

DRUG & ALCOHOL CLEARINGHOUSE

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QUERIES AND CONSENT REQUESTS

Beginning January 6, 2020, employers, or their designated consortium/third-party administrator (C/TPA), will be required to conduct queries to check if current and prospective employees are prohibited from performing safety-sensitive functions, such as operating commercial motor vehicles (CMVs), due to an unresolved drug and alcohol program violation.

THERE ARE TWO TYPES OF QUERIES:



All queries require driver consent; the type of consent depends on the query type.

Query Type	Reason for Query	Consent Requirements	Consent Responses and Required Actions	Query Results and Required Actions
LIMITED QUERY 	Annual check on currently-employed driver OR Ad hoc/periodic check on driver	Outside the Clearinghouse May be electronic or wet signature Limited consent form must specify time range	Consent refused <ul style="list-style-type: none"> Query cannot be conducted Driver removed from safety-sensitive functions Consent provided <ul style="list-style-type: none"> Retain via paper or electronically in driver's qualification file Request limited query in the Clearinghouse 	No records found in the Clearinghouse for queried driver <ul style="list-style-type: none"> No action required Records found in the Clearinghouse for queried driver; full query needed <ul style="list-style-type: none"> Full query must be conducted for violation and/or return-to-duty (RTD) details to be released If full query is not conducted within 24 hours, driver is removed from safety-sensitive functions, including operating a CMV
FULL QUERY 	Pre-employment check on prospective driver OR Limited query returned records found for queried driver OR Ad hoc/periodic check on driver	Electronically within the Clearinghouse, for each full query for individual driver	Consent refused <ul style="list-style-type: none"> Employer notified of refused consent Query cannot be conducted Driver cannot perform/ removed from safety-sensitive functions Consent provided <ul style="list-style-type: none"> Query conducted Full violation and/or RTD details released, if any 	Prohibited <ul style="list-style-type: none"> If driver has a violation and no negative RTD test result, driver is removed from safety-sensitive functions Not Prohibited <ul style="list-style-type: none"> If a driver has no violations, or a violation and a negative RTD test result, no action required



Responding To Consent Requests

What is a consent request?

A consent request is how an employer asks for a CDL driver's permission to view his or her information in the Drug and Alcohol Clearinghouse. This would include access to information regarding any drug and alcohol program violations in your record.



Per 49 CFR 382.703(a), an employer may not query the Drug and Alcohol Clearinghouse to determine whether a record exists for any particular driver without first obtaining that driver's written or electronic consent.

How do employers request consent?

How an employer requests your consent depends on the type of query the employer is conducting.

- **For a limited query**, general consent is provided outside the Clearinghouse. This consent covers a period of time and the frequency of the limited query, which is specified in the employer's request form. You can view [a sample limited consent request form here](#).
- **For a full query**, specific consent is provided electronically in the Clearinghouse. This includes all pre-employment queries. See page 2 for details on this process.

For more information on the difference between limited and full queries, see the [Factsheet on the difference between limited and full queries](#).

How will I receive a consent request?

CDL drivers will receive notification from FMCSA about employer requests for consent to full queries.

If you are registered for the Clearinghouse, the consent request notification will be sent via the method you selected as your preferred contact method, either email or U.S. Mail.

If you have not yet registered for the Clearinghouse, the consent request notification will be sent as a letter via U.S. Mail to the address of record associated with your commercial driver's license (CDL).

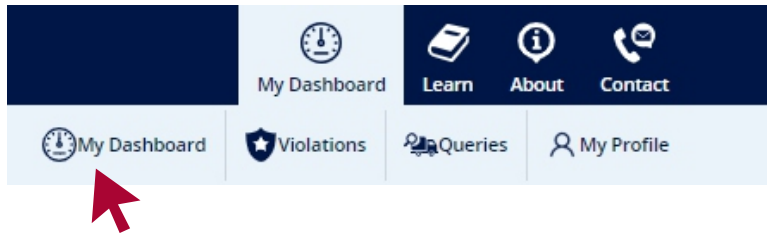
Note: Consent requests are time-sensitive. If you have selected U.S. Mail, or if you have not yet registered in the Clearinghouse, this may result in delays in receiving these notifications, which may impact your eligibility to perform safety-sensitive functions, including operating a commercial motor vehicle (CMV).



How do I respond to a consent request?

If an employer has requested your specific, electronic consent in the Clearinghouse, follow the instructions below.

- 1 Visit <https://clearinghouse.fmcsa.dot.gov/> and log in to the Clearinghouse. If you have not yet registered for the Clearinghouse, click **Register** to [create your Clearinghouse account](#).
- 2 Upon logging in, you will see your Driver Dashboard. (If you don't see it, click **My Dashboard**.)



- 3 Locate the box labeled **Query Consent Requests**. From this screen, you can either click **I consent** to provide your consent, or click **I do not consent** to refuse your consent.

The screenshot shows the Driver Dashboard with a navigation bar at the top containing 'My Dashboard', 'Learn', 'About', and 'Contact'. The main content area features a 'WELCOME JOHN' message and a 'No drug and alcohol violations' notification. Below this, there are two sections: 'QUERY CONSENT REQUESTS' and 'VIOLATION SUMMARY'. The 'QUERY CONSENT REQUESTS' section is highlighted with a red border and shows a request from 'MC of Boston' with 'I CONSENT' and 'I DO NOT CONSENT' buttons. The 'VIOLATION SUMMARY' section shows '0 Violations' and '0 Open Violations' and '0 Resolved Violations'.

Note: For pre-employment queries, such as in the example at left, employers will be notified if there is an update to your driver record within 30 days of the original query. The employer would need to send you a new consent request to view this updated information.



4 Depending on your selection, you will be prompted to either confirm your consent, or confirm that you are refusing your consent. Be sure to read this information carefully, as your selection may impact your eligibility to operate a commercial motor vehicle for the employer requesting your consent.

✔
I CONSENT

Confirm your consent for your employer to receive specific drug and alcohol violation information about you.

In accordance with 49 C.F.R. § 382.701(b), MC of Boston has requested access to any drug or alcohol violation information that exists about you in the Federal Motor Carrier Safety Administration (FMCSA) Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse). Your specific consent is required by 49 C.F.R. §§ 382.703(b), 40.321, and 10.35(a), in order for FMCSA to disclose to MC of Boston drug or alcohol violation information, as required by Federal regulations. Learn more

By confirming your specific consent below, you are authorizing FMCSA to disclose to MC of Boston any drug or violation information about you that exists in the Clearinghouse, as of 12/26/2019.

In accordance with 49 C.F.R. § 382.703(e), your consent below further authorizes FMCSA to notify MC of Boston if any additional drug or alcohol violation information about you is reported to the Clearinghouse within 30 days after MC of Boston's pre-employment query. MC of Boston must first obtain specific consent from you before FMCSA can disclose the additional violation information.

View your driver record

Do you recognize this employer?

If you receive a consent request from an employer for which you are not currently employed, or for which you are not currently applying for a position, you can report this to FMCSA using the National

Do you consent to FMCSA releasing this information to MC of Boston?

YES
Disclose any information that exists about me in the Clearinghouse

NO
Do not disclose any information that exists about me in the Clearinghouse

✘
I DO NOT CONSENT

You are refusing to provide your specific consent.

Failure to provide the specific consent requested by MC of Boston means that FMCSA will not disclose to MC of Boston any drug or alcohol violation information about you that exists in the Clearinghouse.

As a result of your refusal to provide specific consent, MC of Boston is prohibited from allowing you to perform safety-sensitive functions, such as driving a commercial motor vehicle, in accordance with 49 C.F.R. § 382.703(c).



Do you consent to FMCSA releasing this information to MC of Boston?

YES
Disclose any information that exists about me in the Clearinghouse

NO
Do not disclose any information that exists about me in the Clearinghouse

What will happen if I provide or refuse my consent for a full query?

Consult this table and find the information related to your situation.

	 If you have no drug and alcohol program violation(s) in your Clearinghouse record	 If you have drug and alcohol program violation(s) in your Clearinghouse record
<div style="background-color: #4CAF50; color: white; padding: 10px; border-radius: 5px; display: inline-block;"> ✔ I CONSENT </div>	<p>The employer will be informed that you are not prohibited from performing safety-sensitive functions such as operating a CMV.</p>	<p>Your violation information, including return-to-duty status, will be disclosed to the employer. You will receive a confirmation of this disclosure.</p>
<div style="background-color: #f44336; color: white; padding: 10px; border-radius: 5px; display: inline-block;"> ✘ I DO NOT CONSENT </div>	<p>FMCSA will not disclose any information to the employer. As a result of your refusal to provide specific consent, the employer will be informed that you are prohibited from performing safety-sensitive functions, such as operating a CMV.</p>	