

Overview of the FMCSA Clearinghouse Rule

As of November 18, 2024—All employers of commercial motor vehicle (CMV) drivers must ensure compliance with the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse. This online database tracks drug and alcohol violations to enhance road safety and prevent prohibited drivers from operating CMVs. Both employers and drivers must register to meet federal requirements.

Key Responsibilities for Employers

- Registration:** Employers and drivers must create accounts in the [Clearinghouse portal](#). Employers can designate a Consortium/Third-Party Administrator (C/TPA) to handle compliance tasks on their behalf.
 - Visit the [FMCSA's Learning Center](#) for employer resources. You can find instructions on how to get started on the [Before You Register](#) page.
- Gain Consent:** Employers must obtain the driver's consent for queries. Without this consent, the query cannot proceed, potentially disqualifying the driver from safety-sensitive functions.
 - Limited Queries:** Employers can obtain general, written, or electronic consent from the driver, valid for multiple years. FMCSA offers a [template that may be accessed here](#).
 - Full Queries:** Drivers must provide specific, electronic consent directly through their Clearinghouse account for each full query.
- Query Requirements:** Employers must conduct pre-employment queries for new drivers and annual queries for all current drivers to check for drug and alcohol violations.
- Reporting Violations:** Employers are required to report violations, such as positive drug or alcohol test results or refusals to test, through the Clearinghouse portal.
- Maintain Records:** Employers must keep all compliance documents, including consent forms and query results, for audit purposes to ensure proper documentation in case of review.

Who Needs to Comply?

Employers in all 50 states must participate in the Clearinghouse if they hire drivers who:

- Operate commercial motor vehicles (CMVs) with a GVWR of 26,001 pounds or more.
- Transport hazardous materials requiring placards.
- Drive vehicles designed to transport 16 or more passengers, including the driver.

This applies to **both interstate** and **intrastate** operations if the vehicles meet the criteria above. Drivers must also comply if they hold a Commercial Driver's License (CDL) or Commercial Learner's Permit (CLP) and regardless of whether those drivers are also part of **random testing pools governed by another DOT agency**.

Costs and Penalties

- Query Costs:** \$1.25 per query (paid by the employer).
- Non-Compliance Penalties: Fines** up to \$5,833 per violation, **business disruption** from driver disqualifications, **reputation damage** and **legal consequences**.

To learn more: Visit [ABMA's FMCSA Drug and Alcohol Clearinghouse Compliance page](#) or go to the [FMCSA Clearinghouse website](#) and check out their [FAQs](#). For additional assistance, please contact ABMA at info@abmalliance.org.