



## Drug and Alcohol Clearinghouse Update

January 2024

As you know, the Drug and Alcohol Clearinghouse is a secure online database containing records of drug and alcohol violations, including positive drug or alcohol test results and test refusals of anybody who holds a commercial driver's license (CDL) or a commercial learner's permit (CLP). When a driver completes the return-to-duty (RTD) process and follow-up testing plan, this information is also recorded in the Clearinghouse.

Drivers are not required to register for the Clearinghouse. However, a driver will need to be registered to provide electronic consent in the Clearinghouse if a prospective or current employer needs to conduct a full query of the driver's Clearinghouse record, including all pre-employment queries. Once registered, drivers can view their driver record and identify a substance abuse professional (SAP) so the SAP may enter specific information regarding the driver's return-to-duty (RTD) activities. [Registration is available here.](#)

Currently, the Drug and Alcohol Clearinghouse prevents drivers with a "prohibited" Clearinghouse status from operating a commercial motor vehicle (CMV). The second Clearinghouse final rule goes into effect later this year. It takes this a step further by ensuring that drivers with a "prohibited" Clearinghouse status do not continue to hold a commercial driver's license (CDL) or a commercial learner's permit (CLP).

Under the final rule, beginning November 18, 2024, State Driver Licensing Agencies (SDLAs) must remove the commercial driving privileges from the driver's license of an individual subject to the CMV driving prohibition. This would result in a downgrade of the license until the driver completes the return-to-duty (RTD) process.

The requirement to downgrade commercial driver's licenses (CDLs) rests on the safety-critical premise that drivers who cannot lawfully operate a commercial motor vehicle (CMV) because they engaged in a prohibited use of drugs or alcohol or refused a drug or alcohol test should not hold a valid CDL or commercial learner's permit (CLP).

Drivers who have registered in the Clearinghouse are always able to access their records electronically, at no cost. This record would include any drug and alcohol program violation information available in the Clearinghouse, along with the status of their return-to-duty (RTD) process, if applicable.

You can restore your commercial driving privileges if your CDL has been downgraded due to a "prohibited" Clearinghouse status. To have your Clearinghouse status change from "prohibited" to "not prohibited," you must complete the return-to-duty (RTD) process. After you complete the RTD process and your Clearinghouse status is updated to "not prohibited," your State Driver Licensing Agency (SDLA) will allow you to reinstate your commercial driving privileges.

There are two processes for correcting or removing information, depending on the nature of the requested correction or removal. Drivers may (i) request that FMCSA correct administrative errors (e.g., errors in data entry or the removal of a duplicate report from a driver's Clearinghouse record); (ii) request that FMCSA add documentary evidence of a non-conviction to an employer's report of actual knowledge that the driver received a traffic citation for DUI while driving a commercial motor vehicle if the citation did not result in a conviction; and (iii) request that FMCSA remove from the Clearinghouse a report that a driver failed to appear for a test or that the employer has actual knowledge that the driver has used alcohol or controlled substances if the violation report fails to comply with the reporting requirements. Drivers may not challenge the accuracy or validity of test results, test refusals, or other violations but may submit a request for correction under the Privacy Act.

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*The NPTC Monthly Driver Safety Letter, jointly sponsored by NPTC and [Centerline Drivers](#), is a Microsoft Word document that you can print out and post as is, if appropriate, or modify any way you wish to make it a better fit for your drivers, including adding your company logo. If you are already doing an in-house letter, you may find information [here](#) that you can cut and paste into your own letter. If you are interested in specific subjects, or have any comments/feedback, contact Tom Moore, CTP, at [tmoore@nptc.org](mailto:tmoore@nptc.org) or (703)838-8898.*