**(FMCSA-D&A-CLEAR-382.711-FAQ004)**

**Description**

**§382.711 – Clearinghouse Registration**

**Q&A**

Commercial driver staffing agencies may employ CMV drivers who hold CDLs and are subject to FMCSA’s drug and alcohol testing requirements in part 382. The staffing agency supplies these drivers to motor carriers, generally on a short-term basis, to operate CMVs requiring a CDL. Are driver staffing agencies required to register in the Clearinghouse?

**Guidance:**

Whether, and how, a driver staffing agency would register in the Clearinghouse depends on whether the agency functions as an employer, a consortium/third-party administrator (C/TPA), or as both, depending on the services rendered.

The staffing agency should register in the Clearinghouse as an employer if: (1) the staffing agency maintains its own DOT drug and alcohol testing program; and (2) is responsible for ensuring compliance with FMCSA’s drug and alcohol testing requirements for the drivers it employs who are subject to those requirements.

The staffing agency may register in the Clearinghouse as a C/TPA if the motor carrier is responsible for drug and alcohol program compliance, including fulfilling the employer’s querying and reporting requirements, but designates the staffing agency to perform these functions on the carrier’s behalf, as permitted by § 382.711(b).

If the staffing agency will perform both functions, it should create two separate Clearinghouse accounts; one as an employer and one as a C/TPA, using a different email address for each account.