

ToolBox Talks from the SWPA Safety Committee



Let's Simplify the FMCSA Clearinghouse!

<https://clearinghouse.fmcsa.dot.gov/>

Simplifying the FMCSA Clearinghouse

The 2020 roll out of the FMCSA Clearinghouse has triggered surprise and questions, particularly among smaller operations less focused on trucking. Here is a brief introduction to the basic aspects of the Clearinghouse, including its purpose, requirements, and potential impacts for small businesses.

What is the Clearinghouse?

The Clearinghouse is a secure, online database for storing records of drug and alcohol violations committed by CDL holders. Only records related to drug and alcohol violations are in this database. The records serve as a list of "Prohibited Drivers".

Why did they create the Clearinghouse?

The bottom line for creating the Clearinghouse is to bolster highway safety. By offering real-time access to violation data, employers and law enforcement can identify Prohibited CDL holders. The clearinghouse closes some loopholes that were being used by bad actors to skirt the law.

Is it Required?

All businesses employing CDL holders to drive commercial motor vehicles on public roads are **required** to register with the Clearinghouse. This obligation extends to owner-operators and applies **even if you do not have a DOT number**. It is **not** optional. You can register at

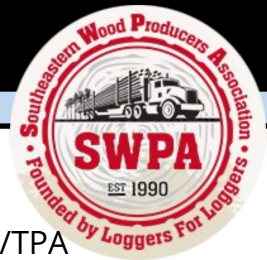
<https://clearinghouse.fmcsa.dot.gov/>.

What are Queries?

In Clearinghouse terms, a query means submitting a driver's or driver applicant's name to the database to investigate their drug or alcohol violation history. Each query comes with a \$1.25 fee, prepaid through query bundles. These bundles function as access tokens for violation information.

There are two types of queries: Limited and Full. Limited queries will tell you if there is a violation. But a Full query is required to see any violation details. Driver consent is required for both types of queries: full queries need "electronic consent" through the driver's own online account (this requires driver's have an email address).

Simplify FMCSA Clearinghouse...continued



What is a C/TPA?

The C/TPA acronym stands for "Consortium/Third Party Administrator". A C/TPA oversees a random drug and alcohol pool and can help employers with Clearinghouse obligations. Designating a C/TPA is a big help. Owner-Operators are required to choose a C/TPA. This rule increases their accountability.

Are there any Penalties?

Yes. Civil penalties are included in the regulation. The maximum penalties are set at anywhere from \$3,230 for drivers to more than \$32,000 for employers. That is per violation.

The other penalty is being put "Out of Service" for a Clearinghouse violation, until you get it corrected. That may be a bigger deal to some.

What's next?

Effective November 18, 2024, all state driver licensing agencies must query the Clearinghouse before issuing, renewing, or upgrading a CDL. Further, the agencies will be tasked with suspending or downgrading a CDL if the driver is in a prohibitive status.

The FMCSA Clearinghouse is your latest burden. Get some help if you need it but do stay on top of it. It could mean money out of your pocket or worse, it could mean trucks sitting still. In the end it will help to create safer roads and a better reputation for the forest products industry.



Sponsored by:
SWPA SAFETY COMMITTEE & SAFETY ON SITE, INC.

Toolbox Talks are provided as a courtesy to SWPA members. Please remember they are to assist you in developing a safety plan. Keep in mind OSHA, Department of Labor and Insurance requirements may change over time and it is your responsibility to make sure your safety plan is up to date. Reference: FMCSA—Darlene McDonald, Owner. Safety On Site, Inc.



