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**Part 382 – Controlled Substances and Alcohol Use and Testing**

**Clearinghouse FAQ**

**Question:** Is a motor carrier that is subject to Part 382 allowed to query the Drug and Alcohol Clearinghouse (Clearinghouse) for drivers who hold a commercial driver’s license (CDL) but who are operating only non-CDL-required commercial motor vehicles (CMVs) in interstate commerce?

**Guidance:**Yes. Employers who employ CDL holders to operate non-CDL vehicles (i.e., a commercial motor vehicle as defined in 49 CFR 390.5) may, *but are not required to*, conduct a pre-employment query in accordance with § 382.701(a) or an annual query in accordance with § 382.701(b). Doing so will allow the employer to determine whether the CDL holder had drug and alcohol program violations reported to the Clearinghouse when the driver was operating a commercial motor vehicle, as defined in § 382.107, while subject to the CDL requirements in 49 CFR part 383.

Employers who query the Clearinghouse for CDL holders operating non-CDL vehicles must comply with the applicable employee consent requirements set forth in § 382.703. If a query of the Clearinghouse reveals the CDL holder is prohibited from operating either a CMV or non-CDL CMV under § 382.501(c), the employer must not permit the driver to operate either type of CMV until completing the return-to-duty requirements set forth in 49 CFR part 40, subpart O, as required by § 382.503(a).

**FMCSA Drug and Alcohol Clearinghouse**, 1-844-955-0207

**Regulatory Topic:** Clearinghouse FAQ

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