

Good afternoon, Mr. Chairman and members of the committee. I'm Brad Schaffer, Director of Driver License for the North Dakota Department of Transportation (NDDOT). I'm here to provide information related to SB 2112.

Senate Bill 2112 brings the North Dakota commercial licensing program into compliance with the Federal Motor Carrier Safety Administration (FMCSA). These changes include the requirement to conduct a check of the Drug and Alcohol Clearinghouse prior to issuing, renewing, or upgrading a Commercial License (CDL) or Commercial License Permit (CLP). These changes must be implemented no later than November 18, 2024.

A rule change in the Federal Motor Carrier Safety Regulations (49 CFR Part 392 - subpart B, effective November 8, 2021) requires state driver licensing agencies to access and use information obtained through the Drug and Alcohol Clearinghouse, an FMCSA-administered database containing driver-specific controlled substance and alcohol records.

States must remove the CLP or CDL privilege from the driver license of an individual, which would result in a downgrade of the license until the driver complies with the return-to-duty requirements.

During the NDDOT's 2022 Annual Program Review by FMCSA, they recommended this requirement be implemented to ensure the state remains in substantial compliance with 49 CFR 383 and 384. A state must come into substantial compliance with this requirement as soon as possible, but no later than November 18, 2024. If we do not come into compliance with this rule, the penalty is a withholding of federal-aid highway funds of up to 4% for the first year and up to 8% for subsequent years. Also, FMCSA could disqualify the state from performing CDL transactions.

Mr. Chairman, that concludes my testimony, I would be happy to answer any questions you may have.