DRUG & ALCOHOL
CLEARINGHOUSE

How to Report a Violation: C/TPAs

Violation Reporting Requirements

A consortium/third-party administrator (C/TPA) may assist an employer in meeting their Clearinghouse requirements, including reporting violations of FMCSA's drug and alcohol testing program. C/TPAs must accept an employer's designation in the Clearinghouse before they can access the Clearinghouse on that employer's behalf. Even if they designate a C/TPA, the employer retains ultimate responsibility for compliance. (Employers may choose to report violations themselves; see the Reporting Violations for Employers Job Aid for instructions.)

> Owner-operators—that is, employers who employ themselves as CDL drivers, typically a single-driver operation—are required to designate a C/TPA in the Clearinghouse. Owner-operators may choose to report drug and alcohol program violations for any other drivers they employ, however, the C/TPA has the responsibility to report any drug and alcohol program violation incurred by the owner-operator.

Which violations are employers responsible for reporting?

Both employers and medical review officers (MROs) are required to report drug and alcohol program violations in the Clearinghouse per § 382.705. The table below identifies who is responsible for reporting each type of violation.

> Employers also have reporting requirements regarding any drivers they employ who are undergoing a return-to-duty (RTD) process. Learn more about the RTD process.

Reporting Entity	Violations Reported to the Clearinghouse	Timeframe for Reporting
Prospective/Current Employer of CDL Driver	An alcohol confirmation test with a concentration of 0.04 or higher	Employers must report any drug and alcohol program violation information by the close of the third business day following the date on which the employer obtained the information.
	Refusal to test (alcohol) as specified in 49 CFR § 40.261	
	Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR § 40.191	
	Actual knowledge of a drug or alcohol violation, as defined in 49 CFR § 382.107	
MRO	Verified positive, adulterated, or substituted drug test result	MROs must report results within two business days of making a determination or verification of a Department of Transportation (DOT)-required drug test. Any changes to the results report of a verified drug test must be reported to the Clearinghouse within one business day of making the changes.
	Refusal to test (drug) requiring a determination by the MRO as specified in 49 CFR § 40.191	

How to Report a Violation

The instructions below will walk through how to report a drug and alcohol program violation as a C/TPA.

If you are an employer, see the Reporting Violations for Employers Job Aid for instructions.

If you are an MRO, see the Reporting Violations for MROs Job Aid for instructions.

1 **Log In and Access the Dashboard**

Visit https://clearinghouse.fmcsa.dot.gov. Click **Log In** and access the Clearinghouse using your login.gov username and password.

Under **My Dashboard,** go to **Violations** and click **Report a Violation.**
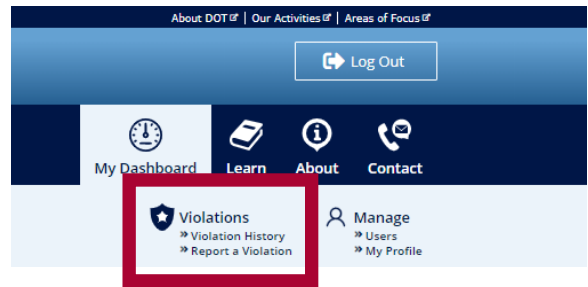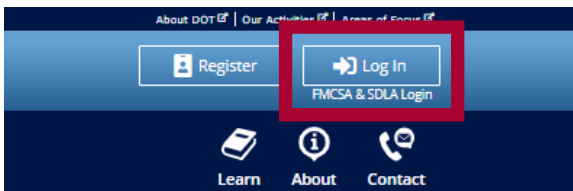
2 **Select the Employer**

Before you enter any violation information, you will need to select the employer on whose behalf you are reporting this violation. This employer will be able to access the violation information after it has been reported.

3 Enter and Verify the Driver Information

Enter the information of the driver who incurred the violation and click **Verify Driver Information.**

You will need to provide the following driver information:

- Driver first and last name

- Driver date of birth

- Driver commercial driver's license (CDL) number, and the country and state of issuance

Driver Information

Enter the information of the driver who committed the violation. All fields are required unless otherwise noted.

First Name	Last Name

Date of Birth

month ▼	day	year

Driver CDL Number ⓘ	Country of Issuance	State of Issuance
number	country ▼	state ▼

| Previous | Verify Driver Information | Cancel |

❌ **VERIFYING ERRORS**

If there is an issue verifying the driver CDL information, please check that you have entered all the information correctly. The information should match the information on the driver's CDL.

If the CDL number has special characters (such as spaces or hyphens), try entering the number with or without those characters, as requirements vary by State.

If the driver CDL information cannot be verified, the Clearinghouse will flag the record for FMCSA's review. However, the violation will be recorded in the Clearinghouse and the driver information will be reconciled at a later date. You will still be able to continue reporting the violation.

Once a driver's CDL information has been verified, you will not be able to edit it. If you entered the driver's information in error, click **Cancel** and begin again with a new violation. When you are ready to continue, click **Next.**

✅ This driver information has been verified and cannot be changed. If you entered this in error, click "Cancel" and begin a new violation entry.

Driver Information

Enter the information of the driver who committed the violation. All fields are required unless otherwise noted.

4. Enter the Violation Information

Select the type of violation you are reporting and click **Next.** Each violation must be entered separately.

The amount of violation information you will need to enter will depend on the type of violation you select. See below for an overview of the types of information you will need to enter for each violation type. Prompts will also appear on the screen to guide you through each process.

REPORTING POSITIVES TEST RESULTS AND TEST REFUSALS

If you select **alcohol concentration of 0.04 or greater, refusal to take an alcohol test,** or **refusal to take a drug test,** you will be required to provide the following information:

Type of Violation	Information to Enter	Additional Information to Enter
Alcohol concentration of 0.04 or greater	■ Reason for the test ■ Date of test	No additional information required
Refusal to take an alcohol OR drug test	■ Reason for the test ■ Type of test refusal ■ Date of test (all refusals except "failed to appear for any test") *Note: See "Uploading Documentation" on the next page for instructions on using the file upload feature.*	**Failed to cooperate with any of the testing process** ■ Remarks/Additional Information (optional) **Failed to appear for any test** ■ When the driver was notified to appear ■ The address and time at which they were directed to appear ■ Documentation that the driver was notified to appear for testing ■ Driver employment status and documentation of date of termination or resignation, if applicable ■ Evidence that the driver was provided with all documents submitted with the violation report

4 Enter the Violation Information (Continued)

REPORTING ACTUAL KNOWLEDGE

If you select **actual knowledge of an alcohol violation** or **actual knowledge of a drug violation**, you will be required to provide the following information (for a definition of actual knowledge, see § 382.107):

- Whether the use was on-duty, pre-duty, or post-duty (alcohol only)

- The type of actual knowledge

- Date you obtained actual knowledge of the violation

- Date the violation occurred, if known

- Detailed description of the violation

- Name and at least one form of contact information for each witness, if any

- Evidence supporting each fact alleged in the violation description

- Acceptable evidence includes, but is not limited to, affidavits, photographs, video or audio recordings, employee statements (other than those admissions pursuant to § 382.121), correspondence, electronic copies of any enforcement citations, or other documentation.

- Evidence that the driver was provided with all documents submitted with this violation report

UPLOADING DOCUMENTATION

At certain points in the violation reporting process, you may be required to submit files to serve as evidence. To do so, you will use the Upload Documentation tool.

To begin, select **Upload Files** to open a file directory. Choose the file you need to upload and click **Open** (files may not exceed 50MB). This will start a list of files that will be uploaded with your report

Upload Documentation

Upload the email message, affidavit, or other documentation providing evidence that the driver was notified to appear for testing. The document(s) must show that the driver received notification of all the information listed above. Files must not be larger than 50MB.

Upload Files

File	Category Type	Description (optional)	
SampleFile.docx	type ▼	description	🗑

Previous   Next   Cancel

Select the **category type** (this is required). You also have the option to enter a description of the file.

Repeat this process to upload any additional files. Once all files have been uploaded, click **Next**.

5 **Review and Submit the Violation**

Review the information you have entered. The categories of information displayed will vary depending on the type of violation selected.

If the violation information needs corrections, click the **Previous** button until you reach the relevant screen. You can also click the edit icon (✏) of the appropriate section to return to that screen. Once you have finished making corrections, click the **Next** button to navigate through the following screens until you return to the Review and Submit the Violation screen.

Review and Submit the Violation

Review the information you provided below. If you need to make changes, click the edit icon to return to the section requiring correction. Once all the information is correct, submit the violation.

Employer Information

Driver Information

Once a driver's CDL/CLP information is verified, it cannot be edited. If the driver information was entered in error, delete this violation and enter a new one.

DOB: _____ | CDL/CLP#: _____
Country: _____ | State: _____

Violation Information ✏

Type of Violation: Alcohol test refusal
Reason for Test: Random
Type of Test Refusal: Failed to appear for any test

Notice to Appear ✏

Driver Notified: _____
Testing Site Location: _____
Date and Time to Appear: _____
Documentation
SampleFile.docx
Document Type: Email Message

Driver Employment Status ✏

Separation due to: Terminated

Documentation
SampleFile.docx
Document Type: Affidavit

Driver Provided with Documentation ✏

SampleFile.docx
Document Type: Other

☑ I certify that the violation information that I am reporting to the Clearinghouse is accurate and complete. I understand that reporting false, inaccurate, or misleading information to the Clearinghouse may subject me to civil and/or criminal penalties in accordance with applicable law, including 49 USC 521. I further understand that I am participating in a covered transaction and that reporting false information may subject me to government-wide suspension or debarment under 2 C.F.R. Part 180.

[Previous] [Submit Violation] Cancel

*Note: Once a driver's CDL information is verified, you will not be able to edit it. If you entered the driver's information in error, click **Cancel** and begin again with a new violation.*

Once all the information is accurate, **check the box** to accept the Clearinghouse certification statement and click **Submit Violation.**

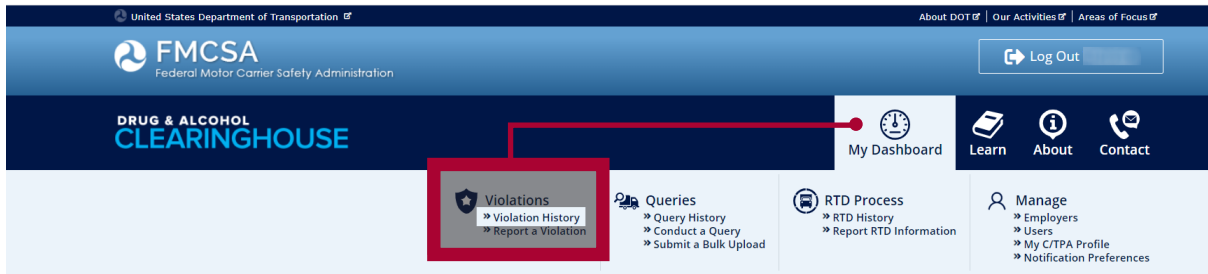**5** **Enter the Violation Information (Continued)**

THE VIOLATION HAS BEEN REPORTED.
Once the violation has been reported, you will be given the option to enter another violation.

Violation Reported

✓ The violation has been recorded in the Clearinghouse.

Do you have another violation to enter?
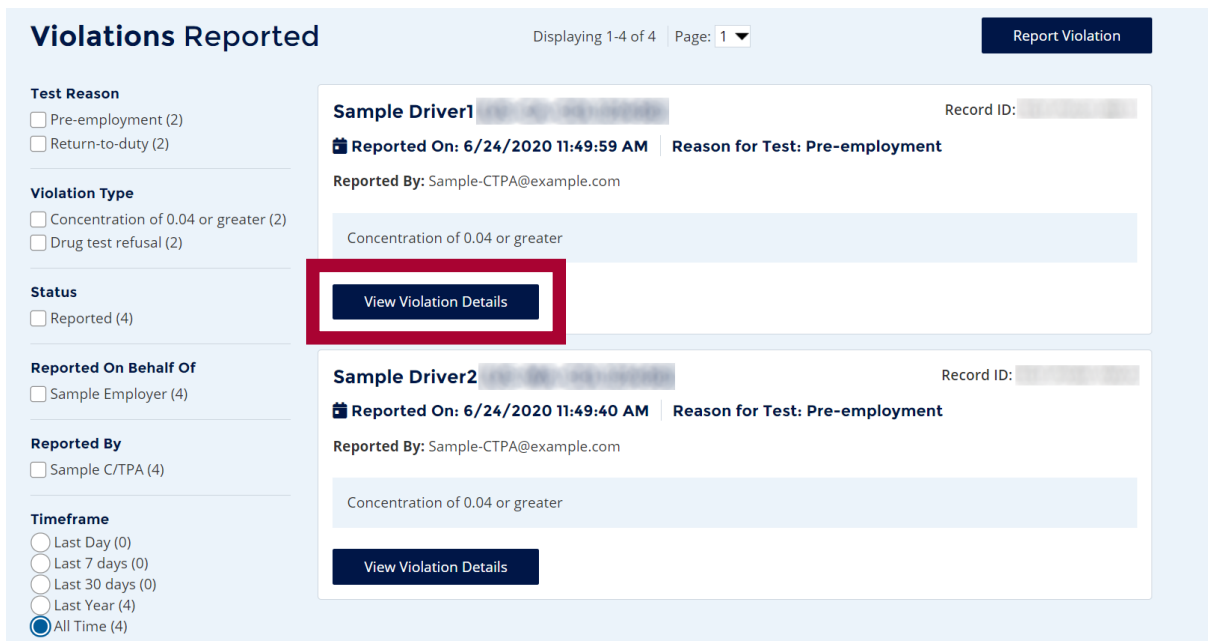
[Yes] [No]
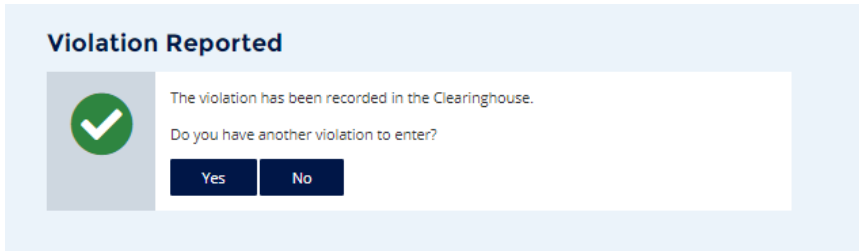
If you select **Yes,** you will be taken back to the Driver Information screen.
If you select **No,** you will be directed to your Violations History page.

How to Edit a Reported Violation

If you have entered a violation in error, you can submit a request to have the violation removed.
Under **My Dashboard,** go to **Violations** and access your **Violation History.**

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FMCSA
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[Log Out]

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My Dashboard   Learn   About   Contact

Violations
» Violation History
» Report a Violation

Queries
» Query History
» Conduct a Query
» Submit a Bulk Upload

RTD Process
» RTD History
» Report RTD Information

Manage
» Employers
» Users
» My C/TPA Profile
» Notification Preferences

Locate the violation and click **View Violation Details.**

Violations Reported   Displaying 1-4 of 4 | Page: 1 ▾   [Report Violation]

Test Reason
☐ Pre-employment (2)
☐ Return-to-duty (2)

Violation Type
☐ Concentration of 0.04 or greater (2)
☐ Drug test refusal (2)

Status
☐ Reported (4)

Reported On Behalf Of
☐ Sample Employer (4)

Reported By
☐ Sample C/TPA (4)

Timeframe
○ Last Day (0)
○ Last 7 days (0)
○ Last 30 days (0)
○ Last Year (4)
◉ All Time (4)

Sample Driver1   Record ID:
📅 Reported On: 6/24/2020 11:49:59 AM   Reason for Test: Pre-employment
Reported By: Sample-CTPA@example.com

Concentration of 0.04 or greater

[View Violation Details]

Sample Driver2   Record ID:
📅 Reported On: 6/24/2020 11:49:40 AM   Reason for Test: Pre-employment
Reported By: Sample-CTPA@example.com

Concentration of 0.04 or greater

[View Violation Details]

Click **Request to Remove Violation**

Violation Details

[Request to Remove Violation]

Employer Information

Sample Employer

LEARN MORE

■ The Return-to-Duty Process

Driver Information

Sample Driver 1
DOB: CDL/CLP#:
Country: State:

Violation Information ✎

Record ID:
Type of Violation: Concentration of 0.04 or greater
Test Date: 6/24/2020
Reason for Test: Pre-employment

Test Results Entered By
Sample C/TPA (6/24/2020 10:52:37 AM)

In the pop up window, **enter the reason** the violation needs to be removed and click **Request to Remove Violation.**

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Request for Violation Removal

Enter the reason why you need this violation removed in the box below. This will send a request to FMCSA. If approved, FMCSA will remove the violation from the Clearinghouse.

Reason for violation removal:

[   ]

[Request to Remove Violation]   Cancel

FMCSA will review the request and, if approved, remove the violation from the Clearinghouse.