

# SAFETY DIRECTOR BULLETIN

## CDL FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA) DRUG & ALCOHOL CLEARINGHOUSE

The FMCSA Drug & Alcohol Clearinghouse (Clearinghouse) is a secure online database that gives employers, the FMCSA, and State licensing agencies and law enforcement personnel real-time information about commercial driver's license (CDL) and commercial learner's permit (CLP) holders' drug and alcohol program violations. The Clearinghouse contains records of violations of drug and alcohol prohibitions, including positive drug or alcohol test results and test refusals. When a driver completes the return-to-duty process and follow-up testing plan, this information will also be recorded in the Clearinghouse.

### New Jersey Public Entities Covered

The following NJ public employers are subject to Clearinghouse requirements when employing CDL/CLP holders operating CMVs in commerce:

- Municipal and county departments of public works, road, and utilities
- County highway and bridge departments
- School districts operating school buses (CDL with S endorsement required)
- Transit authorities and county/municipal transit operations
- Authorities and commissions operating CMVs (e.g., municipal water, sewer, or public housing)

To be clear, public employers are not exempt from registering and using the Clearinghouse.

### Clearinghouse Administration

Public entities should designate a Clearinghouse Administrator at the department or agency level. For entities with multiple departments employing CDL drivers (e.g., a county with both a highway department and a utilities department), each operating unit should confirm whether a single administrator or separate administrators are appropriate. Many public entities use a third-party administrator (TPA) to manage Clearinghouse queries and report on their behalf. The contract between the TPA and entity should make clear who will be responsible for updating the Clearinghouse on failed or refused tests.

**NJ Civil Service Note:** Designation of a Clearinghouse Administrator and related drug testing program roles should be documented in the entity's written drug and alcohol testing policy, consistent with N.J.A.C. 4A (Civil Service Commission rules) and any applicable collective bargaining agreements.

Certain reports to the Clearinghouse are made by the Medical Review Officer (MRO) and the Substance Abuse Professional (SAP), such as completing the return-to-duty process.

To access the Clearinghouse, employers must request access from FMCSA by registering for the Clearinghouse.

CDL holders should also register in the Clearinghouse and supply a personal, not work, email and phone number. Registration protects their drug and alcohol records in the Clearinghouse. It also facilitates responding to requests for Full Queries. Employers may need to assist drivers with registering online with the Clearinghouse.

For employers, the Clearinghouse offers a centralized location to query driver information and report drug and alcohol program violations incurred by their current and prospective employees holding a CDL or CLP.

The employer must use the Clearinghouse to conduct two types of queries:

### Full Queries (Pre-Employment)

- A full query must be conducted as part of each pre-employment driver investigation, before the driver first performs any safety-sensitive function (e.g., operating a CMV) for the employer.
- Full queries reveal the complete details of a driver's Clearinghouse record, including specific violations and RTD status.
- Employers must obtain specific electronic consent from the driver through the Clearinghouse portal before conducting a full query.
- If a driver refuses to provide consent, the employer cannot obtain the record and must not permit the driver to perform safety-sensitive functions.

### Limited Queries (Annual)

- Employers must conduct a limited query at least once every 12 months for every driver they employ who is subject to 49 CFR Part 382.
- A limited query only indicates whether a record exists in the Clearinghouse — it does not reveal the details of any violation.
- A blanket/general consent obtained from the driver (e.g., at the time of hire) is sufficient for annual limited queries.
- If a limited query returns a result indicating that information exists, the employer must immediately request the driver's specific electronic consent and conduct a full query before allowing the driver to continue performing safety-sensitive functions.

### New Jersey School Bus Drivers — Additional State Requirements

School districts and contractors operating school buses in New Jersey must comply with federal FMCSA Clearinghouse requirements AND the following NJ-specific requirements:

- **Criminal Background Checks:** All school bus drivers must undergo criminal history background checks. Drivers are disqualified for certain controlled dangerous substance (CDS) convictions and other specified offenses. (*N.J.S.A. 18A:39-19.1*)
- **Annual Driving Record Checks:** School districts must conduct annual checks of school bus drivers' motor vehicle records for alcohol- and drug-related violations. Drivers with disqualifying violations must be removed from duty. (*N.J.A.C. 6A:27; N.J.S.A. 18A:39-19.1*)
- **School Bus Driver Certification:** All school bus drivers must hold a valid NJ school bus driver's license (CDL with S endorsement) and maintain current medical certification. (*N.J.A.C. 13:21-23.28(l); N.J.S.A. 39:3-10.1*)
- **Board of Education Authority:** Boards of education have authority to require physical examinations and drug testing of school district employees. (*N.J.S.A. 18A:16-2*)
- **Annual Certification:** Each school year, contractors must furnish certification of a valid school bus driver's license, criminal background check, and evidence of a check for alcohol and drug-related motor vehicle violations. (*N.J.A.C. 6A:27; N.J.S.A. 18A:39-19.1*)

### Recordkeeping

Employers must maintain records of all Clearinghouse queries, driver consents, and violation reports in accordance with 49 CFR Part 382 and Part 40 recordkeeping requirements.

Visit the [FMCSA Drug & Alcohol Clearinghouse](#) to begin the registration process. There are links to instructional aids for employers and CDL and CLP drivers.