



American Association of Motor Vehicle Administrators

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## CDL Drug and Alcohol Clearinghouse Final Rule Mandates State Check

The Federal Motor Carrier Safety Administration (FMCSA) has issued a [final rule](#) for the Commercial Driver's License Drug and Alcohol Clearinghouse. The rule mandates the establishment of a database containing information about violations of FMCSA's drug and alcohol testing program for the holders of commercial driver's licenses (CDLs) that must be checked by licensing agencies at the time of issuance and renewal. The rule primarily focuses on requirements of motor carriers as an employer to check and use the database. It also includes language mandating State Driver's License Agencies (SDLAs) perform checks on the clearinghouse prior to issuance, renewal, upgrading, or transferring a CDL. This licensing requirement was included in [The Moving Ahead for Progress in the 21st Century Act \(MAP-21\)](#).

Specifically, MAP-21 included provisions in two sections on the National Commercial Driver's License Drug and Alcohol Clearinghouse. Section 32402 established the clearinghouse to improve compliance with DOT alcohol and controlled substances testing programs and section 32305(b)(23) provides that "before renewing or issuing a commercial driver's license to an individual, the State shall request information pertaining to the individual from the drug and alcohol clearinghouse maintained under section 31306(a)." While it establishes the clearinghouse checks by states, neither MAP-21 nor the final rule addresses what licensing agencies are required to do with the information obtained from the clearinghouse.

The rule documentation indicates FMCSA's intent to integrate this check into the CDLIS platform. AAMVA has already started discussions with FMCSA to explore this integration as well as obtain additional guidance on what the agency expects the states to do with the information they obtain in the check. States will be expected to begin checking the database by the rule compliance date of January 6, 2020, assuming the clearinghouse is operational by that time.

Page 87717 of the final rule further addresses the substantive changes to current Federal Motor Carrier Safety Regulations affecting AAMVA members:

### C. Part 383 Section 383.73

This final rule includes changes to the CDL standards in part 383 that were not proposed in the NPRM. As discussed above and in the response to comments, these changes implement the statutory requirement that SDLAs obtain driver information from the Clearinghouse before issuing a CDL. Accordingly, new paragraphs (b)(10), (c)(10), (d)(9), and (e)(8) require the States to query the Clearinghouse before issuing a new, renewed, upgraded, or transferred CDL. FMCSA will work with the States to provide for an automatic, electronic query system to minimize costs and maximize efficiencies.

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## Government Affairs Questions

For questions about AAMVA's Government Affairs, please contact Cian Cashin at [ccashin@aamva.org](mailto:ccashin@aamva.org)

D. Part 384

Section 384.235

This final rule includes a conforming change to part 384. FMCSA recognizes the need to hold States accountable to request information from the Clearinghouse in accordance with the new changes to §383.73.

The amended language for §383.73 and §384.235 is published on page 87730 of the final rule. According to that language, beginning **January 6, 2020** states must request information from the Drug and Alcohol Clearinghouse for drivers seeking issuance, renewal, upgrade or transfer of a non-domiciled CDL.

Page 87708 of the final rule documents FMCSA's response to proposed rule comments and their decision to require SDLAs use clearinghouse access authority prior to issuing, renewing, upgrading, or transferring a CDL.

The effective date of the final rule is **January 4, 2017**. The compliance date is January 6, 2020. Jurisdictions with questions regarding the rule should contact Mr. Juan Jose Moya in the Federal Motor Carrier Safety Administration's Compliance Division at (202) 366-4844; or [fmcsadrugandalcohol@dot.gov](mailto:fmcsadrugandalcohol@dot.gov).



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