

A NEW DOT CLEARINGHOUSE REGULATION.... KEEPING YOUR CDL ACTIVE

This information is for our BCRC Participants who carry an active Commercial Driver's License (CDL), or Commercial Learner's Permit (CLP) as outlined by the requirements of the Federal Motor Carrier Safety Administration (FMCSA) division of the U.S. Department of Transportation (DOT).

If you have had an incident that has caused you to have a "prohibited" status in the FMCSA Clearinghouse there is a new rule that became effective November 18, 2024, that negatively impacts your CDL or CLP. While the first Clearinghouse final rule stopped drivers with a "prohibited" status from operating a commercial motor vehicle (CMV), the second Clearinghouse Rule, known as Clearinghouse II, goes further by requiring State Driver Licensing Agencies to downgrade the commercial driving privileges of anyone who has a "prohibited" status in the Clearinghouse until the driver has completed the return-to-duty process (RTD).

This means that, as of November 18, 2024, having a "prohibited" Clearinghouse status will result in losing or being denied a CDL or CLP.

If you have a new violation in your Clearinghouse record, you will see a message on your Driver Dashboard prompting you to select a Substance Abuse Professional (SAP).

SELECT A SUBSTANCE ABUSE PROFESSIONAL (SAP) FROM THE CLEARINGHOUSE SAP LISTING

- Your employer is required to provide you with a list of DOT-qualified Substance Abuse Professionals (SAPs).
- Once the designated SAP accepts you, they will evaluate you and provide recommendations for education/treatment.

TAKE THE RETURN-TO-DUTY TEST

- You must be sent by your employer; only DOT-regulated employers, and not the employee, request the return-to duty test. If you are an owner-operator, your designated consortium/third-party administrator (C/TPA) must send you for this test.

ONCE YOUR CLEARINGHOUSE STATUS IS "NOT PROHIBITED," YOU ARE ELIGIBLE TO RESUME PERFORMING SAFETY SENSITIVE FUNCTIONS.

- Your status will be updated when your employer enters your negative return-to-duty test result in the Clearinghouse.
- To remain in a "not prohibited" status, your employer must complete the follow-up testing plan with you as specified by the SAP, which must include a minimum of six unannounced observed follow-up tests in the first 12 months of returning to performing safety-sensitive functions. If you are an owner-operator, your designated C/TPA must complete your observed follow-up testing plan.

Information about your drug and alcohol program violation is retained in the Clearinghouse for five years from the date of the violation determination or until the successful completion of the follow-up testing plan, whichever is later.

Here are helpful links and the telephone number for the FMCSA for your convenience.

The FMCSA Clearinghouse Website - <https://clearinghouse.fmcsa.dot.gov/about>

The FMCSA Clearinghouse Learning Center - <https://clearinghouse.fmcsa.dot.gov/Learn>

The FMCSA telephone number (202) 366-4000.

Please note that while the BCRC does help Employers with the FMCSA random selections and queries, our Office does not have the authority to address "prohibited" statuses for CDL drivers.

Any of these issues must be managed by the driver and his/her Employer.

