



# DRUG & ALCOHOL CLEARINGHOUSE

## State Partner Training Webinars – Questions and Answers

The following questions were covered during the MCSAP State Partners trainings in December 2022.

### User Roles

- 1. How do we get the enforcement user role for State auditors and investigators to access the Clearinghouse?**  
Download the [How to Request a Clearinghouse User Role in the Portal: Enforcement Personnel](#) job aid (PDF) for step-by-step instructions on how to get the enforcement user role.
- 2. Since roadside inspectors cannot have access to the Clearinghouse, can they request the information from investigators, if needed?**  
No. Inspectors will only need real-time information about whether a driver is prohibited or not prohibited. That information is already available to inspectors from CDLIS or Query Central. Access to the Clearinghouse provides specific information on the violation, which is not needed by inspectors.
- 3. When selecting the Clearinghouse role through the FMCSA Portal, is the “General Query” option the same as “Enforcement?”**  
No, those roles are not the same. You will need to select the “Enforcement” user role.
- 4. I only see the “General Query” option in the FMCSA Portal. Does that mean that I need to update my Portal account?**  
Yes. If you are only seeing the “General Query” option, that means that your Portal account is set up as a State Driver Licensing Agency (SDLA), not as an enforcement user. Contact the FMCSA Portal Registration Call Center at (800) 832-5660 and let them know that your Portal account is set up as an improper organization. If you are still having trouble after working with the FMCSA Portal Registration Call Center, contact the Clearinghouse Technical Support team (please do not share this email address with the public: [DACHenforcement@dot.gov](mailto:DACHenforcement@dot.gov)) and we will work with the FMCSA Portal team resolve this issue.
- 5. How long does it take for Clearinghouse access to be granted?**  
FMCSA does not grant access; once you request your role, your State’s Organization Coordinator (OC) will review the request. You can access the Clearinghouse after the OC approves the request.
- 6. Will support staff for safety auditors be able to request the “DACH – Enforcement” Portal user role if they already have an enforcement account?**  
Yes, as long as there is a business use for it.



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**7. Once my OC has approved the Clearinghouse role request, where do I access the Clearinghouse?**

1. Visit the Clearinghouse website, <https://clearinghouse.fmcsa.dot.gov>.
2. Click on the "Enforcement and SDLA Log In" link.

**Note:** Do not click on the login button, as that is meant for the public to use. The enforcement login link is the text link beneath this button. Alternatively, you can visit <https://clearinghouse.fmcsa.dot.gov/Account/PortalLogin> to be taken directly to the enforcement login page.

3. Enter your FMCSA Portal user ID and password.

## Using the Clearinghouse as an Enforcement User

**8. Is running enforcement queries on drivers using their CDL numbers okay? Or can the check be performed by the name and DOB?**

We recommend that you start the search with the CDL number. You could also search by first and last name, but starting with the CDL number is recommended in order to rule out duplicate names.

**9. What would it look like when the carrier is using a consortia/third-party administrator (C/TPA) to run their queries?**

It will look essentially the same as when a motor carrier runs its own queries. You won't know it was run by C/TPA until you open the record and look at the details for each of the queries.

**10. What should an investigator do if they discover a discrepancy or error in Clearinghouse data during an investigation?**

Contact the enforcement inbox regarding any data discrepancies at [DACHenforcement@dot.gov](mailto:DACHenforcement@dot.gov). Note that this inbox is for enforcement use only, please do not share it with the public.

**11. Can an investigator access a hard copy of the driver query consent form, or is it digital?**

This depends on the type of query:

- A full query requires electronic consent, which is recorded in the Clearinghouse system; the driver will need to register in the Clearinghouse and the consent request will be sent to the driver to accept/reject.
- The consent form for a limited query can be a hard copy; this is often the case for annual queries. The consent form for a limited query must be maintained by the carrier, and made available upon request.



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## Employer Query Requirements

### **12. Do motor carriers have to perform a full or partial (limited) query on a driver to meet the Clearinghouse requirements?**

That depends on the purpose of the query.

- If performing a pre-employment query, the motor carrier will need to conduct a full query, which requires electronic consent from the driver in the Clearinghouse.
- If the motor carrier is performing an annual query, this can be a limited query, in which case a paper consent form will suffice. If the limited query shows that a driver has a violation in their Clearinghouse record, then the motor carrier will need to complete a full query.

### **13. What is the difference between full queries and pre-employment queries?**

Previously, employers were only informed about new information in a previously-queried driver's Clearinghouse record within 30 days of a pre-employment query. As of March 8, 2023, there is no difference between how the Clearinghouse treats a full query and a pre-employment query—employers are now notified about new information in a previously-queried driver's Clearinghouse record within 12 months of any query.

The Clearinghouse will still allow employers to indicate if a full query is being conducted as part of a pre-employment screening. At this point, this would only be used to record-keeping purposes.

### **14. If an employer is just learning about the Clearinghouse and starts running queries in December 2022, but they want to perform annual queries in May 2023, can they then run queries again in May 2024 so that everything is done at the same time?**

Yes—the annual requirement is a rolling deadline, it is based on the last query performed.

Note that the annual requirement is on a driver-by-driver basis, so if an employer queries half its drivers in December 2022 and the other half in May 2023, the first half of drivers must be queried again by December 2023 while they have until May 2024 to query the second half. The Query History screen in the Clearinghouse includes information to help employers track this.

### **15. Should companies that are interstate and only run non-CDL trucks be checking the Clearinghouse to see if drivers are prohibited?**

They can, but it's not mandatory. See the [FAQ on the Clearinghouse website](#) about this topic.

### **16. It appears that some motor carriers are using non-USDOT tests to screen drivers prior to running through the USDOT Pre-Employment process. Is there a way for enforcement to look at these non-USDOT tests?**

You can look at those if they are available, but non-USDOT test results are not reported to the Clearinghouse.



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## 17. Why do owner-operators have to query themselves?

There is no regulatory relief (exception) for self-employed drivers; they must follow all the requirements for drivers as well as employers.

## Violations

## 18. Will roadside DUIs ever be reported to the Clearinghouse?

Yes. Per 49 CFR [382.107](#), if an employer has actual knowledge of a violation (including a traffic citation for DUI in a CMV), they must report the prohibition to the Clearinghouse.

## 19. If a driver is arrested and/or convicted for driving under the influence (DUI) in a commercial motor vehicle (CMV), will enforcement report that information to the Clearinghouse?

No; as an enforcement user, you are not responsible for this and therefore do not have the ability to report a violation to the Clearinghouse. An employer must report this violation to the Clearinghouse.

## New Entrant Safety Audits

## 20. When will Clearinghouse questions be added to safety audit applications (NEWS, SENTRI)?

At this point, there is no projected date for when Clearinghouse questions will be added. However, if a driver is prohibited in the Clearinghouse, you would use the information in the Clearinghouse to answer the safety audit question about whether a motor carrier is using drivers appropriately.

## Miscellaneous

## 21. Is there an issue if a motor carrier is listed as an owner-operator and has employees?

No. In fact, you will likely see motor carriers listed as owner-operators with employees. Overall, most people in the Field define owner-operators as a one-driver, one truck operation, but the Clearinghouse looks at owner-operators differently. According to the Clearinghouse, if an owner-operator drives a CMV for their own company, regardless if they have other employees or not, they are considered an owner-operator and must designate a C/TPA to perform queries.

## 22. Why is the prohibited driver violation citation 390.3(e) and not 392.15?

[49 CFR 392.15](#) is part of the Clearinghouse-II rule, which was effective November 2021, however the compliance date on which SDLAs are required to begin performing CDL downgrades is not until November 18, 2024. For now, the CVSA OOS criteria uses the generic [49 CFR 390.3\(e\)](#) as a catch-all.



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**23. We are experiencing an issue where drivers are not coming up as prohibited during a roadside inspection, but then we are getting dinged for missing a prohibited driver—is there any way to verify what the roadside inspector saw when he queried the driver?**

There have been some temporary outages during which inspectors could not access CDLIS Gateway. In this scenario, inspectors have the option to query the driver's Clearinghouse status using Query Central.

There have also been some instances in which CDLIS Gateway and Clearinghouse were not communicating with each other. In this scenario, enforcement should see an error message in CDLIS Gateway that says, "Drug and Alcohol Clearinghouse Information Not Currently Available." CDLIS Gateway does not record a history of this error message, so there is no way to verify if there was a disconnection issue at a specific time. Inspectors may choose to save or print the driver query at the time of the inspection or take a screenshot of the driver query to add to the inspection report.