



DRUG & ALCOHOL CLEARINGHOUSE

Second Drug and Alcohol Clearinghouse Final Rule (Clearinghouse II) – Field Questions and Answers

November 2024

State Requirements

1. Which licensing transactions are covered by the Clearinghouse II regulations?

As of November 18, 2024, SDLAs must query the Clearinghouse prior to the following transactions: issuing (including duplicates), renewing, transferring, or upgrading a commercial driver's license (CDL); or issuing, renewing, or upgrading a commercial learner's permit (CLP).

2. Are State Driver Licensing Agencies (SDLAs) notified when a driver's Clearinghouse status changes to "prohibited" outside of these licensing transactions?

Yes. The Clearinghouse will notify the SDLA when drivers licensed in their State become "prohibited" in the Clearinghouse. Upon notification from the Clearinghouse to the States, the State will have 60 days to complete the downgrade process per § [383.73\(q\)](#).

The SDLA is also notified when a driver is no longer prohibited, and when a violation has been removed due to an administrative error or in accordance with the Privacy Act.

3. Will notifications to the SDLAs regarding a change in a driver's Clearinghouse status be sent in real time?

The information will be available in real time. When the SDLA is notified depends on their connection method. For example, if an SDLA chooses to do a batch query every night at midnight, they will be notified of a driver's status change during their next scheduled data pull. If the SDLA chose a "push" option, they will be sent a notification from the Clearinghouse as soon as the change in the driver's status is recorded.

4. When the SDLA is notified by the Clearinghouse regarding a driver's "prohibited" status, will the Divisions also be notified at the same time?

No. When the States are notified of the change in the driver's Clearinghouse status, it will be a system-to-system process between the Clearinghouse and the State system. There will not be a separate notification to the Division.

5. Since the compliance date is November 18, 2024, does that mean FMCSA will begin notifying SDLAs of all drivers with a "prohibited" status beginning November 18, 2024? Or will the SDLAs begin seeing these notifications prior to the compliance date since the rule became effective on November 8, 2021?

SDLAs had the option to request notifications in advance of the November 18, 2024 compliance date. FMCSA turned on the notification system in May 22, 2022, and initial technical specifications were published in June 2022. Notifications received before the



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compliance date were not subject to the requirement to complete the CDL downgrade within 60 days.

6. Will the Clearinghouse send SDLAs a push notification about the drivers that are in a “prohibited” status on November 18, 2024?

No. All SDLAs will need to pull the list of drivers in a “prohibited” status on the compliance date. SDLAs with Full Access in the Clearinghouse web interface can do this manually by logging in to the Clearinghouse and downloading the Prohibited Driver Report.

7. If the SDLA is now required to run queries and downgrade CDLs of drivers with a “prohibited” Clearinghouse status, will a carrier still be required to run annual queries in the Clearinghouse?

Yes. The SDLAs’ query and downgrade requirements do not change the employer’s annual query requirement.

8. If a driver is downgraded due to a 382 prohibition, do the regulations require that the MVR show a reason?

The Clearinghouse statute specifically leaves it up to the States to decide what specific information will be included on the MVR. The State is required to “downgrade” the CLP or CDL privilege from the driver’s license, as set forth in paragraph (4) the definition of *CDL downgrade* in § [383.5](#).

9. Will FMCSA Divisions have access to reports to monitor SDLA responsiveness to notifications to remove driver CDL privileges due to a “prohibited” Clearinghouse status?

If the SDLA you monitor uses the CDLIS connection as its technical solution for Clearinghouse II compliance, your Division Office can use CDLIS reports developed by the American Association of Motor Vehicle Administrators (AAMVA) to help SDLAs monitor their responsiveness to Clearinghouse notifications. These CDLIS reports will be included in the weekly CDLIS Reports Package that all SDLAs and Division Offices receive.

If the SDLA you monitor uses methods other than the CDLIS connection, including the manual method and/or the direct connect method, your Division Office does not currently have Clearinghouse II compliance monitoring reports. The Clearinghouse project team is actively discussing ways to provide Division Offices with reports, such as a list of prohibited drivers that can be compared to the CDLIS driver records.

10. Will the Clearinghouse II programming be a CDL funding priority in future Notice of Funding Opportunities (NOFO)?

Yes, the programming required to support the Clearinghouse II State requirements will continue to be a funding priority in future NOFOs.



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Driving Under the Influence (DUI) in a Commercial Motor Vehicle (CMV)

1. **What are the impacts upon a driver's Clearinghouse record if the driver has a violation due to a citation for driving under the influence, and the driver obtains evidence of non-conviction?**

Information regarding whether a driver must complete the return-to-duty process if they were issued a traffic citation for DUI in a CMV can be found via the Notice of Enforcement Policy, available at the following link:

<https://www.fmcsa.dot.gov/regulations/drug-alcohol-testing/faqs-notice-enforcement-policy-issued-march-8-2023-re-drug-alcohol>

Violations, LODs, and NODOPs

1. **If a CDL driver is downgraded due to their "prohibited" Clearinghouse status and is caught driving while prohibited/downgraded, will the roadside officer cite both the 392.15 and 383.23 violations?**

The roadside officer should cite 392.15 only.

2. **What actions can investigators and safety auditors take if they discover that an employer is not aware that a CDL driver they employ has a "prohibited" Clearinghouse status?**

Investigators conducting compliance reviews or safety audits may issue a Notification of Driver CMV Operating Prohibition (NODOP) for employers unaware of a driver's prohibited status.

Note that employers should be aware if they are meeting their annual query requirement due to the Clearinghouse notifications that have gone out since March 8, 2023, if a driver they have queried has new information recorded in their Clearinghouse record within 12 months of a completed query (pre-employment or annual).

International Impacts

1. **Will Mexican and Canadian drivers with a "prohibited" Clearinghouse status be downgraded by their licensing jurisdictions?**

All inspectors should be checking CDLIS Gateway or Query Central for a driver's Clearinghouse status during every inspection.

FMCSA's Drug and Alcohol Use and Testing Program requirements apply to drivers who are licensed in Canada and Mexico and operate CMVs in commerce in the United States, and to their employers (49 CFR [382.103\(a\)](#)). Accordingly, foreign-licensed drivers and their employers are subject to the CMV driving prohibitions set forth in §§ [382.501\(a\)](#) and [\(b\)](#). Canadian and Mexican licensing authorities are not authorized users of the Clearinghouse, however, as MAP-21 granted direct access only to the SDLAs in the 50 States and the District of Columbia.



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Clearinghouse Functionality

1. What information and reports do enforcement users have access to in the Clearinghouse?

FMCSA enforcement personnel, and MCSAP partners who conduct safety audits and investigations, can log in to the Clearinghouse to access the following reports and features:

- **Search for a driver** to view their Driver Record, including all violation information.
- **Search for an employer** to view the queries they have conducted (broken down by pre-employment and annual), violations they have reported, and C/TPAs they have designed. You can also download their compliance report and query history.
- Run a **Driver Status Change Report**, which includes all drivers, by State, that have had a Clearinghouse status change within a specific time frame.
- Run a **Prohibited Drivers Report**, which includes all drivers, by State, that are currently listed as “prohibited” in the Clearinghouse.

Below is a screenshot of the Enforcement Dashboard:

The screenshot displays the Enforcement Dashboard interface. It features two main search sections at the top and two report sections at the bottom.

Search for a Driver: Includes dropdowns for Country of Issuance (optional) and State of Issuance (optional), a text input for Driver Name or CDL, and a Search button.

Search for an Employer: Includes a text input for USDOT#, a text input for Company Name, dropdowns for Country (optional) and State (optional), and a Search button.

Run Reports: Contains two report sections:

- Driver Status Change Report:** Includes Date Range (From and To), State of Issuance, and a Search button.
- Prohibited Driver Report:** Includes State of Issuance and a Search button.



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2. Is there a way to see if a driver was notified of the violation in Clearinghouse? Are notifications made by email or phone?

Enforcement users can download a copy of the Clearinghouse notifications sent to drivers by logging in to the Clearinghouse, running a search for the driver, and viewing the Driver Record.

Notifications are not made by phone. The driver will receive an email notification if the individual is registered in the Clearinghouse and has requested email notifications; otherwise, the notification is sent via U.S. mail.

3. Would it be possible to have testing information available in the Clearinghouse for SIs? This would prevent us from having to contact multiple carriers and multiple testing facilities to track down test results.

Copies of Custody and Control Forms (CCFs) and test result reports are not uploaded to the Clearinghouse, as this is not required by the regulations. If SIs require information that is not included in the violation summary, you will need to contact the employers, medical review officers (MROs), and collection facilities, as applicable.

4. When a driver tests positive after starting or completing the return-to-duty (RTD) process, an investigator cannot see the non-completed RTD or follow-up information. Can this information be available for investigators?

Please reach out to the Clearinghouse Team at DACHenforcement@dot.gov if additional information is needed on a particular driver.

5. Can the Clearinghouse monthly summary reports be broken down by State?

Currently, the monthly report breaks out the number of violations reported and the number of uniquely registered employers by State.

6. Can a function be added to the Clearinghouse for investigators to see which carriers have conducted a query on a specific driver?

We are working with the A&I Team to add more information from the Clearinghouse into the Driver Information Resource (DIR) on A&I. This update will include the ability to view which employers have conducted queries on an individual driver. This update is expected to go live in late 2024/early 2025.

7. Can the list of queries be alphabetized?

The list of queries an employer has conducted in the Clearinghouse screen display cannot be alphabetized, however you may download the Query History report, which is an Excel sheet that can be sorted and filtered as needed.

8. Will there be a possibility in the future for SIs to enter information to the Clearinghouse?

There are no plans to have SIs enter information into the Clearinghouse. The Clearinghouse is designed to record the information specified in the Clearinghouse regulations, which is



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submitted by employers, designated C/TPAs, MROs, and Substance Abuse Professionals (SAPs).

9. **Can Divisions extract historical Clearinghouse violation statistics by State or time frame (State X for 2021, etc.)? It is really good information to use with CMV safety stakeholders at the State and local level.**

This information is not available as a Clearinghouse report; however, Division personnel may submit a [DART request](#).

10. **What should we do if the record for a “prohibited” driver is missing information, such as RTD information or a violation, or if a violation was incorrectly reported in the Clearinghouse?**

Please send the information to the internal email address DACHenforcement@dot.gov so we can research the issue.

11. **I recently received a call from a person who did not have a CDL or CLP and was listed as a prohibited driver. Is this a mistake and if so, how does this person get removed from the Clearinghouse?**

The driver should submit a petition via DataQs so that the violation can be reviewed and removed if entered in error. SDLAs have been informed that they are not required to take any action if they receive a notification about a non-CDL driver in a “prohibited” status.

Miscellaneous

1. **How should student drivers who are not employees of a carrier use the Clearinghouse?**

Student drivers not affiliated to a motor carrier should register in the Clearinghouse as a student driver. They are responsible for conducting a pre-employment query as well as meeting all other drug and alcohol program requirements for both employers and drivers. For more information, please go to

<https://clearinghouse.fmcsa.dot.gov/Resource/Index/User-Roles-Student-Driver-Training-Provider>.

2. **Should the clearinghouse@dot.gov email be used to report issues discovered during safety audits/reviews? Or should we be using a different internal email for FMCSA staff to report?**

For internal questions: DACHenforcement@dot.gov

Direct external questions to: <https://clearinghouse.fmcsa.dot.gov/Contact>

3. **Can a driver complete a return-to-duty (RTD) test and have a negative RTD test result reported to the Clearinghouse if the driver does not have an employer?**

Yes. Under 49 CFR [382.705\(b\)\(1\)\(ii\)](#), employers that are subject to FMCSA’s drug and alcohol regulations in 49 CFR part 382 are required to report drivers’ negative RTD test



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results to the Clearinghouse. However, if a driver does not have a current or prospective employer subject to part 382 to send the driver for an RTD test and upload the negative result, the driver may register in the Clearinghouse as an owner-operator and designate a consortium/third-party administrator (C/TPA) for the limited purpose of completing the RTD process. Once designated, the C/TPA can direct the driver to submit to an RTD test and report the negative RTD test result to the Clearinghouse on the driver's behalf. When the C/TPA reports the negative RTD test result, the driver's Clearinghouse status will change from "prohibited" to "not prohibited," thereby allowing the driver to resume driving a CMV and performing other safety-sensitive functions. Note: the driver's follow-up testing plan prescribed by the substance abuse professional must be administered by the driver's employer when the driver resumes working in a DOT safety-sensitive position.

Drivers using this option will need to create a new account in the Clearinghouse with the "Employer" role (note: this will require creating a new Login.gov account). When registering, select "Register as an Employer and Driver" and be sure to select "Yes" for the question "Are you an owner-operator?" Download [step-by-step instructions](#). **Drivers should not apply for a U.S. DOT Number when using this option to complete the RTD process.**