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

**Clearinghouse FAQ**

**Question:** Is an employer required to conduct a pre-employment query of the Clearinghouse for a driver-applicant subject to [49 CFR Part 382](https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-382?toc=1) before administering a road test in accordance with [49 CFR 391.31](https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-391/subpart-D/section-391.31)?

**Guidance:**No. An employer is not required to conduct a pre-employment query of the Clearinghouse before administering a road test to a prospective driver subject to [Part 382](https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-382?toc=1). Under [49 CFR 382.701(a)](https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-382/subpart-G/section-382.701), employers are required to query the Clearinghouse when hiring a driver to perform safety sensitive functions. The road test occurs before the driver is hired; therefore, employers may conduct a pre-employment query at the time they road test a prospective driver but are not required to do so.

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

**Regulatory Topic:** Clearinghouse FAQ

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