Employers’ requirements

The Clearinghouse is a centralized database that employers will use to **report** drug and alcohol program violations and to **check** (query) that **current** or **prospective employees** are not prohibited from performing safety-sensitive functions, such as operating a commercial motor vehicle (CMV), due to an unresolved drug and alcohol program violation—that is, a violation for which the driver has not completed the return-to-duty (RTD) process. This query must be conducted as part of a pre-employment driver investigation, and at least annually for current employees.

In addition, employers may designate a C/TPA who can report violations and/or conduct queries on their behalf. An owner-operator—an employer that employs himself or herself as a CDL driver, typically a single-driver operation—must designate the C/TPA in the Clearinghouse.

To complete the actions outlined above, employers and C/TPAs are required to [register in the Clearinghouse](https://clearinghouse.fmcsa.dot.gov/Register).

Employers, consortia/third-party administrators (C/TPAs), medical review officers (MROs), and substance abuse professionals (SAPs) will identify an individual for their company to serve as a Clearinghouse Administrator. These Clearinghouse Administrators have the option to invite users to serve in an Assistant role, enabling them to use the Clearinghouse on their company’s behalf.

* MROs and SAPs can assign assistants to enter information on their behalf.
* Employers and C/TPAs can assign assistants to conduct queries and/or report violation information on their behalf.

Driver data:

The Federal Motor Carrier Safety Administration (FMCSA) takes the protection of personal information very seriously. The Clearinghouse will meet all relevant Federal security standards and FMCSA will verify the effectiveness of the security protections on a regular basis.

* Clearinghouse information will not be available to the public; only authorized users will be able to register and access the Clearinghouse for designated purposes.
* The Clearinghouse will require authentication, via a login.gov username and password, to access records. Login.gov, a shared service which offers secure online access to participating government systems, also requires the completion of a user verification process to ensure the proper person is using those credentials.
* Drivers registered in the Clearinghouse will be able to access their Clearinghouse records at any time, and at no cost to them. Drivers will only be able to access their own information, not information about other drivers.
* FMCSA will only share detailed drug and alcohol violation information with a prospective or current employer, and/or their designated consortium/third-party administrator (C/TPA), when an employer or designated C/TPA has requested and received specific consent from the driver. Drivers will be able to see the information that would be released to an employer before consenting to the release.
* Driver information will only be used by FMCSA and other enforcement agencies as required to enforce drug and alcohol testing regulations.
* Driver violation records will be available in the Clearinghouse for five years from the date of the violation determination, or until the violation is resolved through the successful completion of the return-to-duty (RTD) process and follow-up testing plan, whichever is later.

Return to duty:

Per § [382.705](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&ty=HTML&h=L&mc=true&=PART&n=pt49.5.382#se49.5.382_1705), the following individuals will report the following information:

* Employers, or consortia/third-party administrators (C/TPAs) acting on behalf of an employer, will enter drug and alcohol program violation information into the Clearinghouse.
* Medical review officers (MROs) enter drug violation information. The driver does not need to be registered in the Clearinghouse for a violation to be added to their Clearinghouse record.
* Substance abuse professionals (SAPs) enter the date of initial SAP assessment and date the driver is eligible for Return to Duty (RTD) testing.
* Employers will enter the negative RTD test result(s) and the date the driver’s follow-up testing plan has been successfully completed.