

Federal Motor Carrier Safety Administration DRUG & ALCOHOL CLEARINGHOUSE



SDLA COMPLIANCE WITH FMCSA's CLEARINGHOUSE-II FINAL RULE

What is the Drug and Alcohol Clearinghouse?

FMCSA's Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse) is a secure online database that gives State Driver Licensing Agencies (SDLAs), State law enforcement, FMCSA, and employers of CDL drivers real-time information about commercial driver drug and alcohol program violations.

To learn more about how the Clearinghouse improves safety, download the [Clearinghouse Factsheet](#).

FINAL RULE INFORMATION

Federal Register Publication Date:	October 7, 2021
Compliance Date:	November 18, 2024
Effective Date:	November 8, 2021
Federal Motor Carrier Safety Regulation Parts Affected:	Parts 382, 383, 384, 390, and 392

How does the Clearinghouse work?



Record

Violations (positive tests, refusals to test, actual knowledge) are reported to the Clearinghouse.



Retain

The Clearinghouse retains the violation and the driver's commercial driver's license (CDL) or commercial learner's permit (CLP) number.

The database also stores information regarding the driver's return-to-duty (RTD) process.



Query

SDLAs receive a driver's eligibility status (i.e., Prohibited/Not Prohibited).

Other authorized users (employers, FMCSA and its law enforcement partners) access driver information as authorized. Drivers have the right to access their own Clearinghouse record.





What is the return-to-duty process and how does it affect driver eligibility?

FMCSA's Drug and Alcohol Testing program establishes required procedures for testing, frequency of tests, and substances tested (for more information, see 49 CFR part 382). If a driver incurs a drug and alcohol program violation, they are prohibited from performing safety-sensitive functions, including operating a commercial motor vehicle (CMV), until they complete the return-to-duty (RTD) process. This process is established by 49 CFR part 40, subpart O.

A CDL driver with a drug and alcohol program violation will have a status of "prohibited" in the Clearinghouse until they complete the RTD process. Once a negative RTD test result is recorded in the Clearinghouse by the driver's employer, the driver's Clearinghouse status would change to "not prohibited."

What does the Clearinghouse-II final rule require of SDLAs?

The final rule establishes requirements for SDLAs to access and use information from the Clearinghouse indicating that CLP or CDL holders or applicants may not lawfully operate a CMV because they violated the drug and alcohol use and testing prohibitions in 49 CFR part 382, subpart B. The rule also makes certain clarifying and conforming changes to existing regulations, as described below.

Major Provisions for SDLAs

FMCSA amended regulations applicable to SDLAs in 49 CFR parts 382, 383, and 384 as follows.

SECTION 382.725

Regulatory Text	What it means for States
We revised subparagraphs (a)(1) and (a)(2) to establish that, beginning November 18, 2024, SDLAs must request information from the Clearinghouse for CDL applicants.	You must begin querying the Clearinghouse for driver information no later than November 18, 2024.

SECTION 383.73

Regulatory Text	What it means for States
We added subparagraph (3) to paragraph (a) and revised paragraphs (b)(10); (c)(10); (d)(9); (e)(8); and (f)(4) to require that if, in response to the required query information, FMCSA notifies you that, pursuant to §382.501(a), the individual is prohibited from operating a CMV, you must not complete the specified CLP, CDL, non-domiciled CDL, or non-domiciled CLP transaction, and you must initiate the downgrade process. We added new paragraph (q) to establish the downgrade requirements.	<p>You must query the Clearinghouse prior to issuing, renewing, transferring, or upgrading a CDL or issuing, renewing, or upgrading a CLP.</p> <p>If the result of the query is that the driver is in a "prohibited" status, you must deny the transaction.</p> <p>If the applicant currently holds a CLP or CDL, you must begin the downgrade process for States. A downgrade removes the CLP or CDL privilege from the driver's license (for more details see §383.5).</p>





SECTION 383.73 (continued)

Regulatory Text	What it means for States
<p>We also revised paragraph (d)(9) to clarify that you must not renew an H endorsement if FMCSA notifies you that the individual is prohibited from operating a CMV, and you must initiate a downgrade, as applicable. We revised paragraph (f)(4) to clarify that the requirement also applies to non-domiciled CLPs.</p>	<p>You must query the Clearinghouse prior to renewing a hazardous materials (H) endorsement.</p> <p>If the result of the query is that the driver is in a “prohibited” status, you must deny the transaction.</p> <p>If the applicant currently holds a CLP or CDL, you must begin the downgrade process.</p>
<p>We added new paragraph (q) to specify the actions you are required to take upon receipt of information from FMCSA:</p> <ul style="list-style-type: none"> • You must complete and record a CLP or CDL downgrade on the CDLIS driver record within 60 days of receiving notification from FMCSA that the driver is prohibited from operating a CMV due to a drug and alcohol program violation. Rely on established State processes to initiate and complete the downgrade. • If we notify you that the driver completed the RTD process before the SDLA completes and records the downgrade on the CDLIS driver record, you must, if permitted by State law, terminate the downgrade process at that point. • If FMCSA notifies you that the driver’s license was downgraded on the basis of erroneous information in the Clearinghouse, you must reinstate the CDL or CLP privilege to a driver’s license as expeditiously as possible following the notification from FMCSA that the driver status is “not prohibited.” States must also clear the individual’s driving record of any reference to the driver’s prohibited status. 	<p>You must be able to receive notifications from the Clearinghouse.</p> <p>If the notification indicates that the driver’s Clearinghouse status has changed, you must use information in the Clearinghouse to determine the new status.</p> <p>If the driver’s status has changed to “prohibited,” you must downgrade the CDL or CLP and update the driver record within 60 days of receiving the notification.</p> <p>If the driver’s status has changed to “not prohibited,” you must reinstate the CDL or CLP or terminate the downgrade if it is in process.</p> <p>If the driver’s status has changed to “not prohibited” and the Clearinghouse indicates that the prohibited status was due to an erroneous violation entry, you must reinstate the CDL or CLP as soon as possible and remove any reference to the previously recorded prohibited status from the driver record.</p> <p>Note: As stated in § 383.73(q)(3)(iii), the driver record includes the Commercial Driver’s License Information System (CDLIS) record and, if applicable, the Motor Vehicle Record (MVR).</p>

SECTION 384.225

Regulatory Text	What it means for States
<p>We added new subparagraph (a)(3) to include the requirement to post and maintain, as part of the CDLIS driver record, the removal of the CLP or CDL privilege from the driver’s license, in accordance with § 383.73(q).</p>	<p>You must record the downgrade on the CDLIS driver record when downgrading a CDL or CLP.</p>





SECTION 384.235

Regulatory Text	What it means for States
We amended this section by establishing the date by which you must begin complying with the requirements set forth in §383.73 applicable to requests for Clearinghouse information, non-issuance, downgrade, and reinstatement.	You must meet the requirements outlined above as soon as possible, but no later than November 18, 2024.

SECTION 384.301

Regulatory Text	What it means for States
We added new paragraph (o) to require that your State be in substantial compliance with the requirements in §§383.73, 384.225, and 384.235 no later than the compliance date established by this final rule.	You must meet the requirements outlined above no later than November 18, 2024.



More information

For information on the steps States will take to meet these requirements, download the [Countdown to Clearinghouse-II Implementation Checklist](#).