

Trucking Risk Advisor

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Proposed Delay to Drug & Alcohol Clearinghouse Won't Affect Motor Carriers

The Federal Motor Carrier Safety Administration (FMCSA) is asking for input regarding a possible delay for state licensing agencies (SLAs) and the Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse).

The [proposed rule](#) would delay when SLAs would be required to begin requesting information from the Clearinghouse by 3 years. The current start date, along with other parts of the [2016 Clearinghouse final rule](#), is Jan. 6, 2020. The proposal would affect only SLAs and would push that date back to Jan. 6, 2023.

Why the Wait?

The proposed delay is intended to address concerns regarding the 2016 Clearinghouse final rule, which did not include details about how SLAs should use information that they obtain from the Clearinghouse.

The FMCSA says that pushing the deadline back to 2023 would provide more time for figuring out SLAs'

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access to, and use of, driver-specific information from the database.

If approved, states would not be required to perform checks on drivers who are licensed or seeking to be licensed until Jan. 6, 2023. However, beginning on the original Jan. 6, 2020 date, states would be free to request information from the Clearinghouse at their own discretion.

The FMCSA also has future plans for another notice of proposed rulemaking that would address concerns raised by the American Association of Motor Vehicle Administrators about possible operational issues related to states' roles in the Clearinghouse.

Unchanged for Others

While the proposal would push requirements back for SLAs, the Jan. 6, 2020 compliance deadline would remain in effect for CDL holders, motor carriers and employers.

The 2016 Clearinghouse final rule created a national clearinghouse for drug and alcohol testing. In addition, it sets requirements for license holders in regard to reporting violations of drug and alcohol testing regulations. Motor carriers and employers are also required to perform checks with the Clearinghouse during the hiring process of any prospective employees and must also check the database for existing employees' statuses at least once per year.

The FMCSA says that the new Clearinghouse rule will help make roads safer, and the agency estimates that it will eliminate approximately 900 crashes per year.

Input and opinions on the proposed delay for SLAs will be considered by the FMCSA before the agency releases a final rule. Comments regarding the proposal must be turned in by Oct. 7, 2019, and can be submitted [online](#).