

## UPCOMING TRAININGS & CONFERENCES

A full list of NDAA's virtual learning sessions is available at [▶ ndaa.org/training-courses/](https://ndaa.org/training-courses/). For current information, effective best practices, and targeted resources for prosecutors, visit [▶ ndaa.org/covid-19](https://ndaa.org/covid-19).

**NDAA's Mastering Masking Digital Course/ On Demand Training (CLE Available)**  
[▶ ndaa.org/training/mastering-masking-2/](https://ndaa.org/training/mastering-masking-2/)

**NDAA's Human Trafficking and the Impact on Commercial Driver's Licenses/On Demand Training**  
[▶ ndaa.org/training/human-trafficking-and-the-impact-on-commercial-drivers-licenses/](https://ndaa.org/training/human-trafficking-and-the-impact-on-commercial-drivers-licenses/)

**NDAA's Prosecuting DUI Cases Online Course/ On Demand Training (CLE Available)**  
[▶ ndaa.org/training/prosecuting-dui-cases/](https://ndaa.org/training/prosecuting-dui-cases/)

**Ethics of Plea Bargaining (Live Webinar)**  
March 23, 2022 @ 2:00–3:30 p.m. ET

**Experts! Theirs and Ours—DNA Experts, Psychiatrists, Technical Experts (Live Webinar)**  
March 28, 30 & April 1, 2022

**Utilizing 3D Technology in the Courtroom (Live Webinar)**  
March 29, 2022 @ 1:00–4:00 p.m. ET

## RESOURCES

**Impaired Driving Resources**  
[▶ ndaa.org/programs/ntlc/](https://ndaa.org/programs/ntlc/)

**CDL-Related Resources**  
[▶ ndaa.org/programs/ntlc/commercial-drivers-license/](https://ndaa.org/programs/ntlc/commercial-drivers-license/)

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## Improving Roadway Safety by Linking DOT Drug and Alcohol Testing Policy with the Commercial Driver's License

### The FMCSA CDL Drug and Alcohol Clearinghouse

*By FMCSA CDL and Drug and Alcohol Programs Divisions*

Driving under the influence of alcohol or drugs puts everyone on the road in danger. Due to their size and weight, crashes involving commercial motor vehicles (CMVs) have a high risk of injuries and fatalities. Impaired driving and CMVs can be a deadly combination.

Keeping unsafe CMV drivers off the road is the responsibility of all employers of CMV operators. As mandated by the Moving Ahead for Progress in the 21st Century Act (MAP-21), the Federal Motor Safety Carrier Safety Administration (FMCSA) implemented the [CDL Drug and Alcohol Clearinghouse](#) on January 6, 2020. Since then, employers of commercial driver's license (CDL) and commercial learner's permit (CLP) holders have been required to register for and use the Clearinghouse as part of the Agency's efforts to ensure that only drivers that are not prohibited from safety-sensitive functions are put behind the wheel of a CMV.

By 2024, as part of new Federal regulations, FMCSA will also partner with State Driver’s License Agencies (SDLAs) so that drug and alcohol violations reported to FMCSA’s Clearinghouse will directly affect a CDL holder’s eligibility to operate CMVs on public roads.

What is the FMCSA CDL Drug and Alcohol Clearinghouse?

A secure, online database, the Clearinghouse retains a centralized record of positive drug and alcohol tests, refusals to test, and employers’ actual knowledge of drug and alcohol program violations incurred by a CLP or CDL holder. Employers are required to query the Clearinghouse to determine if prospective or current employees are prohibited from performing safety-sensitive functions, including operating a CMV, due to one of these violations.

CLP or CDL holders who are prohibited from performing safety-sensitive functions due to a drug and alcohol program violation must complete the return-to-duty (RTD) process established in [49 CFR Part 40, Subpart O](#). This process includes referral to and evaluation by a substance abuse professional (SAP), clearance by the SAP for RTD testing, and a negative RTD test. The Clearinghouse retains a record of certain steps in the RTD process, including when a driver may resume safety-sensitive functions.

CDL/CLP Holders in the Return-to-Duty (RTD) Process  
as of 1/1/2022

RTD STATUS	# DRIVERS
All Drivers (with at least 1 violation)	104,840
CDL/CLP holders in Prohibited Status	81,052
RTD Process Not Started	61,084
Substance Abuse Professional (SAP) Request Sent	697
SAP Designation Confirmed	2,009
SAP Request Declined	456
Initial SAP Assessment Complete	3,756
Determined Eligible for RTD Testing	13,050
CDL/CLP Holders in Not-Prohibited Status*	23,788
RTD Test with Negative Results	21,607
Follow-Up Testing Plan Complete	2,181

\* A driver is no longer prohibited from performing safety-sensitive functions once they have a negative RTD test result.

### How will the Clearinghouse affect a driver's CDL eligibility?

On November 8, 2021, FMCSA's second Drug and Alcohol Clearinghouse final rule, [Controlled Substances and Alcohol Testing: State Driver's Licensing Agency Non-Issuance/Downgrade of Commercial Driver's License; Correction](#), went into effect. This requires that, by November 2024:

- An SDLA must not issue, renew, upgrade, or transfer a CDL or CLP, as applicable, for any individual prohibited under FMCSA's regulations from performing safety-sensitive functions, including driving a CMV due to a drug and alcohol program violation.
- A SDLA must, upon receipt of notification from FMCSA that a driver is prohibited from operating a CMV due to a drug and alcohol program violation, initiate the downgrade process to remove the CDL or CLP privilege from the driver's license within 60 days.

### What do the new regulations say about CMV-related DUI offenses?

The new regulations also establish a new provision that may be of great interest to those involved in prosecuting commercial driver traffic offenses. As of November 8, 2021, an actual knowledge of prohibited use of drugs or alcohol, based on the issuance of citation for driving under the influence in a CMV, will no longer be removed from the Clearinghouse when the citation does not result in a conviction. The report of actual knowledge will remain in the Clearinghouse for five (5) years, or until the driver has completed the return-to-duty process, whichever is later, regardless of whether the driver is ultimately convicted of the DUI offense. Drivers who are not convicted of the offense may petition to submit documentary evidence of non-conviction to their Clearinghouse record. This information will be released with the violation details when an employer conducts a full query with the driver's electronic consent in the Clearinghouse

### What types of drivers and employers does the Clearinghouse affect?

All CDL and CLP holders who operate CMVs on public roads, and their employers and service agents, are covered by the Clearinghouse. This includes, but is not limited to:

- Interstate and intrastate motor carriers, including passenger carriers
- School bus drivers
- Construction equipment operators
- Limousine drivers
- Municipal vehicle drivers (e.g., waste management vehicles)
- Federal and other organizations that employ drivers subject to FMCSA drug and alcohol use testing regulations (e.g., Department of Defense, municipalities, school districts)

### More Resources

Visit ► [clearinghouse.fmcsa.dot.gov](https://clearinghouse.fmcsa.dot.gov) for more information about the Clearinghouse.



# New Video Added to the Roadside to Record Series

The National Traffic Law Center is proud to announce the release of **"The Clerk,"** Part 4 of the recently produced Roadside to Record video series. In **"The Clerk,"** professional videography and state of the art animation is used to follow the journey taken by the Commercial Driver's License (CDL) holder's conviction from the court clerk's desk to the state driver license agency (SDLA), to the Commercial Driver License Information Service (CDLIS) and back to the CDL holder's record in the state of issuance. This professionally produced video explains the transmittal and recording requirements of the above agencies relative to a CDL holder's conviction thereby ensuring one-driver, one-license, one-record.

**"The Clerk"** joins Parts 1 and 2 **"Roadside"** and Part 3 **"The Courtroom,"** all produced with funding from the Federal Motor Carrier Safety Administration. This series can be downloaded free of charge and is perfect for use in CDL related training, focusing on enforcing, prosecuting, and adjudicating CDL holder violations in accordance with federal and state regulations. See the video series [here](#).

NTLC is currently in the process of developing a curriculum structured around this video series for release later this year.

