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American Association of Motor Vehicle Administrators

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FMCSA Proposes Rule Clarifying State Driver's Licensing Agency Obligations Under the National Drug and Alcohol Clearinghouse

The Federal Motor Carrier Safety Administration (FMCSA) has issued a [Notice of Proposed Rulemaking \(NPRM\)](#) regarding controlled substance and alcohol program violations and state driver's licensing agencies (SDLAs) obligations under the National Drug and Alcohol Clearinghouse.

Under this NPRM, FMCSA proposes to prohibit SDLAs from issuing, renewing, upgrading, or transferring a commercial driver's license (CDL) or commercial learner's permit (CLP) for individuals prohibited from driving a commercial motor vehicle (CMV) due to drug and alcohol program violation. FMCSA is also seeking proposals for additional ways SDLAs might use Drug and Alcohol Clearinghouse information to effectuate prohibitions against driving under the drug and alcohol program.

FMCSA cites the [MAP-21](#) mandate that SDLAs query the Clearinghouse prior to issuing, renewing, upgrading, or transferring a CDL. FMCSA also cites [AAMVA's petition for reconsideration](#) questioning the basis of SDLAs taking license action as a result of the MAP-21 requirements. The NPRM responds to the numerous legal and operational questions cited in AAMVA's petition and provides their preferred alternatives.

FMCSA also requests comment on numerous issues including:

- Non-issuance as a result of the Clearinghouse query
- Mandatory downgrade – requiring SDLAs remove the CLP or CDL privilege after receiving a “push” notification from the Clearinghouse that the driver is prohibited from operating a CMV.
- Optional Notice of Prohibited Status – permitting, but not requiring, SDLAs to receive “push” notifications from the Clearinghouse whenever CMV drivers licensed in their state are prohibited from driving due to a drug or alcohol testing violation.
- Application of the final rule to CLP holders
- The addition of rule particulars as violations to the CMV regulations
- Proposed changes to CDLIS
- Content of Driver-Specific Information

Comments on this notice are due by **June 29, 2020**. AAMVA members submitting comments are encouraged to copy governmentaffairs@aamva.org so that the association may reflect those comments in its own.

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Government Affairs Questions

For questions about AAMVA's Government Affairs, please contact Cian Cashin at ccashin@aamva.org



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