

DRUG & ALCOHOL CLEARINGHOUSE

Check-In Webinar
June 2024



Presenters

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- Clearinghouse
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Roll Call

- Use the chat pod to
tell us your name,
role, and State



Agenda

- 1 SDLA REQUIREMENTS & PROGRAM UPDATES**
- 2 TESTING CLEARINGHOUSE CONNECTION & MOU UPDATE**
- 3 SDLA RESOURCES & OUTREACH**
- 4 STATE REPORT-OUT**
- 5 Q&A**

SDLA Requirements

Reminder: Clearinghouse-II SDLA Requirements

Mandatory CDL Downgrade

- Remove CLP or CDL privilege within 60 days of being notified by FMCSA of a driver's prohibited status in the Clearinghouse
- If notified by FMCSA that a driver's status changed to "not prohibited"
 - Terminate CLP/CDL privilege removal process; or
 - Reinstate the previously-removed CLP/CLP privilege
- If notified by FMCSA that a driver's prohibited status was due to erroneous entry, reinstate as soon as possible and expunge driving record

Non-Issuance

- Query Clearinghouse prior to commercial licensing transaction
- If Clearinghouse query shows driver in a prohibited status, deny commercial licensing transaction
- Commercial licensing transaction = issuing, duplicates, renewing, transferring, or upgrading a CDL or issuing, renewing, or upgrading a CLP

Beginning



SDLA Requirements FAQ

- **Do the FMCSRs require State Driver Licensing Agencies to query the Clearinghouse before initiating a licensing action to remove a restriction that would expand the driver’s ability to operate CMVs or when issuing a duplicate CLP or CDL?**

Yes. Beginning November 18, 2024, 49 CFR 383.73(a)(8), (b)(10), (c)(10), (d)(9), (e)(8), and (f)(4) will require SDLAs to query the Clearinghouse before issuing, renewing, or upgrading a CLP, issuing an initial CDL, issuing a non-domiciled CLP or CDL, as well as before CDL transfers, renewals, and upgrades. Removing a restriction that would have the effect of expanding the driver’s ability to operate a CMV (e.g., removing an airbrake or intrastate-only restriction) is, in effect, an upgrade under § 383.73(e)(8). SDLAs will be required to request information from the Clearinghouse because the driver may be prohibited from operating a CMV at the time the SDLA processes the upgrade. If, in response to the SDLA’s request to the Clearinghouse, the SDLA receives notification that the applicant is prohibited from operating a commercial motor vehicle, the SDLA must not complete the upgrade and must initiate a downgrade in accordance with § 383.73(q).

With regard to issuing duplicate CLPs and CDLs, FMCSA interprets the Clearinghouse query requirements in § 383.73(a)(8), (b)(10), (c)(10), (d)(9), (e)(8), and (f)(4) to include the State’s issuance of a duplicate of a CLP or CDL that was previously issued, renewed, transferred, or upgraded under these regulatory provisions. Duplicate CLPs and CDLs, which are generally issued if drivers lose the original credential or if it is damaged or destroyed, contain information largely identical to the originally issued license (e.g., contain the same expiration date). Just as States are required to request information from the Clearinghouse before completing an initial transaction under § 383.73(a)(8), (b)(10), (c)(10), (d)(9), (e)(8), and (f)(4), States are also required to request information from the Clearinghouse when replicating those transactions to issue a duplicate credential.

AAMVA provides additional information about standard administrative practices for SDLAs regarding record checks during licensing transactions in the CDLIS State Procedures Manual, Version c.0, Section 7.2.1.

SDLA Requirements FAQ: Recap



Removing Restrictions

- Restrictions that expand the driver's ability to operate a CMV (e.g., airbrake or intrastate-only restriction) are considered an upgrade.
- **SDLAs must query the Clearinghouse before completing this upgrade.**
- **If Clearinghouse query shows driver is prohibited, then SDLAs:**
 - Must not complete the upgrade, **and**
 - Initiate downgrade if not already in process.

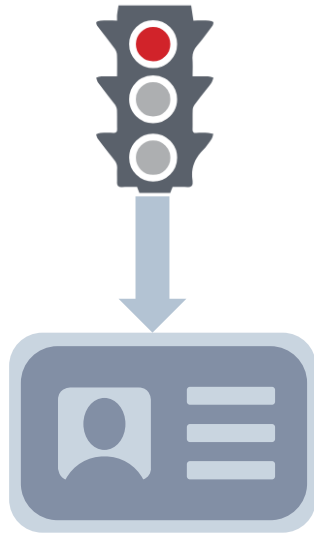


Issuing Duplicates

- **Query Clearinghouse before issuing a duplicate credential.**
- **If Clearinghouse query shows driver in a prohibited status, deny issuing the duplicate credential.**

Refer to AAMVA's [CDLIS State Procedures Manual, Version c.0, Section 7.2.1](#) for more information.

Removing Commercial Class/Issuing Non-CDL: Downstream Impacts



License #1 (CDL)

Query result for license #1:

Driver prohibited due to a violation with an incomplete return-to-duty (RTD) process

If the downgrade removes the driver's commercial class, it could impact the reporting of future information to the Clearinghouse, and roadside enforcement.



License #2 (Class D)

Query result for license #2:

Driver not found in CDLIS

Result: SAP, employer cannot enter RTD information to close violation;
If license #2 is upgraded to a CDL, it may not be tied to driver's past violations

CDL Downgrades: Timeline



Pre-Compliance Date

- SDLAs with legislative authority *may* begin downgrading CDLs for drivers with a “prohibited” Clearinghouse status
- Pull Prohibited Drivers Report to identify prohibited drivers
- Pull Driver Status Change Report to track reinstatements



Compliance Date (November 18, 2024)

- SDLAs *must* downgrade CDLs for drivers with a “prohibited” Clearinghouse status
- **Within 60 days from FMCSA notification**
- Includes all historic prohibitions (violations entered since January 6, 2020, still open) – **all SDLAs must pull prohibited driver report manually on 11/18/2024, regardless of connection method**



Post-Compliance Date

- SDLAs must continue to downgrade CDLs for drivers with a “prohibited” Clearinghouse status
- **Within 60 days from FMCSA notification**
- Once State backlog is cleared, will only need to address new/current prohibitions

Number of Prohibited Drivers in Each State

State	# of Prohibited Drivers
	6/10/2024
AK	351
AL	3,197
AR	2,182
AZ	2,680
CA	11,456
CO	2,570
CT	1,719
DC	186
DE	619
FL	7,870
GA	8,246
HI	283
IA	1,541

State	# of Prohibited Drivers
	6/10/2024
ID	985
IL	7,914
IN	2,840
KS	1,411
KY	1,829
LA	3,322
MA	1,485
MD	2,491
ME	590
MI	4,798
MN	1,839
MO	4,197
MS	3,064

State	# of Prohibited Drivers
	6/10/2024
MT	544
NC	6,439
ND	430
NE	1,126
NH	386
NJ	2,883
NM	997
NV	1,799
NY	6,389
OH	4,990
OK	2,821
OR	1,413
PA	4,710

State	# of Prohibited Drivers
	6/10/2024
RI	238
SC	3,010
SD	362
TN	4,173
TX	14,662
UT	1,408
VA	3,208
VT	198
WA	2,141
WI	2,560
WV	724
WY	412

Recap: Get Ahead of the Compliance Date

- Obtain legislative authority.
- Download Prohibited Driver Report.
- Identify State process for removing a commercial driving privilege.
- Begin removing commercial driving privileges.
- Download the Driver Status Change Report.
- Reinstate commercial driving privileges, as needed.

Testing Your Connection to the Clearinghouse

Testing Your Connection

Direct Connect

States schedule
own testing;
FMCSA can
assist if needed

AAMVA

Work with
AAMVA to
schedule formal
testing

Direct Connect Testing Protocols

Details on testing are available in the Clearinghouse Web Development Handbook (v 1.7).

- Available on the [SDLA Resources page](#).
- Development Handbook contains test scenarios.
- FMCSA can accommodate specific testing scenarios.



For all requests and submissions, email SDLAclearinghouse@dot.gov.

MOU Process

FMCSA's Security Office will distribute MOUs and coordinate with States via FMCSAsecurity@dot.gov.

ACTION ITEMS

- Complete ISA (*fully executed ISAs were due by May 31, 2024 but will continue to be accepted*).
- Submit expected testing dates to FMCSA.
- Follow up with FMCSA to confirm once testing is completed.
- Identify and send a POC for MOU coordination with FMCSA to SDLA Clearinghouse email address.
- Complete MOU (coming soon) before November 18, 2024.

Resources and Outreach

Outreach: Drivers

Driver Resources

- **Sample Language for CDL Downgrade Letters (Word):** SDLAs may insert this language into the communications to drivers informing them of the loss of commercial driving privilege due to a "prohibited" status in the Clearinghouse.
- **Clearinghouse Talking Points:** SDLAs may use these talking points when speaking with drivers about Clearinghouse-II and its implications for commercial driving privileges.
- **Clearinghouse-II Standard Website Language:** SDLAs may use this language on their websites to educate drivers about Clearinghouse-II.
- **NEW: Sample Newsletter Article and Blurbs (Word):** SDLAs are encouraged to use these sample newsletter article and e-newsletter blurbs on their websites and in SDLA publications.
- **NEW: Sample Social Media Posts (Word):** SDLAs may post these messages to their social media channels.
- **NEW: Web Graphics:** Download and use these images on SDLA websites, social media channels, e-newsletters, etc. Note: The zip file also contains horizontal (1200 x 627 px) versions of all images.



[Download All Graphics](#)

Driver Return-to-Duty Visor Card

SDLAs may share this with drivers who lose their commercial driving privileges due to a "prohibited" Clearinghouse status. The insert summarizes the steps a driver must take to complete the return-to-duty (RTD) process.

- Download the [Driver Return-to-Duty Visor Card](#)

Submit the files below to your local printer to print your own copies of the Driver Return-to-Duty Visor Card.

- [Driver Return-to-Duty Visor Card Print-Ready Version](#)
- [Driver Return-to-Duty Visor Card print specifications \(Word\)](#)

NEW: Clearinghouse Outreach PPT

This PowerPoint presentation was originally created in 2021 to assist enforcement personnel in educating the industry about the Clearinghouse and was updated in September 2023 to include new information on the second Clearinghouse final rule. This PowerPoint is now available to SDLAs to assist in your driver outreach efforts.

- Download the [Clearinghouse Outreach PPT](#)

State Report-Out

Countdown to Clearinghouse-II: Report-Out Questions

What should States do now to prepare for November 18, 2024?



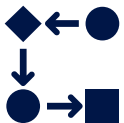
Legislative Authority

Has your State obtained legislative authority to enforce Clearinghouse regulations?



IT Connectivity

Has your State selected its IT connectivity method? Has your State completed testing, or does it have testing scheduled?



CDL Downgrades

Has your State begun CDL downgrades?



Procedures & Training

Has your State updated its office procedures and developed a training plan for all staff who will implement these procedures?

Q&A

- Enter your questions in the chat pod or unmute
- If we don't get to all the questions today, we will follow up with you directly



Resources

Where can I learn more about the Clearinghouse-II final rule?



■ Visit

- SDLA Resources:
<https://clearinghouse.fmcsa.dot.gov/Resource/Page/SDLA-Resources>
- Drug and Alcohol Clearinghouse:
<https://clearinghouse.fmcsa.dot.gov/>



■ Contact

- Clearinghouse Team:
SDLAclearinghouse@dot.gov
- <https://clearinghouse.fmcsa.dot.gov/Contact>