



State of Indiana

Eric J. Holcomb, Governor



Office of Management and Budget
102 State House
Indianapolis, IN 46204

State Budget Agency
212 State House
Indianapolis, IN 46204

June 13, 2024

Kevin Kolbus
Contracts Attorney
Indiana Bureau of Motor Vehicles
100 N Senate Avenue, Room N435
Indianapolis, IN 46204

Dear Mr. Kolbus,

Pursuant to the provisions of IC 4-22-2-22.8, the Office of Management and Budget and State Budget Agency have reviewed the proposed rule that amends 140 IAC 7-3 (OMB #2024-35R) which you submitted on May 23, 2024. After reviewing the proposed rule, the recommendation of OMB and SBA is that the rule changes be approved. Indiana Bureau of Motor Vehicles is authorized to commence the public comment period(s).

Furthermore, if you revise the proposed rule after this approval, you must resubmit the rule and obtain a new approval pursuant to IC 4-22-2-22.8(e).

BMV may proceed with the rule proposed in its submission.

Cristopher R. Johnston
OMB Director

Date: 6/11/2024

Joe Habig
Acting SBA Director

Date: 6/13/2024

TITLE 140 BUREAU OF MOTOR VEHICLES

Proposed Rule Drug & Alcohol Clearinghouse (DACH) for CDL/CLP Holders

LSA Document # _____

DIGEST

Adds 140 IAC 7-3-4.5 as a new section and amends 140 IAC 7-3-10 and 140 IAC 7-3-17.5 concerning the implementation of the Federal Motor Carrier Safety Administration's (FMCSA) Drug and Alcohol Clearinghouse (DACH). Statutory Authority IC 9-14-8-3 and IC 9-24-6.1-2. Effective 30 days after filing with the publisher.

SECTION 1. 140 IAC 7-3-4.5 IS ADDED TO READ AS FOLLOWS:

140 IAC 7-3-4.5 Drug and Alcohol Clearinghouse

Authority: IC 9-14-8-3; 9-24-6.1-2

Affected: IC 9-24-6.1

Sec. 4.5. (a) Beginning on November 18, 2024, prior to issuing a Commercial Learner's Permit (CLP) or Commercial Driver's License (CDL), the Bureau shall submit an electronic query to the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse (DACH) regarding the applicant's status. The Bureau shall not issue, renew, amend, or upgrade an applicant's CLP or CDL unless the applicant's status in the DACH is listed as 'Not Prohibited.'

(b) Beginning on November 18, 2024, upon the notification from the FMCSA that the holder of an unexpired CLP or CDL is listed as Prohibited in the DACH, the Bureau must remove the commercial driving privileges of the CLP or CDL holder within sixty (60) days of receiving the notification from FMCSA. A driver's commercial driving privileges shall remain revoked or disqualified until:

- (1) FMCSA provides a DACH status of not prohibited;**
- (2) The CLP or CDL expires;**
- (3) The applicant surrenders the CDL and is issued a Driver's License; or**
- (5) The applicant is issued a credential in another state.**

(c) Beginning on November 18, 2024, upon notification from the FMCSA that a driver's DACH status is no longer prohibited, the Bureau shall make the driver eligible for reinstatement of the CLP or CDL.

(d) Beginning on November 18, 2024, upon notification from the FMCSA that a CLP or CDL holder's DACH status was erroneously listed as prohibited the bureau shall:

- (1) Reinstatement of the CLP or CDL privilege to the driver's license as expeditiously as possible; and**
- (2) Expunge from the driver's record any reference related to the driver's erroneous prohibited status in the DACH.**

SECTION 2. 140 IAC 7-3-10 IS AMENDED TO READ AS FOLLOWS:

140 IAC 7-3-10 Endorsements

Authority: IC 9-14-8-3; IC 9-24-6.1-2

Affected: IC 9-24-6.1

Sec. 10. (a) The following requirements apply to a CDL holder applying for a CDL endorsement:

(1) The applicant must pass the applicable knowledge examinations and CDL skills tests required for the specific class of license and endorsement sought.

(2) The applicant must pass all records checks required by 49 CFR 383.73*.

~~(2)~~ **(3)** An applicant whose driving privileges are disqualified, suspended, revoked, invalidated, or the subject of an equivalent action, is ineligible to apply for a CDL endorsement during the period of the disqualification, suspension, revocation, invalidation, or equivalent action.

(b) The hazardous materials endorsement knowledge test must be taken upon application for an initial CDL or a CDL renewal.

(c) CDL endorsement examinations passed shall only be valid for a period of one hundred eighty (180) days from the examination date.

***These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Bureau of Motor Vehicles, Indiana Government Center North, Fourth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.** *(Bureau of Motor Vehicles; 140 IAC 7-3-10; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1837, eff Jul 1, 1990; filed Nov 14, 1990, 1:30 p.m.: 14 IR 556; readopted filed Oct 17, 2001, 4:01 p.m.: 25 IR 921; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA; readopted filed Nov 3, 2014, 1:43 p.m.: 20141203-IR-140140375RFA; readopted filed Sep 3, 2020, 10:16 a.m.: 20200930-IR-140200090RFA)*

SECTION 3. 140 IAC 7-3-17.5 IS AMENDED TO READ AS FOLLOWS:

140 IAC 7-3-17.5 Renewal timing and requirements

Authority: IC 9-14-8-3; IC 9-24-6.1-2

Affected: IC 9-24-6.1

Sec. 17.5. (a) A person with a CDL may apply to the bureau to renew the person's CDL up to one (1) year prior to the CDL's expiration date.

(b) A person applying to renew a CDL must pass all records checks required by 49 CFR 383.73.*

~~(b)~~ **(c)** Except as provided in subsections (c) and (d), a person applying to renew the person's CDL is not required to take the core knowledge test, endorsement knowledge test, and CDL skills test.

~~(c)~~ **(d)** A person applying to renew the person's CDL with a hazardous materials endorsement must pass the hazardous materials endorsement knowledge test and must pass a criminal history background check every four (4) years.

~~(d)~~ **(e)** A person with a CDL that has been expired, disqualified, canceled, revoked, voluntarily surrendered, relinquished, or invalidated for longer than three (3) years must

meet all application requirements as if the applicant is applying for an initial CDL, including applicable knowledge exams and CDL skills tests.

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