

Motor Carrier Employers May Conduct Safety Performance History Investigations in FMCSA Clearinghouse as of January 6, 2023

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Beginning January 6, 2023, motor carrier employers subject to the regulations of the Federal Motor Carrier Safety Administration (FMCSA) may conduct part of the safety performance history investigation that is required for all driver-applicants in the FMCSA Clearinghouse. Specifically, employers are required by 49 CFR § 391.23(e)(1) – (3) to obtain information about a driver-applicant's drug and alcohol violations that occurred in the last three years. Previously, employers were required to contact directly all U.S. Department of Transportation (DOT)-regulated employers that employed the driver-applicant in the past three years to gather that information. Now that the FMCSA Clearinghouse has been in existence for three years as of January 6, 2023, employers may satisfy this requirement (as to prior FMCSA-regulated employers) by conducting searches in the FMCSA Clearinghouse on and after that date.

Employers should take note of the following important issues, however:

- the Clearinghouse contains only information reported by FMCSA-regulated employers. So if an applicant previously worked for an employer that is regulated by another DOT agency, such as the Federal Railroad Administration, Federal Transit Administration, Federal Aviation Administration, etc., the employer still will need to contact each of those employers directly to obtain the required information.
- In addition, employers should be aware that they still will need to contact directly an applicant's previous FMCSA-regulated employers for the past three years to obtain the accident history information required by [49 CFR § 391.23\(d\)](#).

Motor carrier [employers](#) also are reminded to conduct the annual queries in the FMCSA Clearinghouse for each CDL driver they employ. Employers can log in to the Clearinghouse to see whether their annual queries are due.

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