How to Report a Violation: Employers

Violation Reporting Requirements

Employers are required to report driver drug and alcohol program violations in the FMCSA Commercial Driver’s License Drug and Alcohol Clearinghouse. An employer may designate a consortium/third-party administrator (C/TPA) in the Clearinghouse to assist with meeting these reporting requirements; however, the employer retains ultimate responsibility for compliance. See the Reporting Violations for C/TPAs 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.

<table>
<thead>
<tr>
<th>Reporting Entity</th>
<th>Violations Reported to the Clearinghouse</th>
<th>Timeframe for Reporting</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Prospective/Current Employer of CDL Driver</strong></td>
<td>An alcohol confirmation test with a concentration of 0.04 or higher</td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>Refusal to test (alcohol) as specified in 49 CFR § 40.261</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR § 40.191</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Actual knowledge of a drug or alcohol violation, as defined in 49 CFR § 382.107</td>
<td></td>
</tr>
<tr>
<td><strong>MRO</strong></td>
<td>Verified positive, adulterated, or substituted drug test result</td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>Refusal to test (drug) requiring a determination by the MRO as specified in 49 CFR § 40.191</td>
<td></td>
</tr>
</tbody>
</table>
How to Report a Violation

The instructions below will walk through how to report a drug and alcohol program violation as an employer.

If you are a C/TPA, see the Reporting Violations for C/TPAs 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](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.
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

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.
### 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:

<table>
<thead>
<tr>
<th>Type of Violation</th>
<th>Information to Enter</th>
<th>Additional Information to Enter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol concentration of 0.04 or greater</td>
<td><img src="image1.png" alt="Image" /> Reason for the test</td>
<td>No additional information required</td>
</tr>
<tr>
<td></td>
<td><img src="image2.png" alt="Image" /> Date of test</td>
<td></td>
</tr>
<tr>
<td>Refusal to take an alcohol OR drug test</td>
<td><img src="image3.png" alt="Image" /> Reason for the test</td>
<td><img src="image4.png" alt="Image" /> Failed to cooperate with any of the testing process</td>
</tr>
<tr>
<td></td>
<td><img src="image5.png" alt="Image" /> Type of test refusal</td>
<td><img src="image6.png" alt="Image" /> Remarks/Additional Information (optional)</td>
</tr>
<tr>
<td></td>
<td><img src="image7.png" alt="Image" /> Date of test (all refusals except &quot;failed to appear for any test&quot;)</td>
<td><img src="image8.png" alt="Image" /> When the driver was notified to appear</td>
</tr>
</tbody>
</table>

Note: See "Uploading Documentation" on the next page for instructions on using the file upload feature.

If you need further assistance reporting violations, you can visit [https://clearinghouse.fmcsa.dot.gov/learn](https://clearinghouse.fmcsa.dot.gov/learn). For other Clearinghouse questions, visit [https://clearinghouse.fmcsa.dot.gov/contact](https://clearinghouse.fmcsa.dot.gov/contact).
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.

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.
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 (edit) 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.

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.
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.

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.

Locate the violation and click View Violation Details.
Click **Request to Remove Violation**

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

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