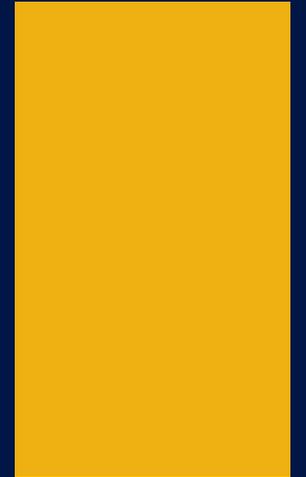


# FMCSA Initiatives and Topics

November 4, 2022



U.S. Department of Transportation  
Federal Motor Carrier Safety Administration



# Agenda Items

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- Driver Compensation Study
- Women of Trucking Advisory Board
- Vision Standard
- Speed Limiting Devices
- Human Trafficking
- Motor Carrier Safety Data

# Driver Compensation Study



# Driver Compensation Study

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- On December 16, 2021, the Biden-Harris Administration Trucking Action Plan to Strengthen America's Trucking Workforce was released.
- This plan included the following goal:

FMCSA and DOL will begin an in-depth study of driver compensation, as part of the Bipartisan Infrastructure Law, to examine truck driver pay, including the time drivers spend waiting to pick up or drop off freight without getting paid.

- Learn more about the Trucking Action Plan
  - <https://www.whitehouse.gov/briefing-room/statements-releases/2021/12/16/fact-sheet-the-biden-%E2%81%A0harris-administration-trucking-action-plan-to-strengthen-americas-trucking-workforce/>

# Women of Trucking Advisory Board



# Women of Trucking Advisory Board (WOTAB)

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- Chartered by FMCSA on February 11, 2022.
- WOTAB is charged with reviewing and reporting on policies that provide education, training, mentorship, or outreach to women in the trucking industry and recruit, retain, or advance women in the trucking industry.
- WOTAB's work will support women pursuing careers in trucking, expand scholarship opportunities for women in the trucking industry, and enhance trucking training, mentorship, education, and outreach programs for women.
- Upcoming WOTAB meeting planned for November 9<sup>th</sup>, 2022
- For questions concerning WOTAB, please e-mail [wotab@dot.gov](mailto:wotab@dot.gov)
- For more information, visit <https://www.fmcsa.dot.gov/wotab>

# Women of Trucking Advisory Board (WOTAB)

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FMCSA announced the WOTAB members on August 29, 2022. Members represent the following categories:

- Large trucking companies (more than 100 power units)
- Mid-sized trucking companies (11-100 power units)
- Small trucking companies (1-10 power units)
- Nonprofit organizations in the trucking industry
- Trucking business associations
- Independent owner-operators
- Female professional truck drivers
- Institutions of higher education or trucking trade schools
- Other related roles within trucking industry

# Vision Standard



# Qualification of Drivers; Vision Standard; Final Rule

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- Publication Date
  - Final Rule - January 21, 2022; (87 FR 3390)
  - Final Rule Correction Notice – February 10, 2022 (87 FR 7756)
- Effective Date - March 22, 2022
- Compliance Date - March 22, 2023
  - MECs requiring a vision exemption
  - Vision grandfathered drivers qualified under 391.64(b)
    - Final Rule Correction Notice changed the grandfathered provision compliance date from March 22, 2022 to March 22, 2023.

# Qualification of Drivers; Vision Standard; Final Rule

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- Applicability:
  - Individuals with monocular vision
    - An individual with monocular vision is defined by FMCSA as someone who do not satisfy, with the worse eye, the existing FMCSA distant visual acuity standard with corrective lenses or the field of vision standard, or both.
- Affected Parties Include:
  - Current Federal vision exemption holders
  - Prospective Federal vision exemption applicants
  - Individuals qualified under 49 CFR 391.64(b)
  - Medical Examiners on the National Registry of Certified Medical Examiners
  - Motor carriers/employers

# Alternative Vision Standard

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- The Alternative Vision Standard has four separate parts that must be met:
  - Better eye; distant visual acuity at least 20/40 (Snellen), with or without corrective lenses and field of vision is at least 70° in the horizontal meridian.
  - Able to recognize the colors of traffic signals and devices (standard red, green, and amber)
  - Stable vision deficiency
  - Sufficient time has passed since the vision deficiency became stable to adapt to and compensate for the change in vision.
- Advantages include:
  - Collaborative two-step process
  - Replaces the Federal Vision Exemption Program
  - Individuals no longer must secure a waiver/exemption (Eliminates “accompanied by \_\_\_\_\_ waiver/exemption” box)
  - Provides a more streamlined process

# The Vision Evaluation Report, Form MCSA-5871

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- The Qualification of Drivers; Vision Standard final rule (87 FR 3390, Jan. 21, 2022) requires that at least annually, an individual who does not satisfy, with the worse eye, either the distant visual acuity standard with corrective lenses or the field of vision standard, or both, must be medically examined and certified by a Medical Examiner as physically qualified to operate a commercial motor vehicle.
- The Medical Examiner must receive a completed Vision Evaluation Report, Form MCSA–5871, that is signed and dated by an ophthalmologist or optometrist before each required physical qualification examination.
- The examination conducted by the Medical Examiner must begin not more than 45 days after an ophthalmologist or optometrist signs and dates the Vision Evaluation Report, Form MCSA–5871.

For an in-depth webinar of the new vision standard, visit  
<https://www.fmcsa.dot.gov/regulations/medical/new-vision-standard-overview-webinar>  
**E-mail: [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov)**

# Speed Limiting Devices



# Speed Limiting Devices

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Advance notice of supplemental proposed rulemaking, Parts and Accessories Necessary for Safe Operations: Speed Limiting Devices

FMCSA announced its intent to proceed with a speed limiter rulemaking by preparing a supplemental notice of proposed rulemaking (SNPRM). The SNPRM proposed that motor carriers operating commercial motor vehicles (CMVs) in interstate commerce with a gross vehicle weight rating (GVWR) or gross vehicle weight (GVW) of 26,001 pounds or more, whichever is greater, that are equipped with an electronic engine control unit (ECU) capable of governing the maximum speed be required to limit the CMV to a speed to be determined by the rulemaking and to maintain that ECU setting for the service life of the vehicle.

This SNPRM was published on May 4, 2022, with the extended comment period ending on July 18, 2022.

- Over 15,000 comments were received.
- SNPRM can be read here: <https://www.fmcsa.dot.gov/regulations/docket-no-fmcsa-2022-0004-parts-and-accessories-necessary-safe-operations-speed>

# Speed Limiting Devices

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## FMCSA Intention

FMCSA intends to issue an SNPRM that would, if adopted, impose speed limitations on certain CMVs subject to the FMCSRs. The rulemaking would propose that motor carriers operating certain commercial motor vehicles, as defined in 49 CFR 390.5, in interstate commerce that are equipped with an ECU capable of setting speed limits be required to limit the CMV to a speed to be determined by the rulemaking and to maintain that limit for the service life of the vehicle. The agency is considering making the rule only applicable to CMVs manufactured after a certain date, such as 2003, because this is the population of vehicles for which ECUs were routinely installed and may potentially be used to govern the speed of the vehicles. FMCSA seeks data below, to determine if that approach should be revised in the forthcoming SNPRM. The agency is considering whether a retrofit requirement would be necessary and requests information below.

# Speed Limiting Devices

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## General Questions: Setting and Maintaining ECUs

1. What percentage of the CMV fleet currently uses speed limiting devices?
2. If in use, at what maximum speed are the devices generally set?
3. What skill sets or training are needed for motor carriers' maintenance personnel to adjust or program ECUs to set speed limits?
4. What tools or equipment are needed to adjust or program ECUs?
5. How long would adjustment or reprogramming of an ECU take?
6. Where can the adjustment or reprogramming of an ECU be completed?
  - 6a. Can the adjustment or reprogramming of an ECU be made on-site where the vehicle is ordinarily housed or garaged, or would it have to be completed at a dealership?
7. Do responses to questions 3 through 6 change based on the model year of the power unit?
8. Since publication of the NPRM, how has standard practice or technology changed as it relates to the ability to set speed limits using ECUs?
9. Are there any challenges or burdens associated with FMCSA publishing a rule without NHTSA updating the FMVSS?
10. Should FMCSA revisit using the 2003 model year as the baseline requirement for the rule?
11. Should FMCSA consider a retrofit requirement in the rule and, if so, should it be based on model year or other criteria, and what would the cost of such a requirement be?
12. Should FMCSA include Classes 3-6 (i.e., 10,001 – 26,001 lbs. GVWR) in the SNPRM?

# Human Trafficking



# Human Trafficking

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- On July 23, 2019, the FMCSA announced a final rule that permanently bans drivers convicted of human trafficking from operating a commercial motor vehicle (CMV) for which a commercial driver's license or a commercial learner's permit is required.
- Following President Trump's signature of the "No Human Trafficking on Our Roads Act," the FMCSA has issued this new rule to prohibit an individual from operating a CMV for life if that individual uses a CMV in committing a felony involving a severe form of human trafficking. The new rule revises the list of offenses permanently disqualifying individuals from operating a CMV for which a commercial driver's license or a commercial learner's permit is required.
- To view the published Federal Register Notice (FRN), please visit <https://www.fmcsa.dot.gov/regulations/rulemaking/2019-15611>.

# Human Trafficking

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- Human trafficking is a form of modern day slavery that involves the use of force, fraud, or coercion to obtain labor or a commercial sex act; and the commercial sexual exploitation of children under any circumstances. The Federal Motor Carrier Safety Administration (FMCSA) combats human trafficking by working with public and private sector stakeholders to empower transportation employees and the traveling public to recognize and report possible instances of human trafficking.
- **Report a Tip**
- **In an Emergency, Call 911**
- **NATIONAL HUMAN TRAFFICKING HOTLINE**  
1-888-373-7888  
or text 233733
- **U.S. DEPARTMENT OF HOMELAND SECURITY**  
1-866-347-2423 (U.S.)  
1-802-872-6199 (International)

# Motor Carrier Safety Data



# Motor Carrier Safety Data

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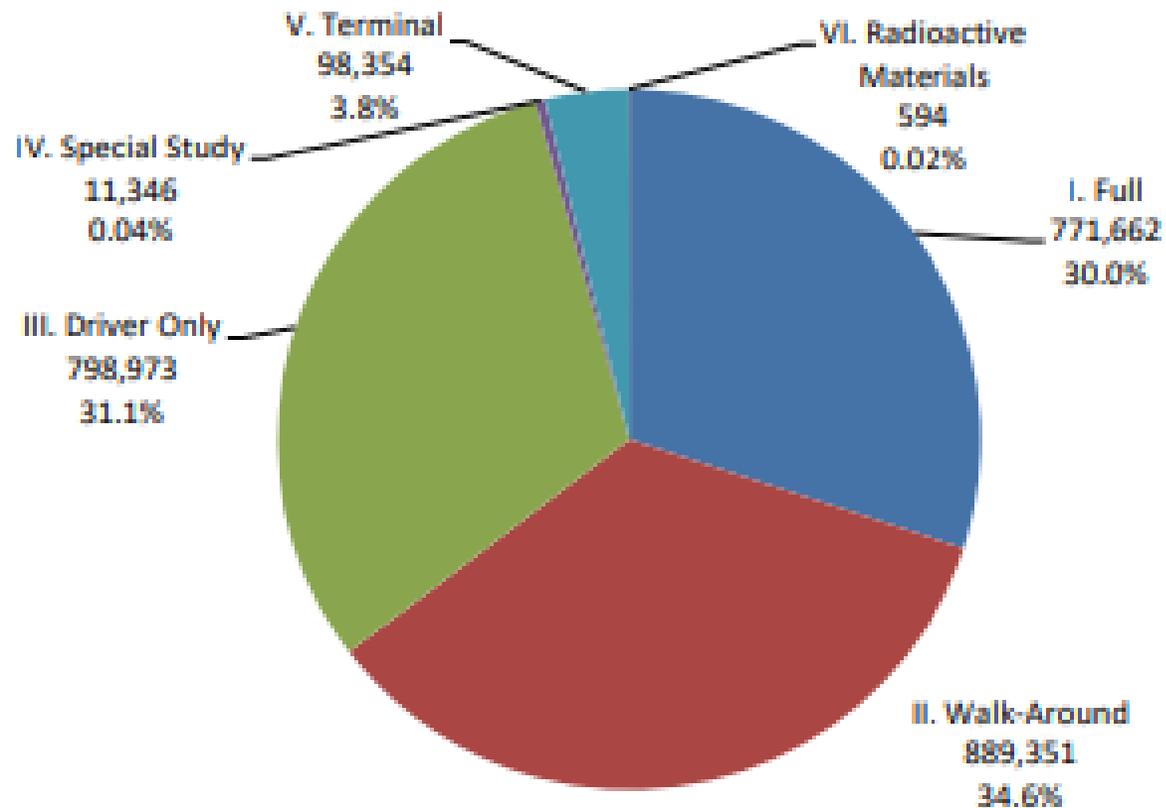
- 2021 Pocket Guide to Large Truck and Bus Statistics
  - <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2022-01/FMCSA%20Pocket%20Guide%202021.pdf>
- As of December 2020, 637,721 interstate motor carriers and intrastate HM motor carriers had recent activity operating in the United States:
  - 373,238 were for-hire carriers
  - 201,807 were private carriers
  - 59,609 were both for-hire and private carriers
  - 3,067 were neither for-hire nor private carriers (e.g., Government).
- Approximately 6.5 million CMV drivers operate in the United States:
  - 3.7 million operate interstate - 3.0 million operate interstate and hold CDLs
  - 2.8 million operate intrastate - 1.0 million operate intrastate and hold CDLs

# Motor Carrier Safety Data

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- In 2020, a total of 2,570,280 roadside inspections were conducted

## 2-6 Inspections by Level, 2020



# Motor Carrier Safety Data

## 2-10 Most Frequent Driver Violations in Inspections, 2020

- Total number driver inspections in 2020: 2,460,580
- Total number driver violations in 2020: 765,526
- Total number of driver OOS violations in 2020: 151,145

Violation Code	Category	Violation Description	Number of Violations
392.2SLLS2	Traffic Enforcement	State/Local Laws - Speeding 6-10 miles per hour over the speed limit.	58,134
392.2C	Traffic Enforcement	Failure to obey traffic control device	49,454
392.16	Seat Belt	Failing to use seat belt while operating a CMV	45,397
395.8E	No Log/Log Not Current	False report of drivers record of duty status	35,056
392.2LV	Traffic Enforcement	Lane Restriction violation	33,022
395.8	No Log/Log Not Current	Record of Duty Status violation (general/form and manner)	32,577
383.23A2	All Other Driver Violations	Operating a CMV without a CDL	32,538
392.2SLLS3	Traffic Enforcement	State/Local Laws - Speeding 11-14 miles per hour over the speed limit.	29,327
391.41AF	Medical Certificate	Operating a property-carrying vehicle without possessing a valid medical certificate.	27,381
395.8AELD	No Log/Log Not Current	ELD - No record of duty status (ELD Required)	26,227

# Motor Carrier Safety Data

## 2-11 Most Frequent Vehicle Violations in Inspections, 2020

- Total number vehicle inspections in 2020: 1,759,961
- Total number vehicle violations in 2020: 2,543,126
- Total number of vehicle OOS violations in 2020: 549,413

Violation Code	Category	Violation Description	Number of Violations
393.9	Lighting	Inoperable Required Lamp	311,791
396.17C	Periodic Inspection	Operating a CMV without proof of a periodic inspection	136,106
393.47E	Brakes	Clamp or Roto type brake out-of-adjustment	113,386
393.95A	Emergency Equipment	No/discharged/unsecured fire extinguisher	99,321
396.3A1	All Other Vehicle Defects	Inspection, repair and maintenance of parts and accessories	90,580
393.9TS	Lighting	Inoperative turn signal	88,361
393.11	Lighting	No or defective lighting devices or reflective material as required	80,162
393.75A3	Tires	Tire-flat and/or audible air leak	70,584
393.75C	Tires	Tire-other tread depth less than 2/32 of inch measured in a major tread groove	69,656
393.78	Windshield	Windshield wipers inoperative/defective	64,711

# Drug and Alcohol Clearinghouse- Updates



U.S. Department of Transportation  
Federal Motor Carrier Safety Administration

November 4, 2022



# Agenda Items

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- DACH Overview
- Return to Duty Process
- DACH Statistics
- Clearinghouse-II Final Rule

# DACH Overview



# Drug and Alcohol Clearinghouse (DACH)

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## What is the DACH?

- The Clearinghouse is a secure online database that gives employers, FMCSA, State Driver Licensing Agencies (SDLA), and State law enforcement real-time information about CDL/CLP holder's drug and alcohol program violations. An act of Congress directed the Secretary of Transportation to establish the Clearinghouse.
- The Clearinghouse enables employers to identify drivers who commit a drug and alcohol program violation while working for one employer, but who fail to subsequently inform another employer (as required by current regulations).

# DACH Rule

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- The Clearinghouse rule requires FMCSA-regulated employers, medical review officers (MROs), substance abuse professionals (SAPs), consortia/third party administrators (C/TPAs), and other service agents to report to the Clearinghouse information related to violations of the drug and alcohol regulations in 49 CFR, Parts 40 and 382 by current and prospective employees.
  - Employers are required to query the Clearinghouse for current and prospective employees' drug and alcohol violations before permitting those employees to operate a CMV on public roads.
  - Employers are required to annually query the Clearinghouse for each driver they currently employ.

## What information does the Clearinghouse contain?



The Clearinghouse contains information on all CDL driver drug and alcohol program violations. These violations include:

- Report for duty/remain on duty for safety-sensitive function with alcohol concentration of 0.04 or greater or while using any drug specified in the regulations (Part 40), other than those prescribed by a licensed medical practitioner
- Alcohol use while performing, or within four hours of performing, a safety-sensitive function
- Alcohol use within eight hours of an accident or until the post-accident test is completed, whichever occurs first
- Test positive for use of specified drugs
- Refusing to submit to a required alcohol or drug test

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



All CDL drivers who operate CMVs on public roads, and their employers and service agents. 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)

# How do I use the Clearinghouse?

## **EMPLOYERS**

Report drug and alcohol violations and check that no current or prospective employee is prohibited from performing safety-sensitive functions, such as operating a CMV, due to a drug and alcohol program violation for which a driver has not successfully completed a return-to-duty (RTD) process.

## **CDL DRIVERS**

View own record, provide consent to current or prospective employers to access details about any drug and alcohol program violations, and select a Substance Abuse Professional, if needed.

## **MEDICAL REVIEW OFFICERS**

Report verified positive drug test results and test refusals.

## **SUBSTANCE ABUSE PROFESSIONALS**

Report RTD initial assessment and eligibility status for RTD testing.

## **CONSORTIA/THIRD-PARTY ADMINISTRATORS**

On behalf of an employer, report drug and alcohol program violations and perform driver queries as required.

## **STATE DRIVER LICENSING AGENCIES**

Query the Clearinghouse prior to completing licensing transactions.



Query Type	Reason for Query	Consent Requirements	Consent Responses and Required Actions	Query Results and Required Actions
<p><b>LIMITED QUERY</b></p> 	<p>Annual check on currently-employed driver</p> <p>OR</p> <p>Ad hoc/periodic check on driver</p>	<p>Outside the Clearinghouse</p> <p>May be electronic or wet signature</p> <p>Limited consent form must specify time range</p>	<p><b>Consent refused</b></p> <ul style="list-style-type: none"> <li>Query cannot be conducted</li> <li>Driver removed from safety-sensitive functions</li> </ul> <p><b>Consent provided</b></p> <ul style="list-style-type: none"> <li>Retain via paper or electronically in driver's qualification file</li> <li>Request limited query in the Clearinghouse</li> </ul>	<p><b>No records found in the Clearinghouse for queried driver</b></p> <ul style="list-style-type: none"> <li>No action required</li> </ul> <p><b>Records found in the Clearinghouse for queried driver; full query needed</b></p> <ul style="list-style-type: none"> <li>Full query must be conducted for violation and/or return-to-duty (RTD) details to be released</li> <li>If full query is not conducted within 24 hours, driver is removed from safety-sensitive functions, including operating a CMV</li> </ul>
<p><b>FULL QUERY</b></p> 	<p>Pre-employment check on prospective driver</p> <p>OR</p> <p>Limited query returned records found for queried driver</p> <p>OR</p> <p>Ad hoc/periodic check on driver</p>	<p>Electronically within the Clearinghouse, for each full query for individual driver</p>	<p><b>Consent refused</b></p> <ul style="list-style-type: none"> <li>Employer notified of refused consent</li> <li>Query cannot be conducted</li> <li>Driver cannot perform/ removed from safety-sensitive functions</li> </ul> <p><b>Consent provided</b></p> <ul style="list-style-type: none"> <li>Query conducted</li> <li>Full violation and/or RTD details released, if any</li> </ul>	<p><b>Prohibited</b></p> <ul style="list-style-type: none"> <li>If driver has a violation and no negative RTD test result, driver is removed from safety-sensitive functions</li> </ul> <p><b>Not Prohibited</b></p> <ul style="list-style-type: none"> <li>If a driver has no violations, or a violation <b>and</b> a negative RTD test result, no action required</li> </ul>

# Return to Duty Process (RTD)

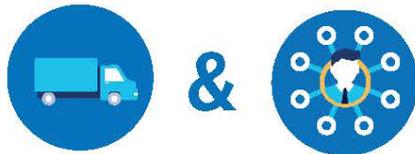


Employers, or their designated consortia/third-party administrators (C/TPAs), and substance abuse professionals (SAPs) must now report select parts of the return-to-duty (RTD) process in the Clearinghouse, within specific time frames. This reported information will update the driver's view of their RTD status (see right).

### RETURN-TO-DUTY STATUS



### Information must be reported in the Clearinghouse within required time frames:



**Employers (or their designated C/TPAs)** must report violation information by the **close of the third business day** following the date on which they obtained the information.



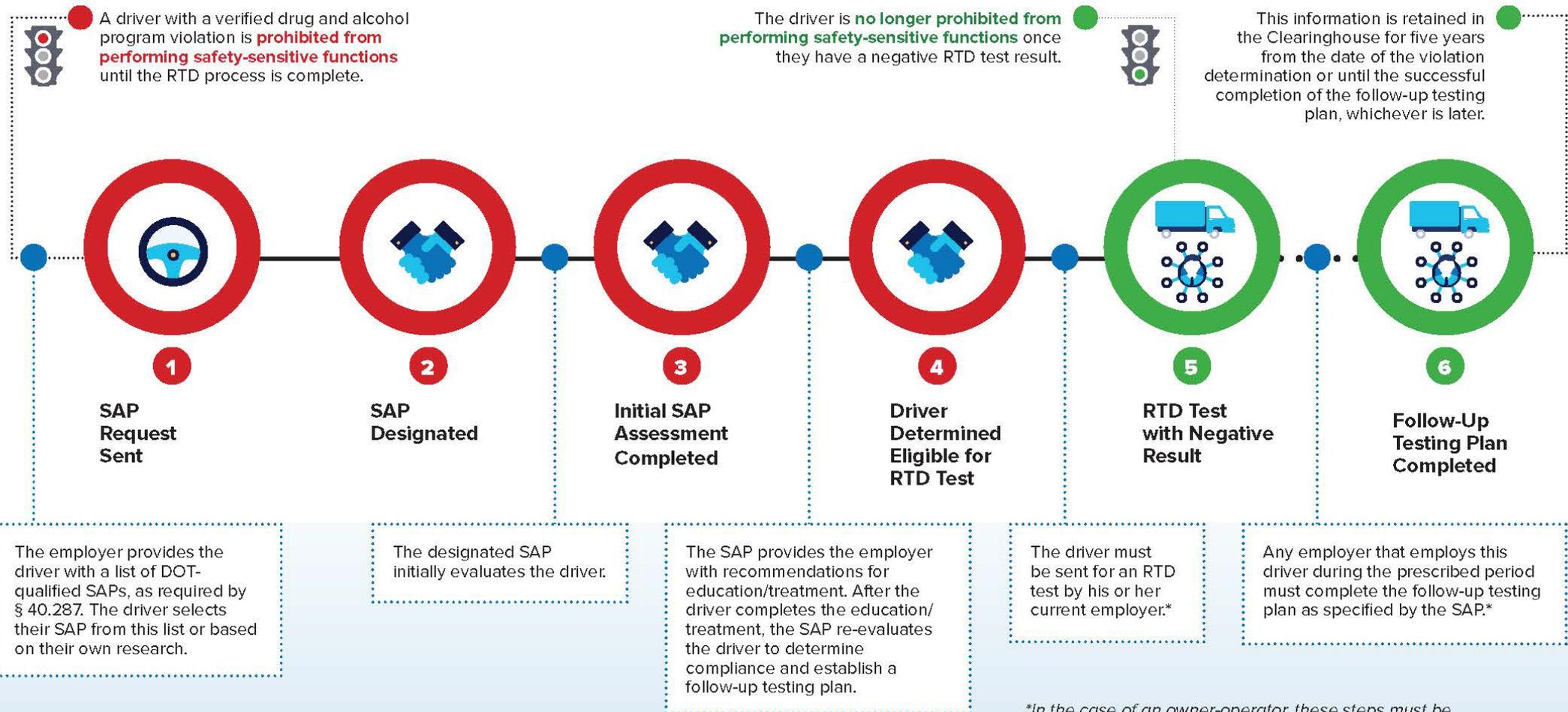
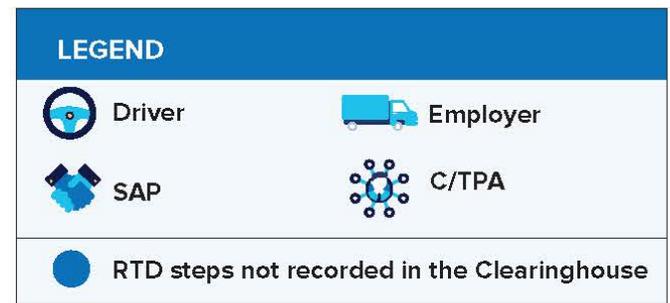
**SAPs** must report the date of completion of an initial SAP assessment and the date of determination of eligibility for RTD testing, by the **close of the business day** following the assessment or determination.



**NOTE:** The steps of the RTD process must be completed in the order listed above to be properly recorded in the Clearinghouse. Reporting this information within the mandated time frames is critical to ensuring that the driver's Clearinghouse status is kept up-to-date.

# How does the Clearinghouse fit into the RTD process?

The return-to-duty (RTD) process outlined in Part 40 Subpart O has not changed. The graphic below illustrates how the reporting requirements detailed in § 382.705 fit into this process.



A driver with a verified drug and alcohol program violation is **prohibited from performing safety-sensitive functions** until the RTD process is complete.

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

This information 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.

*\*In the case of an owner-operator, these steps must be completed by a designated C/TPA.*

# How to Report RTD Information: Employers

## Return-to-Duty Reporting Requirements

The return-to-duty (RTD) process outlined in Part [40 Subpart O](#) has not changed. However, employers must report parts of the RTD process in the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse).

An employer may designate a consortium/third-party administrator (C/TPA) in the Clearinghouse to assist with meeting these reporting requirements. An employer must designate their C/TPA in the Clearinghouse and indicate that the C/TPA has permission to report RTD information on the employer's behalf. A C/TPA must accept an employer's designation before they can access the Clearinghouse and report RTD information (to receive this request, the C/TPA must be [registered in the Clearinghouse](#)).

Even if they designate a C/TPA, the employer retains ultimate responsibility for compliance.

### Which types of RTD information are employers responsible for reporting?

Both employers and substance abuse professionals (SAPs) are required to report information about a CDL driver's RTD process in the Clearinghouse, per [§382.705](#). The table below identifies who is responsible for reporting specific information to the Clearinghouse throughout the RTD process. [Learn more about the RTD process.](#)

Responsible Reporting Entity	RTD Information Reported to the Clearinghouse	Timeframe for Reporting
Designated SAP	Date of initial SAP assessment	SAPs must report the date of completion of an initial SAP assessment and the date of determination of eligibility for RTD testing by the close of the business day following the assessment or determination.
	Date the driver is determined eligible for RTD testing	
Employer of CDL Driver*	Negative RTD test result(s)	Employers must report RTD information by the close of the third business day following the date on which the employer obtained the information.
	The date the driver's follow-up testing plan is successfully completed	

1

## Log In and Access the Dashboard

Visit <https://clearinghouse.fmcsa.dot.gov>. Click **Log In** and access the Clearinghouse using your login.gov username and password.

Under **My Dashboard**, go to **RTD Process** and click **Report RTD Information**.



2

## Enter and Verify the Driver Information

Enter the information of the driver whose RTD information you are reporting and click **Verify Driver Information**.

**You will need to provide the following driver information:**

- Driver first and last name
- Driver date of birth
- Driver commercial driver's license (CDL) number, and the country and state of issuance

A screenshot of the 'Driver Information' form. The form has a breadcrumb trail: 'Driver Information' > 'Test Type' > 'Detail'. The title is 'Driver Information' with a subtitle 'Enter the information of the driver whose RTD information you are reporting.' The form contains the following fields: 'First Name' (text input), 'Last Name' (text input), 'Date of Birth' (dropdown for month, text input for day, text input for year), 'CDL/CLP Number' (text input with 'number' placeholder), 'Country of Issuance' (dropdown with 'country' placeholder), and 'State of Issuance' (dropdown with 'state' placeholder). At the bottom, there are two buttons: 'Verify Driver Information' and 'Cancel'. A red box highlights the entire form area.

## 2

### Enter and Verify the Driver Information (Continued)



#### VERIFYING ERRORS

If there is an issue verifying the driver's CDL information, please check that you have entered all the information correctly and re-submit. You will have two attempts to enter the driver's information correctly. If the driver's CDL information cannot be verified, the RTD information cannot be reported.

If the CDL number has special characters (such as spaces or hyphens), try entering the number with or without those characters, as requirements vary by State.

Once a driver's CDL information has been verified, you will not be able to edit it. If you entered the driver's information in error, click **Cancel** and begin a new RTD information entry. When you are ready to continue, click **Next**.

Driver Information > Test Type > Detail



#### Driver information verified

This driver information has been verified and cannot be changed. If you entered this in error, click "Cancel" and begin a new RTD information entry.

### 3

## Enter the RTD Information

Select the type of RTD Information you are reporting and click **Next**.

### Reporting Negative RTD Test Results

When reporting a negative RTD test result, you will be required to enter:

- Date of test
- Date of verified result (drug tests only)

### Follow-Up Testing Plan Completion

When reporting follow-up testing plan completion, you will be required to enter:

- Date of completion

Driver Information Test Type Detail

### RTD Information Type

Per § 382.705(b)(1), employers must report negative return-to-duty test results and successful completion of follow-up tests prescribed by the driver's substance abuse professional (SAP).

**WHICH TYPE OF RTD INFORMATION ARE YOU ENTERING FOR THIS DRIVER?**

<input type="radio"/> <b>NEGATIVE RTD TEST RESULT</b>	Report this when a driver you employ has a negative return-to-duty (RTD) drug or alcohol test.
<input type="radio"/> <b>FOLLOW-UP TESTING PLAN COMPLETION</b>	Report this when a driver you employ has successfully completed the follow-up testing plan prescribed by their substance abuse professional (SAP).

*Note that only negative RTD test results are reported in the Clearinghouse. A positive RTD test result would be entered as a new violation, which re-starts the driver's RTD process.*

4

## Enter the RTD Information (Continued) Reporting a Negative RTD Test Result

Select the type of RTD test result you are reporting. You can select **RTD Alcohol Test**, **RTD Drug Test**, or both.

For each type of test result, you will need to enter the date of the test. If you select RTD Drug Test, you will also need to enter the date of the verified result.

Check the box to certify that the information you are reporting is true and accurate and click **Submit**.

Driver Information > Test Type > Detail

### Enter RTD Test Result Details

Select the type of RTD test for which the driver obtained a negative result. Select all that apply.

RTD Alcohol Test

RTD Drug Test

I certify that the return-to-duty information that I am reporting to the Clearinghouse is accurate and complete. I understand that reporting false, inaccurate, or misleading information to the Clearinghouse may subject me to civil and/or criminal penalties in accordance with applicable law, including 49 USC 521. I further understand that I am participating in a covered transaction and that reporting false information may subject me to government-wide suspension or debarment under 2 C.F.R. Part 180.

Previous Submit Cancel

## Reporting Completion of a Follow-Up Testing Plan

Enter the date on which the driver successfully completed all follow-up tests prescribed by their substance abuse professional (SAP).

**Check the box** to certify that the information you are reporting is true and accurate and click **Submit**.

### Enter Follow-Up Testing Plan Completion Date

Enter the date on which the driver successfully completed all follow-up tests prescribed by their substance abuse professional (SAP) in accordance with §§ 40.307, 40.309, and 40.311.

Date of Completion



I certify that the return-to-duty information that I am reporting to the Clearinghouse is accurate and complete. I understand that reporting false, inaccurate, or misleading information to the Clearinghouse may subject me to civil and/or criminal penalties in accordance with applicable law, including 49 USC 521. I further understand that I am participating in a covered transaction and that reporting false information may subject me to government-wide suspension or debarment under 2 C.F.R. Part 180.

Previous

Submit

Cancel

## The RTD Information Has Been Reported

Once the RTD information has been reported, you will see the confirmation message below.

You can review RTD information you, your Clearinghouse Assistants, and your designated C/TPAs (if any) have entered on your RTD History page.

### RTD Information Entered



#### Success

The negative RTD test result has been recorded.

[Go to My Dashboard](#)

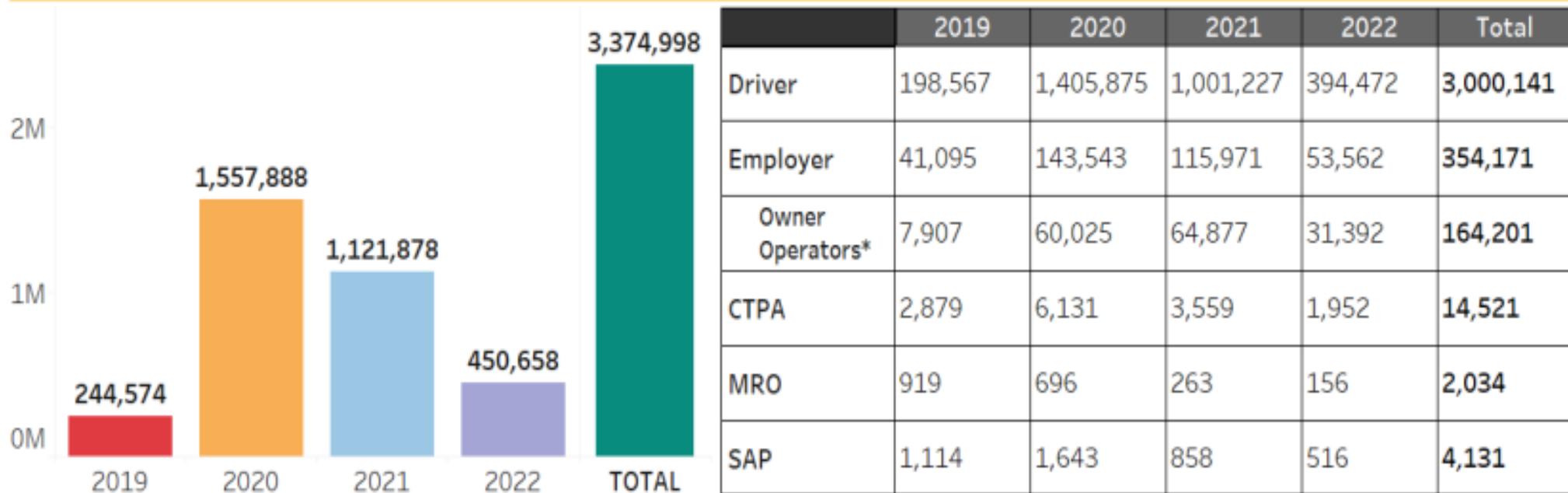
# DACH Statistics



# Clearinghouse Statistics

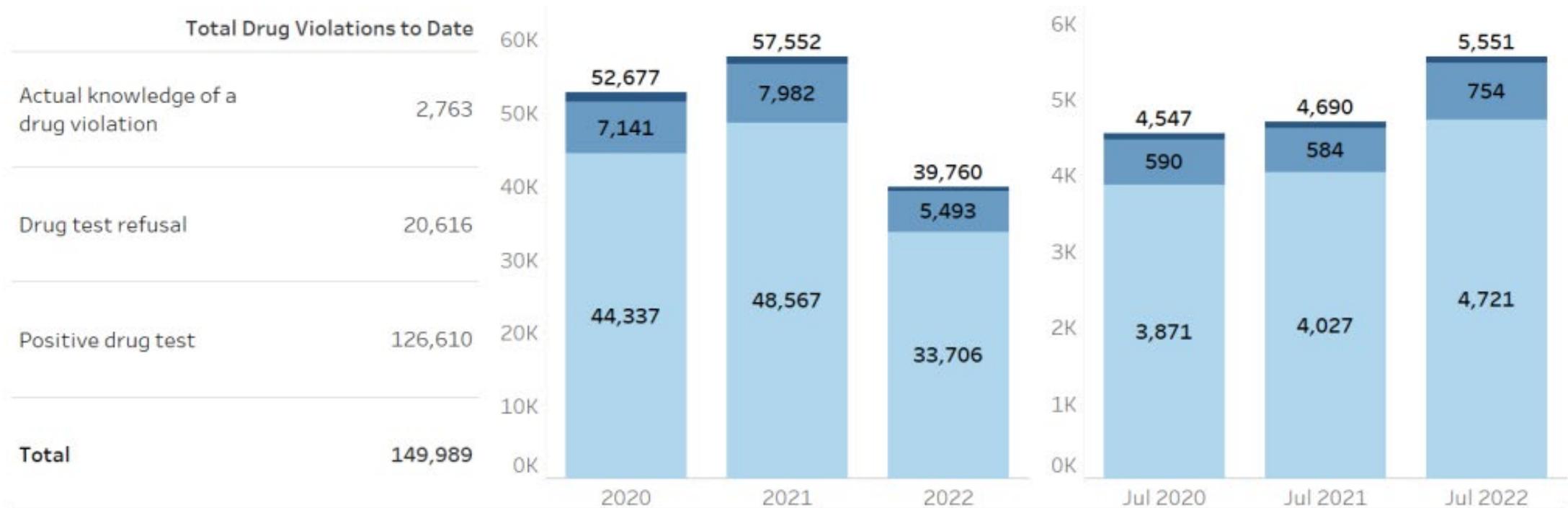
- Data posted monthly: <https://clearinghouse.fmcsa.dot.gov/Learn>
- Registrations: 3,374,998 as of Aug 1, 2022

## CDL/CLP Holder and Organization Registrations



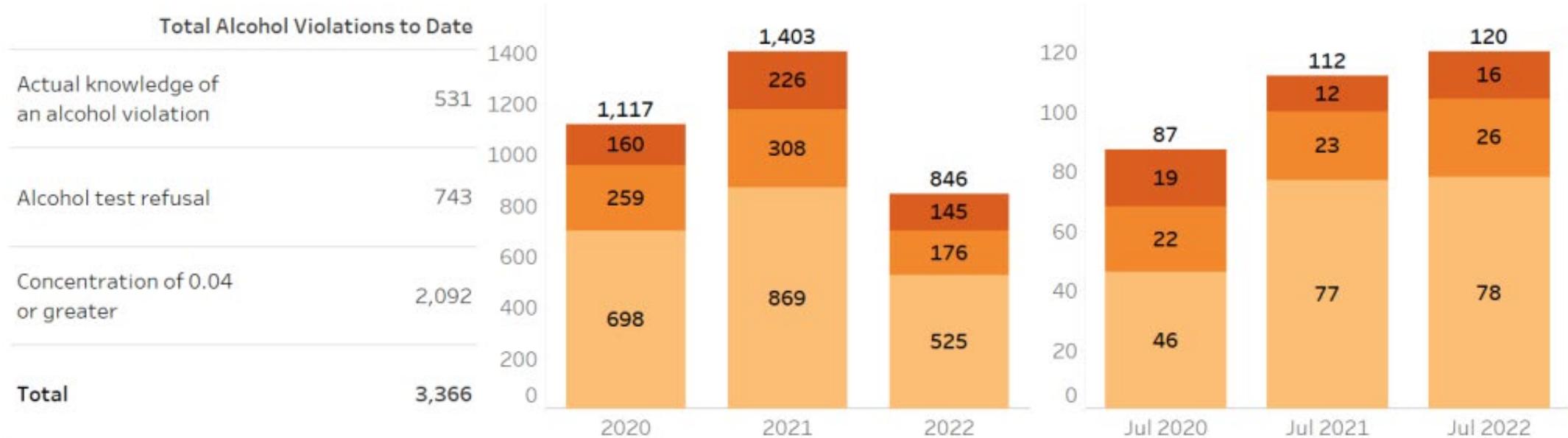
*Number of completed registrations through July 2022, as of August 1, 2022. \* Owner-operator counts are not included in the annual totals, as owner-operators are a subset of Employers and are included in the Employer counts.*

# Violation Data (as of August 1, 2022)



- Actual knowledge of a drug violation
- Drug test refusal
- Positive drug test

# Violation Data (as of August 1, 2022)

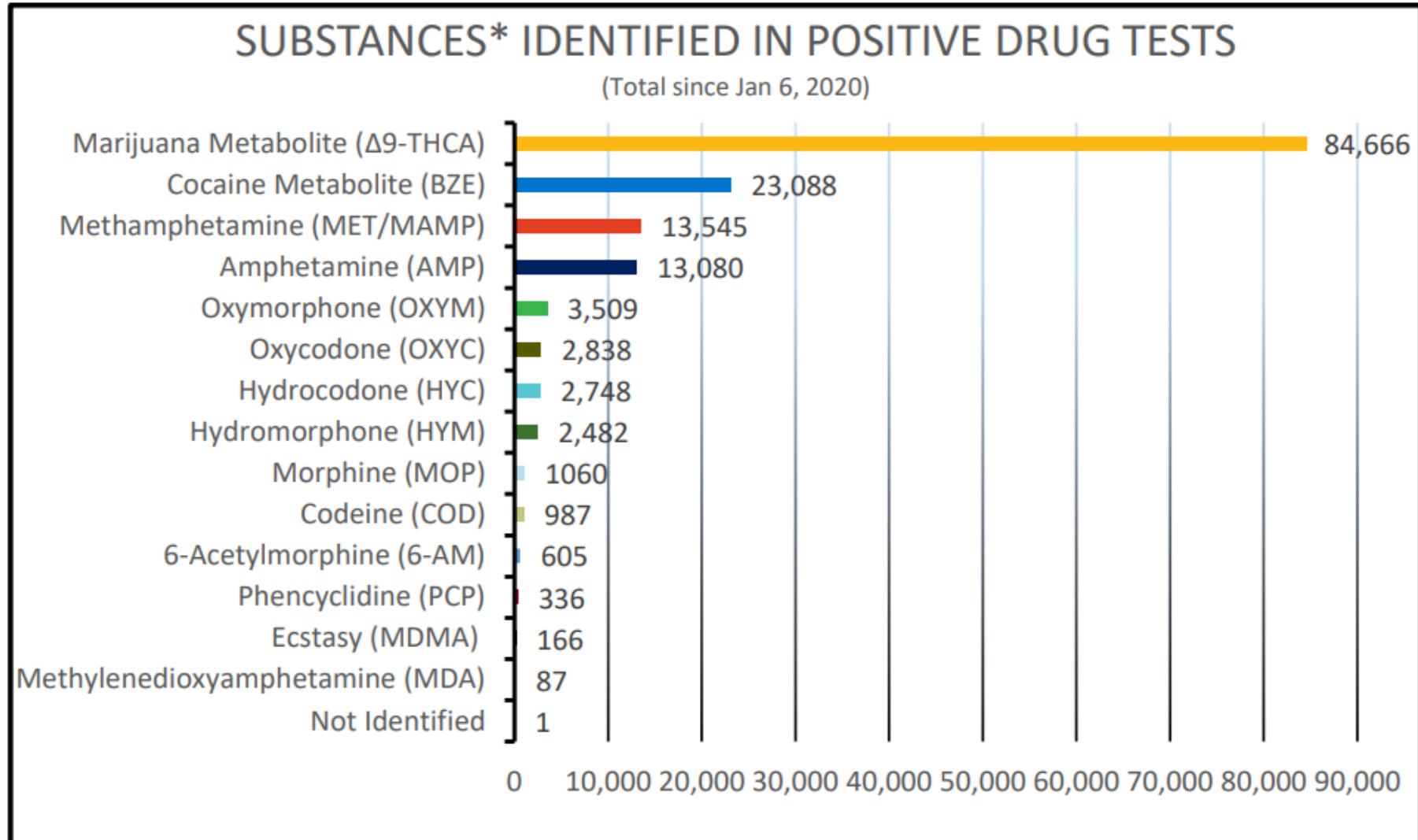


	Overall Violations		Overall Violations
2020	53,794	July 2020	4,634
2021	58,955	July 2021	4,802
2022	40,606	July 2022	5,671
<b>Total</b>	<b>153,355</b>	<b>Total</b>	<b>15,107</b>

Violations reported through July 2022, as of August 1, 2022.

- Actual knowledge of an alcohol violation
- Alcohol test refusal
- Concentration of 0.04 or greater

# Violation Data (as of August 1, 2022)



# Clearinghouse-II Final Rule



# Clearinghouse-II Final Rule

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- Read the Final Rule: <https://www.regulations.gov/document/FMCSA-2017-0330-0036>
- Clearinghouse-II Final Rule was published on October 7, 2021.
  - This rulemaking amended regulations to establish requirements for State Driver's Licensing Agencies (SDLAs) to access and use information obtained from the Clearinghouse.
  - SDLAs must not issue, renew, upgrade, or transfer a CDL/CLP for any individual prohibited under FMCSA's regulations from performing safety-sensitive functions, including driving a CMV, due to one or more drug and alcohol program violations.
  - SDLAs must remove the CLP/CDL privilege from the driver's license of an individual subject to the CMV driving prohibition, which would result in a downgrade of the license until the driver complies with RTD requirements.

# Effective November 8, 2021

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- Actual knowledge of a violation, based on the issuance of citation for DUI in a CMV, ***will not be removed*** from the Clearinghouse when the citation does not result in a conviction.
- In the final rule, FMCSA clarified that a driver subject to FMCSA's drug and alcohol use and testing requirements, who has been issued a traffic citation (or other charging document) for DUI in a CMV, has violated 49 CFR part 382, subpart B.
- The 2021 final rule amends the regulation to state that a report of actual knowledge of prohibited use of drugs or alcohol, based on the issuance of DUI in a CMV, will remain in the Clearinghouse for 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.

# Effective January 6, 2023

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- On January 6, 2023, once three years of violation data is stored in the Clearinghouse, prospective employers ***will no longer*** have to conduct manual inquiries with a CDL driver's previous employers.
- The prospective employer's query of the Clearinghouse will satisfy the requirement of § 391.23(e).
- However, if a prospective employee was subject to drug and alcohol testing by DOT mode other than the FMCSA, (FRA, FTA, FAA, etc.), prospective employers will still have to request drug and alcohol violation information from those DOT-regulated employers, since that information will not be reported to the Clearinghouse.

# Effective November 18, 2024

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- SDLAs have until November 18, 2024 (compliance date) to comply with these requirements.
- SDLAs must not issue, renew, upgrade, or transfer a CDL/CLP for any individual prohibited under FMCSA's regulations from performing safety-sensitive functions, CMV, due to one or more drug and alcohol program violations.
- SDLAs must, upon receipt of notification that a driver is prohibited from operating a CMV due to a drug and alcohol program violation, initiate the downgrade process to remove the CLP/CDL privilege from the driver's license within 60 days.
  - Drivers completing the RTD process before the downgrade process is completed would no longer be prohibited from operating a CMV and would no longer be subject to a downgrade.
- FMCSA extends the compliance date for the requirement that SDLAs query the Clearinghouse prior to issuing, renewing, upgrading, or transferring a CDL from January 6, 2023 to November 18, 2024. SDLAs currently have the option to voluntarily query the Clearinghouse and may do so up until the compliance date.

# Questions?



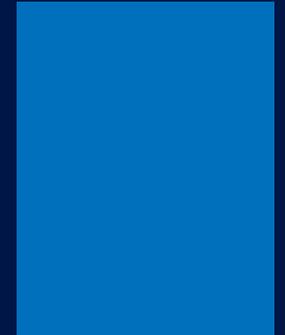
U.S. Department of Transportation  
Federal Motor Carrier Safety Administration

## For more information:

Visit the Clearinghouse Learning Center at:  
<https://clearinghouse.fmcsa.dot.gov/Learn>  
for resources and answers to common  
questions

## Contact us:

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