FMCSA-CDL-383.73-FAQ01(2024-05-20)

**Question:** Do the FMCSRs require State Driver Licensing Agencies (SDLAs) to query the Clearinghouse before initiating a licensing action to remove a restriction that would expand the driver’s ability to operate commercial motor vehicles (CMVs) or when issuing a duplicate commercial learner's permit (CLP) or commercial driver's license (CDL)?

**Guidance:** 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.

**Contact Info:** FMCSA Commercial Driver’s License Division, CDLcompliance@dot.gov.

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*Note: This guidance document does not have the force and effect of law and is not meant to bind the public in any way. It is intended only to provide information and clarity regarding existing requirements under the law or agency policies.*

**Regulatory Topic: Drug and Alcohol Clearinghouse Checks Before Issuance of CLP or CDL**

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