

Motor Vehicle Division Informational Memo # 24-21 *Drug and Alcohol Clearinghouse Implementation*

DATE: November 1, 2024

FROM: Steve Stonehocker, Records Manager

TO: All Motor Vehicle Division staff; all County Treasurers and County Treasurer staff

EFFECTIVE: NOVEMBER 18, 2024

SUBJECT

This informational memo explains how Iowa will implement and comply with the Federal Motor Carrier Safety Administration (FMCSA) final rule regarding the Drug and Alcohol Clearinghouse (DACH).

SUMMARY

Under federal DACH rules, beginning November 18, 2024, we will be prohibited from issuing any commercial driver's license (CDL), restricted CDL (RCDL) or commercial learner's permit (CLP) if a person has an open drug or alcohol violation on the DACH. Further, we will need to downgrade an existing CDL/CLP holder to a noncommercial license upon receipt of notice from FMCSA of a DACH violation and record the downgrade on the national Commercial Driver's License Information System (CDLIS) within 60 days. Once the driver completes the "return to duty" process, the downgrade must be ended, and the driver will be eligible for CDL/CLP/RCDL issuance.

Legislation passed in 2019 (explained in IM 19-03) added authority for the DOT to query the DACH prior to issuing a CDL, RCDL or CLP and legislation passed in 2023 (explained in IM 23-11) added the appropriate legal authority to comply with the DACH rules by denying issuance of a CDL, RCDL or CLP, or downgrading an existing CDL or CLP, as applicable when a driver has an open DACH violation.

LINK TO FMCSA DACH FINAL RULE

<https://www.govinfo.gov/content/pkg/FR-2021-10-07/pdf/2021-21928.pdf>

CURRENT

Under current law, we have the authority to query the DACH before issuing a CDL or a CLP. Current law also states we will have the authority to deny the issuance of a CDL/CLP/RCDL or to downgrade an existing CDL/CLP/RCDL if the driver has an open violation on the DACH once the IT programming has been fully completed by the federal compliance date of November 18, 2024.

NEW

As of November 18, 2024, Iowa will be fully compliant with the DACH final rule, and we will have the programming and processes in place to query the DACH before issuing a CDL or CLP, deny issuance or downgrade an existing CDL or CLP if the driver has an open violation on DACH, and reinstate drivers who were either mistakenly downgraded or who have completed the federal "return to duty" process. **Being compliant will require DL issuance staff to complete certain steps when issuing a CDL or CLP to an applicant and**

Sanctions staff to complete certain actions for the DACH downgrade and reinstatement process (further explained below).

BUSINESS IMPACT

Prior to issuing, renewing, transferring, or upgrading a CDL or RCDL, or issuing, renewing, or upgrading a CLP, the DL issuance staff member must query DACH. The DACH query will almost always be an automatic check run by ARTS against the DACH system, but in certain circumstances if the ARTS connection with the DACH system is down, staff will need to know how to manually query DACH (steps further explained below). If the result of the query is that the driver is in a “prohibited” status, the transaction must be denied. If the customer currently holds a CDL or CLP, the system will automatically issue a downgrade to the customer.

In addition to taking action based on DACH results during the CDL/RCDL/CLP issuance transaction, ARTS will also receive notifications from DACH for drivers currently holding a CDL, RCDL, or CLP who are not involved in an issuance transaction. When those drivers enter into “prohibited” status on DACH, the DACH system will notify ARTS and ARTS will automatically issue a downgrade to the customer.

Once a driver is no longer in prohibited status in DACH, the DACH system will notify ARTS and the downgrade will be automatically lifted by ARTS. However, because the notifications of “not prohibited” status from DACH will be processed by overnight batch, it is possible a customer’s lift will not be on their ARTS record yet, even though they are in a “not prohibited” status in DACH. In these situations, staff can run a manual query of DACH to confirm the person’s “not prohibited” status and manually lift the downgrade, or, if a county treasurer employee, contact the ACE team to manually lift the downgrade.

QUESTIONS AND ANSWERS

The following summaries and questions and answers provide information regarding the new procedures for DACH. This information will be helpful as you process transactions for CDL, RCDL and CLP customers who are in prohibited status on DACH and customers who receive a downgrade due to being in prohibited status on DACH. The questions and answers are broken down into the following categories: (1) CDL/CLP/RCDL issuance and DACH query; (2) Downgrades; (3) Reinstatements; (4) DACH portal access; and (5) Confidentiality and security of DACH information.

1. CDL/CLP/RCDL ISSUANCE AND DACH QUERY

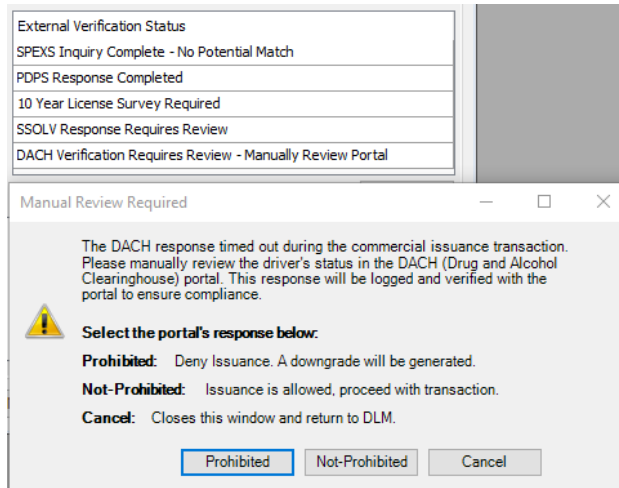
As noted above, effective November 18, 2024, prior to issuing, renewing, transferring, or upgrading a CDL or RCDL, or issuing, renewing, or upgrading a CLP, the DL issuance staff member must query DACH. The purpose of querying DACH is to determine if the driver is in a “prohibited” status. If the driver is in a “prohibited” status, the transaction must be denied.

HOW WILL I QUERY DACH DURING AN ISSUANCE TRANSACTION?

DACH queries are sent electronically during the issuance transaction and will mirror the VLS or SPEXs/PDPS searches. Once you add a Document to the Documents Tab and click onto a new tab, the search will be sent to the Clearinghouse. The response received will show in the External Benefits box on the Eligibility Tab.

WHAT HAPPENS IF I DO NOT RECEIVE A RETURN RESPONSE WHEN THE SYSTEM RUNS A DACH QUERY?

If the system does not receive a return response from DACH, the DACH portal must be manually checked prior to the issuance of a CDL, CLP or RCDL. Contact a Supervisor, Consultant or ACE Team member to run a manual search. Once the manual search is received, issuance staff will need to enter the corresponding response on the Eligibility Tab. Double clicking the DACH Verification requires review – Manually Review Portal message will open up the Manual Review response box. Click the Manual Response and continue to process the transaction as you normally would.



WHAT ACTION DO I TAKE IF DACH RETURNS A “PROHIBITED” RESPONSE?

If DACH returns a response of “prohibited” you must deny the transaction.

We plan to create an informational sheet that the staff can provide the customer explaining more about why the transactions was denied and ARTS will initiate the downgrade automatically.

WHAT DOES “PROHIBITED” STATUS MEAN?

“Prohibited” status on DACH means the customer is ineligible to legally operate a CMV.

WHAT IF THE CUSTOMER ALREADY HOLDS A CDL, CLP OR RCDL AND I RECEIVE A “PROHIBITED” RESPONSE FROM DACH DURING THE TRANSACTION?

As stated above, you must deny the transaction. At the same time, the system will automatically issue a downgrade of the customer’s CDL, CLP or RCDL. The customer will be mailed notice of the downgrade action. If the customer holds a CLP, or RCDL, they will receive a downgrade, just as a CDL holder. Downgrades are further explained in category #2 below.

HOW CAN THE CUSTOMER CHANGE THEIR STATUS IN DACH FROM PROHIBITED TO NOT PROHIBITED?

The DACH program, including its consequences and reinstatement requirements are mandated and overseen by FMCSA. FMCSA requires a person who is in prohibited status on DACH to complete a “return-to-duty” (RTD) process. In a nutshell, the RTD process requires the driver to complete a series of steps, including being evaluated by a Substance Abuse Professional (SAP) and completing an RTD

substances test with a negative result. **The Iowa DOT does not oversee or have any involvement in the RTD process, so all we can do is provide general information to the customer and point them towards [FMCSA guidance](#). FMCSA may be contacted by calling (800) 832-5660 or by submitting a query at the following link: [Contact Us](#)**

HOW IS DACH DIFFERENT FROM THE OPERATING WHILE INTOXICATED (OWI) PROCESS?

DACH differs from the OWI process as the violations recorded on the DACH stem primarily from employer testing, rather than traffic stops where a peace officer invokes implied consent or a court conviction for an OWI. There could be times when an OWI event also triggers a DACH violation due to the employer reporting the OWI incident to the DACH, and in this case, we will need to follow both processes by both imposing any applicable OWI revocation or disqualification under Iowa Code chapter 321J and recording a downgrade of the CDL/CLP holder due to the DACH violation.

WILL THE SUBSTANCE USE DISORDER EVALUATION FROM THE OWI PROCESS SATISFY THE RTD REQUIREMENTS FOR DACH?

Not necessarily. If a customer is revoked for OWI in Iowa, Iowa Code section 321J.3 requires them to complete a substance use disorder evaluation as part of the reinstatement requirements for the Iowa OWI. DACH, on the other hand, requires the customer to complete the RTD process, including completing an evaluation from an FMCSA approved SAP. It is possible that an approved substance use disorder evaluation provider under Iowa Code section 321J.3 will also be an FMCSA approved SAP, but we do not know if that will always be the case. We also don't know what criteria FMCSA has set forth for the SAP evaluation. If a customer has questions about this, it will be best to refer them back to the provider they have chosen to complete the evaluation to ensure the provider is aware the customer has both an Iowa OWI and a DACH downgrade in case the provider's evaluation can satisfy the requirements for both processes.

2. DOWNGRADES

In addition to a downgrade of the customer's commercial driving privileges being triggered during an issuance transaction, ARTS will also receive regular notifications from DACH for existing CDL, CLP and RCDL holders who enter into "prohibited" status. These notifications can be sent to us any time the customer is identified as prohibited on DACH and are not limited to being triggered during an issuance transaction. When we receive a notification that an existing CDL, CLP or CDL holder is in prohibited status, ARTS will automatically trigger a downgrade of the person's commercial driving privileges. This means an action row will be added the person's driving record, but the downgrade letter will not be available until the next day (after the overnight batch job has run).

WHAT DOES A DOWNGRADE DO?

Similar to the current downgrade process when a CDL customer fails to have a valid medical certificate on file, a downgrade for being in prohibited status on DACH will result in the customer losing their commercial driving privileges.

HOW WILL THE DACH DOWNGRADE WORK?

After receiving the prohibited message from DACH, ARTS will automatically issue a downgrade. This means the system will add a downgrade entry (DWN173) on the customer's ARTS record with the effective date of the downgrade. The system will also generate a notice of the downgrade, which will be mailed to the customer's address on file. The downgrade has a 60-day notice period built into it. Once the 60-day notice period has passed, the customer will no longer be eligible to operate a commercial motor vehicle (CMV).

WHAT HAPPENS TO THE CUSTOMER'S NON-COMMERICAL DRIVING PRIVILEGES IF THEY RECEIVE A DACH DOWNGRADE?

There is no impact to the customer's non-commercial driving privileges solely due to the DACH downgrade. As long as the customer's base license is otherwise valid, they can continue to operate a non-commercial motor vehicle even with a DACH downgrade on their record.

HOW CAN A DACH DOWNGRADE BE LIFTED?

The only way for a DACH downgrade to be lifted is if we receive a notification of "not prohibited" from DACH. DACH will automatically send us a notification when the customer is in "not prohibited" status and we can also run a manual query of DACH to determine changes in the customer status. The actual process of lifting the downgrade will be further explained in the reinstatement category #3 below.

DOES A DACH DOWNGRADE HAVE APPEAL RIGHTS?

No. Like the downgrade for an invalid medical certificate, the DACH downgrade does not have appeal rights. The only way for a DACH downgrade to be lifted is if DACH lists the customer in "not prohibited" status. In order to achieve "not prohibited" status, the customer will need to comply with all of the DACH requirements set forth by FMCSA.

3. REINSTATEMENTS

We will receive a notification from DACH (or can manually check DACH to see) when a customer is in a "not prohibited" status in DACH, which means the customer's DACH downgrade can be lifted. The actual lift process and any reinstatement requirements are further explained in the Q&A below.

WHAT IF A CUSTOMER'S DOWNGRADE IS STILL PENDING AND WE RECEIVE A NOTIFICATION OF "NOT PROHIBITED" FROM DACH?

If the downgrade is still pending (i.e., still within the 60-day notification period), we must rescind the downgrade. Because the downgrade is rescinded before the CDL, RCDL or CLP privileges are withdrawn, there are no Iowa DOT reinstatement requirements and the customer will not need to appear at a service center. The system will simply generate a notice letting the customer know that the pending downgrade has been lifted. If the customer is at the counter, staff can process the lift manually or, if a county treasurer employee, contact the ACE team to process the lift.

WHAT IF A CUSTOMER’S DOWNGRADE IS IN EFFECT AND WE RECEIVE A NOTIFICATION OF “NOT PROHIBITED” FROM DACH?

If the downgrade has already taken effect, ARTS will lift the downgrade and restore the CDL, RCDL or CLP driving privileges. This downgrade process mirrors the Med Cert downgrade, the customer will not need to appear for a Non-Commercial license, or to reinstate their CDL, CLP or RCDL, or retest even after one year. They would only need a new credential if their license was lost, stolen or needs to be renewed, etc. The system will also generate a notice letting the customer know that the downgrade has been lifted and their commercial operating privileges have been restored.

WHAT IF IT WAS AN ERROR FOR A CUSTOMER TO BE IDENTIFIED AS “PROHIBITED” IN DACH?

If DACH mistakenly identifies a customer as “prohibited” in DACH, DACH will notify us of the error. If the customer’s downgrade is pending, the downgrade must be rescinded. If the downgrade has taken effect, we must lift the downgrade and reinstate the customer’s CDL, CLP or RCDL driving privileges without any reinstatement requirements. ARTS will also expunge any reference to the downgrade from CDLIS when the downgrade was entered as the result of an error from DACH.

HOW WILL THE ACTUAL RESCIND OR LIFT PROCESS BE HANDLED?

FMCSA will send an electronic file of the customers that are prohibited and need downgraded, and the customers that are not prohibited and need lifted. Most of these downgrades will be processed electronically once the information is received from FMCSA. If a customer is at the front counter, the downgrade can be manually lifted by staff. If a county treasurer employee, contact the ACE Team for assistance to lift the downgrade manually.

CAN I RUN A MANUAL CHECK OF DACH TO SEE IF A CUSTOMER IS IN “NOT PROHIBITED” STATUS AND WHAT CAN I DO WITH THE INFORMATION?

Certain staff will have access to the DACH portal and can run a manual check of the portal to determine real time if the customer is showing as “prohibited” or “not prohibited” on DACH. If you confirm the customer is showing as “not prohibited” in DACH, you can manually rescind or lift the downgrade.

4. DACH PORTAL ACCESS

Although ARTS is programmed to automatically run a DACH query at the issuance transaction, there will be times when the connection between DACH and ARTS is down, and there will also be times when a manual query of DACH may need to be run if there is a customer at the counter or on the phone who is wondering if they are still listed in “prohibited” status.

WHO WILL HAVE DACH PORTAL ACCESS?

The ACE Team, DL Supervisors and Consultants, and the AAMVA Compliance Team will have DACH portal access. County treasurer staff should contact the ACE Team for assistance with the DACH portal and state issuance staff should contact their Supervisor or Consultant. The AAMVA Compliance Team will provide backup assistance with the portal as necessary.

5. CONFIDENTIALITY AND SECURITY OF DACH INFORMATION

FMCSA regulation 49 CFR §382.725(c) prohibits release of any DACH information to any person not directly involved in determining a customer's qualifications to obtain or maintain their CDL or CLP.

CAN DACH INFORMATION BE RELEASED TO AN AUTHORIZED REQUESTER UNDER THE DRIVER'S PRIVACY PROTECTION ACT (DPPA)?

No. Although the DPPA allows us to release certain protected information from a motor vehicle record to an authorized requester, federal law specifically prohibits release of DACH information to anyone, other than to MVD and county DL staff involved in driver's license issuance transactions and driver's license downgrades and reinstatements. *However, this guidance does not impact our ability to display the downgrade entry on the customer's driving record or the downgrade and lift notices to the customer related to their status on DACH. Iowa driving records and customer notices may still be released under the DPPA, as that information is reflective of an action Iowa was required to take based on information provided by DACH and is not the same thing as providing information directly from DACH.*

WHAT IF A CUSTOMER REQUESTS TO SEE THEIR INFORMATION APPEARING ON DACH?

We cannot release any information we obtain from DACH to the customer. If they want to see what information appears on the DACH, they will need to contact FMCSA, as FMCSA is the custodian of record for DACH information. *However, this guidance does not impact our ability to display the downgrade entry on the customer's driving record or issue downgrade and lift notices to the customer related to their status on DACH.*