Drug & Alcohol Clearinghouse Webinar: Questions & Answers
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Answers provided by Dave Osiecki, Scopelitis Transportation Consulting for Driver iQ

"Once a driver has registered with the Clearinghouse, do they need to do so on an annual basis, or are they in there for life?"

> *Answer: Once a driver registers with the Clearinghouse, there is no requirement for the driver to renew his/her registration.*

"Does it cost the driver or carrier to register with the Clearinghouse?"

> *Answer: Section 382.721 entitled "Fees" simply states, "FMCSA may collect a reasonable fee from entities required to query the Clearinghouse. Exception: No driver may be required to pay a fee to access his or her own information in the Clearinghouse."*
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> *The authorizing legislation allows FMCSA to collect a "reasonable, customary, and nominal fee. . . for a request for information from the clearinghouse" and FMCSA indicated in the preamble of the rule they are likely to charge a fee. STC expects FMCSA to establish a transactional fee structure which charges motor carriers for requesting a record, but not to register. Fees associated with using the clearinghouse will not be established by FMCSA until the system becomes operational later in 2019.*

"I'm attempting to verify that non-motor carrier employers, such as commercial driver leasing/staffing firms (with no company USDOT or MC number) that serve as "agents" to perform DOT compliance responsibilities in parts 382, 383 and 391, have been considered for Clearinghouse registration?"

> *Answer: Yes, CDL driver leasing/staffing companies are "employers" for purposes of Part 382, and are required to register with the Clearinghouse. In fact, the "Clearinghouse registration" rule in 49 CFR 382.711 recognizes that some "employers" will not have USDOT numbers.*

"Since FMCSA is only requiring those drivers seeking employment to register, how will that work in the situation of carriers performing the required annual reviews?"

> *Answer: There are two types of Clearinghouse queries motor carriers are required to make: a full pre-employment query on a driver-applicant, and a limited annual query for all currently employed drivers. When a carrier makes a full query, the driver-applicant **must** give specific consent to that query by logging in to the Clearinghouse and providing his/her consent electronically in the system. This process requires that the driver register with the Clearinghouse. [see 49 CFR 382.703(d)]*
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> *The limited annual query by the carrier does not require driver consent in the Clearinghouse. Drivers may consent to annual queries by signing a carrier-created 'limited query consent' form which the carrier must retain in its files, and which can be good for the driver's entire time of employment with that carrier. [see 49 CFR 382.701(b)]*

"Can the limited query consent form be good for the driver's entire time of employment at our company?"

> *Answer: Yes. [see 49 CFR 382.701(b)]*

"Can you confirm that the CDL number, and not the SSN, is the unique indicator for a driver in the Clearinghouse?"

        Answer: *Yes, the driver's name, date of birth, CDL number, and State of issuance are the unique identifiers in the Clearinghouse. [see 49 CFR 382.705(a), (b) and (d)]*

"Do we know if they will keep the "return to duty" (RTD) successfully completed for a certain number of years?"

        Answer: *Driver information, including the successful completion of the RTD process will remain in the Clearinghouse until the following 4 conditions are met:*

1.   *The SAP reports to the Clearinghouse, the following information:*

        a.   *the driver's name, DOB, CDL # and State of issuance*
        b.   *the date of the initial SAP assessment*
        c.   *the date the SAP determined that the driver successfully complied the RTD process, and*
        d.   *the SAP's name, address and phone number*

2.   *The employer reports to the Clearinghouse that the driver's RTD test results are negative*

3.   *The driver's current employer reports to the Clearinghouse that the driver successfully completed all follow-up test as prescribed in the SAP report, and*

4.   *5 years have passed since the date of the violation.*