

## Pre-employment Investigations for Drug and Alcohol Program Violations

As of January 6, 2023, a pre-employment Clearinghouse query satisfies the requirement to investigate a prospective driver's previous drug and alcohol program violations, as set forth in 49 CFR 391.23(e)(4) and 382.413(b).

Employers of CDL drivers are required to conduct background investigations before hiring a driver. This process includes determining if the driver has violated the drug and alcohol regulations of any Department of Transportation (DOT) mode within the past three years (see 49 CFR [391.23\(e\)\(1\)-\(3\)](#) and [382.413\(a\)](#)).

As of today, January 6, 2023, three years of violation data is now stored in the Drug and Alcohol Clearinghouse. This means that prospective employers must conduct a pre-employment query of the Clearinghouse, as set forth in § [382.701\(a\)](#), to comply with the inquiry requirement in §§ 382.413(b) and 391.23(e)(4), as it pertains to FMCSA-regulated employers. Inquiries not conducted under § 382.701(a) will not satisfy these inquiry requirements.

**NOTE:** The Clearinghouse contains only information about drivers employed by FMCSA-regulated employers. If a prospective employee was employed by an employer regulated by a DOT agency other than FMCSA (such as the Federal Railroad Administration, Federal Transit Administration, Federal Aviation Administration, etc.) during the three-year time frame, prospective employers will still be required to directly request drug and alcohol violation information from those DOT-regulated employers in accordance with 391.23(e)(4)(ii) and 382.413(c), since this information is not reported to the Clearinghouse.

### Annual query requirements have not changed.

Employers of CDL drivers must conduct a query in the Clearinghouse at least once a year for each CDL driver they employ (see § [382.701\(b\)](#)). This annual query requirement applies on a rolling 12-month basis, which means that if you conducted your last annual queries in December 2021, it is time to conduct the next round of annual queries.

Employers must obtain general consent from CDL drivers they employ before conducting limited queries in the Clearinghouse to view these drivers' information (you can download a [sample limited query consent form](#)).