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FMCSA Issues Final Rule on State Driver's Licensing Agency Actions as a Result of Querying the National Drug and Alcohol Clearinghouse

The Federal Motor Carrier Safety Administration (FMCSA) has issued a [final rule](#) entitled, "Controlled Substances and Alcohol Testing: State Driver's Licensing Agency Non-Issuance/Downgrade of Commercial Driver's License."

The final rule places additional requirements for State Driver's Licensing Agencies (SDLAs) to access and use information obtained through the Drug and Alcohol Clearinghouse containing driver-specific controlled substance and alcohol records. By final rule, the SDLAs are precluded from issuing, renewing, upgrading, or transferring a commercial driver's license (CDL), or commercial learner's permit (CLP), 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 and alcohol program violations. Additionally, the final rule provides that SDLAs must remove the CLP or CDL privilege from the driver's license of an individual subject to the commercial vehicle driving prohibition, which would result in a downgrade of the license until the driver complies with return-to-duty requirements. The final rule also requires states receiving Motor Carrier Safety Assistance Program grant funds to adopt a compatible CMV driving prohibition applicable to CLP and CDL holders who violate FMCSA's drug and alcohol program requirements.

The effective date of the final rule is November 8, 2021. Compliance with the final rule is required by **November 18, 2024**. Petitions for reconsideration of the final rule must be submitted to FMCSA no later than November 8, 2021.

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