



# DRUG & ALCOHOL CLEARINGHOUSE

## SDLA Webinars – Questions and Answers

The following questions were submitted by SDLAs to FMCSA during the Clearinghouse-II Check-In Webinars.

### State Requirements and Obtaining Legislative Authority

**1. Does the Clearinghouse-II final rule apply to restricted CDLs?**

Yes. The SDLAs' query and downgrade requirements apply to restricted CDLs.

**2. Do SDLAs have the option to disqualify drivers with a “prohibited” status, rather than downgrade their CDL?**

Yes. The Clearinghouse-II final rule requires that SLDAs “remove the commercial driving privilege for individuals who are in a ‘prohibited’ Clearinghouse status.” The downgrade is the minimum licensing action States must take to remove the commercial privilege from the driver's license. It is up to the State's discretion to remove these commercial driving privileges by other more stringent means, such as suspension or revocation. “CDL downgrade” is defined in [49 CFR 383.5](#).

**3. Why would SDLAs be notified of a non-commercial driver who has violations recorded in the Clearinghouse?**

A CLP or CDL holder may have incurred part 382 violations prior to losing their commercial driving privileges in the past or in another State, and then failed to complete the return-to-duty (RTD) process. The Clearinghouse-II final rule requires that SLDAs verify that an applicant has a “not prohibited” Clearinghouse status before issuing a CLP or CDL.

**4. Is information available to help States draft legislative language?**

FMCSA has created a factsheet to assist States in obtaining legislative authority; refer to the [Clearinghouse-II State Requirements factsheet](#).



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**5. Will SDLAs be required to remove the commercial driving privilege, within 60 days, for all drivers in a prohibited status on November 18, 2024?**

Yes. As established in 49 C.F.R. 383.73(q), upon receiving notification from FMCSA of a driver's "prohibited" Clearinghouse status, States will have 60 days to complete and record the CDL downgrade. The initial driver data "pull" on November 18, 2024, will serve as a notification. This includes drivers who incurred drug and alcohol program violations prior to November 18, 2024, and are still in a "prohibited" status on the compliance date.

**6. Can an SDLA start querying the Clearinghouse and initiating downgrades before the compliance date?**

Yes, as long as they have the legislative authority to do so.

Note: SDLAs who are still working to obtain legislative authority can refer to the Clearinghouse-II State Requirements factsheet (available on the [SDLA Resources page](#)).

**7. Will the Clearinghouse send SDLAs a push notification about the drivers that are in a "prohibited" status on November 18, 2024?**

No. 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 Drivers Report.

Note that on or after the compliance date, the Clearinghouse will move all the past status values for drivers to 12 a.m. UTC on November 18, 2024. This means that a conducting a retroactive check through the REST service will show these status changes.

If your SDLA will connect via CDLIS, you can reach out to AAMVA for additional information on this matter. However, FMCSA strongly recommends that *all* SDLAs request access to the Clearinghouse web interface; instructions are available under "Accessing the Clearinghouse" on the [SDLA Resources page](#).

**8. How can an SDLA plan ahead? Is there a way to know how many drivers will be in a "prohibited" status on November 18, 2024?**

Yes. SDLAs with Full Access in the Clearinghouse web interface can download the Prohibited Drivers Report, which lists all the drivers currently in a "prohibited" Clearinghouse status.

Pulling this list regularly over the next few months can help SDLAs estimate how many drivers they will need to downgrade on the compliance date.



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**9. If an SDLA begins removing the commercial driving privilege for prohibited drivers ahead of the compliance date, how will the SDLA be notified if the driver's status changes to "not prohibited"?**

If the SDLA has established their connection to the Clearinghouse, they will receive notifications from the Clearinghouse based on their State's implementation (e.g., REST Service, machine-read emails).

If an SDLA begins removing the commercial driving privilege before they have established connectivity within the Clearinghouse, the SDLA will need to regularly use the manual pull notification—downloading the Driver Status Change Report from the Clearinghouse web interface—to ensure they reinstate the commercial driving privilege for drivers whose status change to "not prohibited" after completing their RTD process (or due to erroneous entry).

**10. If an SDLA pulls a Prohibited Drivers Report or Driver Status Change Report before the compliance date, does the 60-day requirement apply?**

No. FMCSA does not plan to enforce this 60-day requirement before the November 18, 2024, compliance date. Starting November 18, 2024, this requirement will apply and SDLAs will have 60 days to complete the required downgrades for any drivers not already downgraded. This applies to all drivers reported as being prohibited on November 18, 2024, including those who appeared on reports pulled pre-compliance date.

**11. If a driver visits the SDLA to renew their CDL the day before it expires and the Clearinghouse query shows that the driver is in a "prohibited" status, what steps should the SDLA take?**

The Clearinghouse regulations apply regardless of the CDL expiration date. In this case, two actions must take place:

1. The SDLA cannot proceed with the licensing transaction due to the "prohibited" query result and must deny the CDL renewal, per § 383.73(d)(9); and
2. The SDLA must initiate downgrade procedures (if not already started) for the current (expiring) CDL; this downgrade must be completed within 60 days, per § 383.73(q).

Commercial licensing transactions covered by the Clearinghouse-II final rule include issuing (including duplicates), renewing, transferring, or upgrading a CDL; and issuing (including duplicates), renewing, or upgrading a CLP.

### Establishing Connectivity

**12. When will the representational state transfer (REST) services be available to be used in production?**

They are available now; however, a State must have a signed Interconnection Security Agreement (ISA) with FMCSA to build an automated connection to the Clearinghouse. To



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request the ISA, contact [SDLAClearinghouse@dot.gov](mailto:SDLAClearinghouse@dot.gov). You will also need to get FMCSA Portal access and use those credentials to set up the REST service.

**13. Is the Open Application Programming Interface (API) Spec available for establishing direct connection to the Clearinghouse?**

Yes, the Open API Spec has been available since June 2022 and links can be found on the [SDLA Resources Page](https://clearinghouse.fmcsa.dot.gov/Resource/Page/SDLA-Resources) (<https://clearinghouse.fmcsa.dot.gov/Resource/Page/SDLA-Resources>). In March 2023, FMCSA added a service that will add the ability for States or AAMVA to automatically submit an error report. Visit the Clearinghouse Web Developers Handbook for more information.

**14. For direct connect methods, how long does it take to establish an approved ISA?**

FMCSA is still working on this with the Security and Privacy Office to establish a timeline. The ISA template is now available; States that plan to implement one of the “direct connect” methods must contact [SDLAClearinghouse@dot.gov](mailto:SDLAClearinghouse@dot.gov) to request the ISA. Note: States using the AAMVA connection do not need the ISA; you only need it if you are doing the Direct Connect option.

**15. How can SDLAs get the client certificate that is necessary for generating the JSON Web Token (JWT) for connecting to the REST end points?**

Generating the client certificate is a self-service feature that FMCSA can make available to SDLAs after the ISA is in place. Once the ISA is established, an SDLA can request that FMCSA grant them the correct level of access so that the SDLA can generate the certificates themselves.

**16. If SDLAs are required to query the Clearinghouse before completing a CDL transaction, what do we do if the Clearinghouse is down?**

FMCSA has many risk mitigation strategies in place to ensure that the Clearinghouse stays operational as much as possible. The Clearinghouse has a dedicated technical team that will mobilize immediately to resolve any outages as quickly as possible. States will be notified when FMCSA become aware of an outage, and will be notified when an outage has been resolved.

**17. When querying the Clearinghouse, what action should an SDLA take if their State’s system cannot connect with the Clearinghouse?**

As a backup, any SDLA staff member with an FMCSA Portal account that has the “DACH-General Query” user role can log in to the Clearinghouse user interface and manually look up the driver’s current status.



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**18. Our State's initial plan was to just access this information through the Clearinghouse website, but would it be straightforward if we wanted to then integrate Clearinghouse access with our IT system at a later date?**

Yes. A State may implement more than one option at the same time. For example, you can select the web interface with person-read email and manual login and also configure direct machine-to-machine or machine-read email, and they can work simultaneously.

**19. For the machine-to-machine connection option, why does FMCSA request access to the SDLA's system?**

If a State chooses to implement the full machine-to-machine connection, this access will enable FMCSA to publish change notifications to a State's publicly accessible REST service.

**20. How can my State test our "direct connect" solution?**

If you are planning to use a direct connect method, a good first step is to contact the Clearinghouse Technical Team at [SDLAclearinghouse@dot.gov](mailto:SDLAclearinghouse@dot.gov). The Technical Team can help you set up your access, determine testing needs, etc. When your State is ready to test, you will work with the Clearinghouse Team to schedule a testing date. The Clearinghouse Team will ensure you have access to the testing environment on that date. For more information about testing, refer to the [Clearinghouse Web Services Development Handbook](#).

**21. As a State using a "direct connect" method, when we do go live, how will we be made aware of drivers in a "prohibited" status?**

This depends on which direct connect method you will use and how your State configures your set up. It is possible for a State to have real-time Clearinghouse data, or to request data updates on a regular (at least daily) basis. For more information on this, refer to the [Clearinghouse Web Services Development Handbook](#). If you need more information, contact [SDLAclearinghouse@dot.gov](mailto:SDLAclearinghouse@dot.gov) to connect with the Clearinghouse Technical Team.

**22. When will AAMVA's connection specifications be available?**

The final specifications were made available in summer 2023. Contact AAMVA for more information.

**23. Who can we contact with questions about AAMVA's connection specifications?**

Vinu Addulamala at [vaddulamala@aamva.org](mailto:vaddulamala@aamva.org) or Rajesh Dharmarajan at [rdharmarajan@aamva.org](mailto:rdharmarajan@aamva.org).

**24. When a State sets up a case to process a transaction for a driver on the State side, do we have to tie it to the driver's unique Clearinghouse ID number?**

The Clearinghouse-II final rule does not require this; States may determine the tracking method that works best for them. Note that a State needs to be able to track credentials that have been downgraded, because the Clearinghouse-II rule does require that when FMCSA notifies the State that the driver was erroneously identified as prohibited, the CLP or CDL





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privilege must be reinstated as expeditiously as possible. The Clearinghouse-II rule also requires that when FMCSA notifies the State that a driver is no longer prohibited, the State must make the driver eligible for reinstatement, if permitted by State law.

### **25. Will a memorandum of understanding (MOU) be required?**

Yes. FMCSA's Security office will require States who are using a "direct connect" method to sign MOUs. The MOU is available to States as of June 2024.

## Using the Clearinghouse

### **26. How does an SDLA obtain Full Access to the Clearinghouse (i.e., to search for a driver's status history and run reports)?**

Refer to the [Using the Clearinghouse for SDLAs job aid](#) for these instructions. This job aid is also available on the [SDLA Resources webpage](#).

### **27. Is there a limit to how many users can have Full Access to the Clearinghouse?**

No. There is no limit on how many users can have Full Access; however, it should only be provided as needed. Full Access should not be provided to all users for each State, because not all users will need to pull reports or access a driver's Clearinghouse history.

### **28. How long does it take to get Full Access once it is requested?**

FMCSA aims to grant Full Access as soon as possible. After you request Full Access, please send an email to [SDLAclearinghouse@dot.gov](mailto:SDLAclearinghouse@dot.gov) to let FMCSA know you made that request so that we can grant it, as the system does not notify FMCSA that you made the request.

### **29. Will FMCSA provide training or job aids for the Clearinghouse web interface (logging in with FMCSA Portal accounts)?**

FMCSA has created job aids to help SDLAs request their Portal accounts, request the proper Portal user roles, and log in and use the Clearinghouse web interface. These resources are available on the [SDLA Resources webpage](#).

### **30. Will the Prohibited Drivers report be a current list of who in a State is prohibited in the Clearinghouse at the time the report is run?**

Yes, it will provide real-time information.

### **31. Are the Clearinghouse reports available to enforcement users, as well as SDLAs?**

As of June 2023, the Prohibited Drivers and Driver Status Change Reports are available to Federal enforcement users of the Clearinghouse, as well as to State investigators and auditors.



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**32. How will an SDLA be notified if a driver's status changes to "not prohibited" within 60 days of the SDLA pulling a Prohibited Drivers report?**

If the SDLA is using a Direct Connect "push" notification option, the SDLA will receive a notification from the Clearinghouse whenever a driver's status changes to "not prohibited." Those using the AAMVA-supported solution will also receive this "push" notification. If the SDLA is not using an FMCSA "push" option to receive notifications, they will need to set up periodic (at least daily) "pull" actions to ensure they always have access to the latest driver information so that they can respond to a driver's change in status within the required 60-day time frame.

**33. Do SDLAs need to take any actions on behalf of student drivers in the Clearinghouse?**

No. Student drivers are required to register themselves in the Clearinghouse and designate a consortium/third-party administrator (C/TPA); this is not the responsibility of the SDLA. For more information, you can download the [How Do Student Drivers and Training Providers Use the Clearinghouse?](#) Factsheet.

**34. Does the Clearinghouse create just one ID number for a driver, or does it create multiple IDs? For example, does a driver get assigned a different ID number if they switch to a new employer, or if they move to another State?**

The Clearinghouse creates just one unique ID for the driver, which follows the driver as they move from State to State. One ID can have multiple CDLs (the current CDL and any previous CDLs) associated with it in the Clearinghouse. Any violations that are incurred in one State will continue to be tied to the driver as they move from State to State. Note that a Clearinghouse ID may change—for example, under certain circumstances, old IDs can be discarded when two driver records are merged into one. SDLAs should verify that the Clearinghouse ID is still mapped to the correct CLP/CDL number before using it.

Note: Discarded Clearinghouse IDs are never assigned to a different driver.

**35. The Clearinghouse-II rule requires SDLAs to query the Clearinghouse before completing a licensing transaction when a driver transfers to another State. How does the Clearinghouse know that the driver is now part of the new State?**

The Clearinghouse pulls this information from CDLIS during a CDL verification. If a driver relocates to a new State and their information is up to date in CDLIS with the driver's alias(es), when the driver is queried (either by an employer/service agent or an SDLA), the Clearinghouse should recognize the driver and attach an alias to the driver's existing Clearinghouse record. If you know that a driver is no longer licensed in a particular State, but they are still showing up in the Clearinghouse as being licensed in that State, please notify the Clearinghouse Team through our email address for SDLAs ([SDLAclearinghouse@dot.gov](mailto:SDLAclearinghouse@dot.gov)) so that we can correct it.



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**36. Is FMCSA screening lists of prohibited drivers to ensure that States will not be notified about drivers who are deceased or who have moved and no longer belong to that State?**

No. The information is based on what is currently in the driver's Clearinghouse record, which is based on what was in CDLIS at the time the driver was last queried. For example, if a violation was reported to the Clearinghouse back in 2020, and nobody has queried that driver's CLP/CDL information since that time, then the Clearinghouse has no way to update that driver's Clearinghouse record.

Note that this will mainly affect Prohibited Driver Reports that are pulled prior to the November 18, 2024 compliance date; for all new status changes following the compliance date, SDLAs will receive real-time updates as they are entered in the Clearinghouse.

As for deceased drivers—once SDLAs clear their backlog of prohibited drivers after the November 18, 2024 compliance date, they will only need to address new or current prohibitions. Because States will downgrade the CDL privileges of prohibited drivers within 60 days of being notified by FMCSA, the likelihood that those drivers are going to be reported as deceased before their CDL privilege is downgraded is low.

**37. There were a few records in our Clearinghouse reports for which we could not find a customer match. Should States report these cases to FMCSA?**

While not required, you are welcome to send that information to the Clearinghouse team ([SDLAclearinghouse@dot.gov](mailto:SDLAclearinghouse@dot.gov)) so that we can correct it. Sometimes this happens because the records belong to drivers who are not subject to FMCSA's rules and regulations. If you can confirm that these individuals never held a commercial credential in your State, we can remove them from the Clearinghouse system.

**38. Are any of the other jurisdictions notifying drivers or putting anything out in advance about Clearinghouse-II and CDL downgrades? And if so, how far in advance are they doing that? How often are these reports being run?**

This is all up to the SDLA. Once you get Full Access to the Clearinghouse, you can run the driver status change report and the prohibited driver report as often as you would like.

**39. What is the "human-read emails" functionality, and who should we contact for help with setting it up?**

This is a "direct connect" notification method; the emails are intended to be read by an individual at the SDLA and will include a link that directs to the driver details in the Clearinghouse website (SDLA login required). For more details about this "direct connect" option, please see the Clearinghouse Web Development Handbook on the [SDLA Resources page](#). You should also reach out to [SDLAclearinghouse@dot.gov](mailto:SDLAclearinghouse@dot.gov) for help setting up these emails. We strongly encourage SDLAs to use a group email address to receive these Clearinghouse notifications, so that your SDLA is not relying on a single person to receive,





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review, and manage the notifications.

**40. Some of our State's Clearinghouse records do not have the correct license number. Are there any plans in place to make sure that users are entering the State's license number format?**

Yes. FMCSA is working on this and has a development request in process.

### Miscellaneous

**41. What if FMCSA pushes a driver notification to a State and the State knows the driver is not located in their State anymore?**

If the pointer should transfer to a different State, there is a second service the State may use to automate the submission of this data—see section 3.5 (“Error Reporting”) of the [Clearinghouse Web Development Handbook](#). Status changes that have errors will be flagged for manual follow-up—the State would need to notify FMCSA that they don’t “own” the driver, and FMCSA would need to work to figure out where the pointer should go.

Note that the Clearinghouse is not the system of record for driver CDL information; CDLIS is. States can help prevent issues like this by ensuring their information in CDLIS is up-to-date and accurate.

**42. What is the plan for graphics for posting on SDLA social media, State websites—will that be available before implementation date, like it was with ELDT?**

Yes, the Clearinghouse Team has developed several materials for SDLAs to use to help educate drivers about Clearinghouse-II. These outreach materials are available for download on the [SDLA Resources page](#).

**43. Does FMCSA have any “best practice” legislative language for jurisdictions where cannabis is a recreationally legal substance?**

FMCSA does not have any language that addresses this, however, when inquiries are received regarding this, we refer them to the Office of Drug and Alcohol Policy and Compliance (ODAPC) notices on recreational and medical marijuana:

- <https://www.transportation.gov/odapc/dot-recreational-marijuana-notice>
- <https://www.transportation.gov/odapc/medical-marijuana-notice>

**44. Will there be a DACH-III rule? If so, what will that entail?**

Yes, FMCSA is currently working on a DACH-III rule. FMCSA is currently working on a notice of proposed rulemaking that will be out for comment in the future. We will share more information as it is ready for public distribution.



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### **45. How does FMCSA educate the motor carrier industry about the Clearinghouse?**

There are a number of system emails that are sent from the Clearinghouse about specific scenarios:

- Drivers are notified when they incur a violation.
- As of March 2023, FMCSA notifies employers (including motor carriers) when there are changes in a driver's Clearinghouse record within 12 months of any query.

FMCSA has also been communicating with the industry since 2019 using media releases, email, social media channels, and public webinars, as well as outreach through partner associations, and will continue to use these channels to educate drivers about the implications of the second Clearinghouse final rule. FMCSA field staff are also giving presentations to associations in their Divisions to ensure the message is distributed at all levels.

### **46. What should an SDLA do if notified about a prohibited driver with an expired CLP?**

If the driver's CLP or CDL is expired, the SDLA does not need to take any immediate action. However, if that driver later attempts to reinstate their CLP or CDL, the SDLA must not issue commercial driver privileges if the driver is still in a "prohibited" Clearinghouse status.

If the regulations do not explicitly state that a Clearinghouse query is required when reinstating an expired CLP or CDL, it is up to the SDLA to determine how to track this information, such as making a note to the driver's record or conducting a Clearinghouse query, to meet the regulatory requirement to ensure that a driver with a "prohibited" Clearinghouse status is not granted commercial driving privileges.

### **47. When I ran queries on a couple of license numbers that are showing up on my State's prohibited drivers report, I noticed that some of the individuals never had a CDL. Could these be interstate commerce drivers?**

It is possible, as many employers send individuals for USDOT tests when they are not required, and the medical officers reviewing the tests do not know the driver status, so they mistakenly enter the results into the Clearinghouse. Individuals should not be submitting to USDOT tests when they are not subject to the requirements.

### **48. When a driver has a violation entered in the Clearinghouse, do they receive any notification from FMCSA or any other entity other than the SDLA?**

Yes; when a driver incurs a Clearinghouse violation, they receive a system email from the Clearinghouse that lets the driver know that a violation has been entered and that they can log in to the Clearinghouse to check their record. If the driver did not register an email address, or if they've requested to be notified by mail, then a physical version of this letter is mailed to the address of record that is listed on the driver's license.



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**49. Is there a job aid or other tool that outlines how a driver ends up in "prohibited" status in the Clearinghouse?**

Yes, there are several resources available on the [Clearinghouse Learning Center](#) to educate individuals on the types of violations that are reported to the Clearinghouse and who is responsible for reporting them. This includes a [user roles job aid](#), which outlines the actions that individuals subject to the Clearinghouse regulations are required to complete.

**50. Is there sample language that SDLAs can use in CDL downgrade letters to drivers?**

Yes, FMCSA has developed Sample Language for CDL Downgrade Letters that SDLAs may insert into the communications to drivers informing them of the loss of commercial driving privilege due to a "prohibited" status in the Clearinghouse. The sample language is available for download on the [SDLA Resources page](#).

**51. How long does it usually take for a driver to complete the return-to-duty (RTD) process?**

The Clearinghouse Team does not track this data and cannot provide an average length of time for a driver's completion of the RTD process.

**52. How many "erroneous status" messages are typically sent from the Clearinghouse?**

During the week (Monday–Friday), this happens about 20 times per day, nationwide.

**53. If SDLAs have questions in between check in webinars, who should we contact?**

SDLAs can reach out to:

- The Clearinghouse team at [SDLAClearinghouse@dot.gov](mailto:SDLAClearinghouse@dot.gov) for questions about the Clearinghouse-II final rule or the "direct connect" methods.
- Your FMCSA Division Office representative for questions about implementing Clearinghouse-II in your State.
- Carlos Dequina ([carlos.dequina@dot.gov](mailto:carlos.dequina@dot.gov)) for questions about how the Clearinghouse-II final rule will impact your State's CDL program.
- Vinu Addulamala ([vaddulamala@aamva.org](mailto:vaddulamala@aamva.org)) or Rajesh Dharmarajan ([rdharmarajan@aamva.org](mailto:rdharmarajan@aamva.org)) for questions about using an AAMVA-supported service to connect to the Clearinghouse.