FMCSA-D&A-CLEAR-382.725-FAQ001(2022-01-27)

**Part 382 – Controlled Substances and Alcohol Use and Testing**

**Clearinghouse FAQ**

**Question:** How will State Driver Licensing Agencies (SDLAs) use the Clearinghouse?

**Guidance:**On October 7, 2021, the Federal Motor Carrier Safety Administration (FMCSA) published a final rule establishing requirements for SDLA’s access to and use of driver-specific drug and alcohol program violation information contained in the Drug and Alcohol Clearinghouse ([86 FR 55718](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.govinfo.gov%2Fcontent%2Fpkg%2FFR-2021-10-07%2Fpdf%2F2021-21928.pdf&data=04%7C01%7CGian.Marshall%40dot.gov%7C19d6e29f6d7d4bf6d30c08d9aa0e2958%7Cc4cd245b44f04395a1aa3848d258f78b%7C0%7C0%7C637727800057884721%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000&sdata=BJJaUaCVNHZQhfyP4wpMCa5r7yvb4%2Bfjlbxr09G6UlE%3D&reserved=0)).

This final rule requires that:

* SDLAs must not issue, renew, upgrade, or transfer a commercial driver's license (CDL), or commercial learner's permit (CLP), as applicable, for any individual prohibited under FMCSA's regulations from performing safety-sensitive functions, including driving a commercial motor vehicle (CMV), due to one or more drug alcohol program violations.
* SDLAs must, upon receipt of notification that a driver is prohibited from operating a CMV due to a drug and alcohol program violation, initiate the downgrade process to remove the CLP or CDL privilege from the driver's license within 60 days.
* Drivers completing the return-to-duty process before the downgrade process is completed would no longer be prohibited from operating a CMV and thus would no longer be subject to a downgrade.

SDLAs have until November 18, 2024 (compliance date) to comply with these requirements. In addition, FMCSA extends the compliance date for the requirement that SDLAs query the Clearinghouse prior to issuing, renewing, upgrading, or transferring a CDL from January 6, 2023 to November 18, 2024.  SDLAs currently have the option to voluntarily query the Clearinghouse and may do so up until the compliance date.

**FMCSA Drug and Alcohol Clearinghouse**, 1-844-955-0207

**Regulatory Topic:** Clearinghouse FAQ

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