug and alcohol program violations.

The Clearinghouse will contain records of violations of drug and alcohol prohibitions in [49 CFR Part 382, Subpart B](#), including positive drug or alcohol test results and test refusals. When a driver completes the return-to-duty (RTD) process and follow-up testing plan, this information will also be recorded in the Clearinghouse.

The requirement that the following personal information collected and maintained under this part shall be reported to the FMCSA Clearinghouse:

- i. A verified positive, adulterated, or substituted drug test result;
- ii. An alcohol confirmation test with a concentration of 0.04 or higher;
- iii. A refusal to submit to any test required by subpart C of this part;
- iv. An employer's report of actual knowledge, as defined at Part 382.107:
 - A. On duty alcohol use pursuant to Part 382.205;
 - B. Pre-duty alcohol use pursuant to Part 382.207;
 - C. Alcohol use following an accident pursuant to Part 382.209; and
 - D. Controlled substance use pursuant to Part 382.213;
- v. A substance abuse professional (SAP as defined in Part 40.3 of this title) report of the successful completion of the return-to duty process;
- vi. A negative return-to-duty test; and
- vii. An employer's report of completion of follow-up testing.

Optional provision. The materials supplied to drivers may also include information on additional employer policies with respect to the use of alcohol or controlled substances, including any consequences for a driver found to have a specified alcohol or controlled level, that are based on the employer's authority independent of this part. Any such additional policies or consequences must be clearly and obviously described as being based on independent authority.

Certificate of receipt. Each employer shall ensure that each driver is required to sign a statement certifying that he or she has received a copy of these materials described in this section. Each employer shall maintain the signed certificate and may provide a copy of the certificate to the driver.

Employers will be required to conduct **BOTH** electronic queries and traditional manual inquiries with previous employers to meet the three-year timeframe, required by FMCSA's drug and alcohol use testing program, for checking CDL driver violation histories. Drivers may also view their own records for information recorded on or after January 6, 2020.