

Information Collection Clearance

The Supporting Statement

Commercial Driver Licensing and Testing Standards

SECTION A. JUSTIFICATION:

Introduction: This supporting statement is submitted by the Federal Motor Carrier Safety Administration (FMCSA) to revise our existing clearance to include information collection (IC) burdens for the proposed changes set forth in a notice of proposed rulemaking (NPRM), titled “*Medical Certification Requirements as Part of the CDL*” (Attachment A) and to account for an increase in the number of Commercial Driver’s License Information System (CDLIS) driver records from 11.3 to 12.2 million. The most recent clearance of this information collection results from a rule titled, “Commercial Driver Licensing and Testing Standards,” that was approved by the Office of Management and Budget (OMB) as OMB Control No. 2126-0011, which is currently due to expire on April 30, 2007. This current submission includes all information collection requirements contained in title 49 CFR part 383, titled “*Commercial Driver’s License Standards: Requirements and Penalties*” and title 49 CFR part 384 titled, “*State Compliance with Commercial Driver’s License Program.*”

1. Necessity of Information Collection:

The licensed drivers in the United States deserve reasonable assurance that their fellow motorists are properly qualified to drive the vehicles they operate. Before the Commercial Motor Vehicle Safety Act of 1986 (CMVSA or the Act at Attachment B) (Public Law 99-570, Title XII, 100 Stat. 3207-170), was signed by the President on October 27, 1986, 18 States and the District of Columbia authorized any person licensed to drive an automobile to also legally drive a large truck or bus. No special training or special license was required to drive these vehicles, even though it was widely recognized that operation of certain types of vehicles called for special skills, knowledge and training. Even in the 32 States that had a classified driver licensing system in place, only 12 of these States required an applicant to take a skills test in a representative vehicle. Equally serious was the problem of drivers possessing multiple driver licenses that enabled these commercial motor vehicle (CMV) drivers to avoid license suspension for traffic law convictions. By spreading their convictions among several States, CMV drivers could avoid punishment for their infringements, and stay behind the wheel.

The CMVSA addressed these problems. Section 12002 of the Act makes it illegal for a CMV operator to have more than one driver's license. Section 12003 requires the CMV driver conducting operations in commerce to notify both the designated State of licensure official and the driver's employer of any convictions of State or local laws relating to traffic control (except parking tickets). This section also requires each person who applies for employment as a CMV operator to notify prospective employers of all previous employment as a CMV operator for at least the previous ten years.

In section 12005 of the Act, the Secretary of Transportation (Secretary) is required to develop

minimum Federal standards for testing and licensing of operators of CMVs which: (a) have a gross vehicle weight rating over 26,001 pounds, (b) have a gross combination vehicle weight rating of 26,000 or more pounds, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds, (c) carry placardable quantities of hazardous materials, or (d) are designed to transport 16 or more passengers, including the driver.

Section 12007 of the Act also directs the Secretary, in cooperation with the States, to develop a clearinghouse to aid the States in implementing the one driver, one license, and one driver record requirement. This clearinghouse is known as CDLIS.

The CMVSA further requires each person who has a CDL suspended, revoked or canceled by a State, or who is disqualified from operating a CMV for any period, to notify his or her employer of such actions. Drivers of CMVs must notify their employers within 1 business day of being notified of the license suspension, revocation, and cancellation, or of the lost right to operate or disqualification. These requirements are reflected in 49 CFR part 383, titled "Commercial Driver's License Standards; Requirements and Penalties." Specifically, § 383.21 prohibits a person from having more than one license; § 383.31 requires notification of convictions for driver violations; § 383.33 requires notification of driver's license suspensions; § 383.35 requires notification of previous employment; and § 383.37 outlines employer responsibilities. Section 383.111 requires the passing of a knowledge test by the driver and § 383.113 requires the passing of a skills test by the driver; § 383.115 contains the requirement for the double/triple trailer endorsement, § 383.117 contains the requirement for the passenger endorsement, § 383.119 contains the requirement for the tank vehicle endorsement and § 383.121 contains the requirement for the hazardous materials endorsement.

Section 12011 of the CMVSA states that the Secretary shall withhold a portion of the Federal-aid highway funds apportioned to a State if the State does not substantially comply with the requirements in section 12009(a) of the Act. The information gathered during State compliance reviews is used to determine whether States are complying with these requirements.

A final rule was published on July 31, 2002 implementing 15 of the 16 CDL related provisions of the Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159, 113 Stat. 1748 (Dec. 9, 1999)) (Attachment C) that were designed to enhance the safety of drivers on our nation's highways by ensuring that only safe drivers operate CMVs. These new requirements are contained in 49 CFR part 383 and include: five new major and serious disqualifying offenses (§ 383.51); Non-CMV disqualifying offenses by a CDL holder (§ 383.51); disqualification of drivers determined to be an imminent hazard (§ 383.52); a new school bus endorsement (§ 383.123); a prohibition on issuing a hardship license to operate a CMV while under suspension (§ 384.210); a prohibition on masking convictions (§ 384.226); and various requirements for transmitting, posting and retaining driver convictions and disqualification records. The 16th CDL related provision is the merger of the medical certification and CDL issuing processes and is the main reason for the Agency's submission of this supporting statement revision.

An interim final rule (IFR) was published on May 5, 2003 as a companion rule to the

Transportation Security Administration's (TSA's) May 5, 2003 IFR implementing section 1012 of the USA PATRIOT Act (Public Law 107-56) (Attachment D) on security threat assessments for drivers applying for or renewing a CDL with a hazardous materials endorsement. While TSA set the requirements in their rule; FMCSA has the responsibility as part of the CDL testing and issuance process to ensure that States are in compliance with the TSA requirements.

Interstate motor carriers and drivers are subject to the Federal Motor Carrier Safety Regulations (FMCSRs) and do not have any substantial additional burdens placed upon them. Authority is contained in title XII of Public Law 99-570, with penalty provisions in 49 U.S.C. 521(b), as amended by section 12012 of Public Law 99-570.

This information collection supports the DOT Strategic Goal of Safety by requiring that drivers of CMVs are properly licensed according to all applicable Federal requirements.

2. Description and Practical Utility of the Information Collection Activity:

The 10-year employment history information supplied by the CDL holder to the employer upon application for employment (49 CFR 383.35) is used to assist the employer in meeting his/her responsibilities to ensure that the applicant does not have a history of high safety risk behavior.

State officials use the information collected on the license application form (49 CFR 383.71), the medical certificate information that is posted to the CDLIS driver record (proposed) and the conviction and disqualification data posted to the CDLIS driver record (49 CFR 383.73) to prevent not-qualified and/or disqualified CDL holders from operating CMVs on the nation's highways. State officials are also required to administer knowledge and skills tests to CDL driver applicants (49 CFR 384.202). The driver applicant is required to correctly answer at least 80 percent of the questions on each knowledge test in order to achieve a passing score on that test. To achieve a passing score on the skills test, the driver applicant must demonstrate that he/she can successfully perform all of the skills listed in the regulations. During State CDL compliance reviews, FMCSA officials review this information to ensure that the provisions of the regulations are being carried out. Without the aforementioned requirements, there would be no uniform control over driver licensing practices to prevent uncertified and/or disqualified drivers from being issued a CDL and to prevent unsafe drivers from spreading their convictions among several licenses in several States and remaining behind the wheel of a CMV. Failure to collect this information would render the regulations unenforceable.

Information submitted by the States will be used by the FMCSA to determine if individual States are in "substantial compliance" with section 12009(a) of the CMVSA. The FMCSA reviews information submitted by the States and conducts such reviews, audits, and investigations of each State once every three years or as it deems necessary to make compliance determinations for all States and the District of Columbia. If this information were not available, the FMCSA would have no means of independently verifying State compliance.

3. Minimizing Burden:

The Government Paperwork Elimination Act (GPEA) (enacted on October 21, 1998, as Title XVII of Public Law 105-277, 112 Stat. 2681), requires that agencies provide for the option of electronic submission of information and the use of electronic signatures, when practicable. Currently, 49 of the 50 (98 percent %)States and the District of Columbia have the capability to electronically transmit 100 percent (%) of the information that is required for the CDL program. The 51 jurisdictions use CDLIS as the means of capturing and exchanging data that is required by 49 CFR parts 383 and 384. CDLIS is relational database using a central pointer or index with multiple distributed databases that allows the States and FMCSA to track the driver status and history of persons currently holding a valid CDL and those persons who have been disqualified from operating CMVs that require the driver to have a valid CDL. This means that jurisdictions can obtain or send information regarding any CDL holder in a different jurisdiction by conducting a single inquiry and receiving an immediate response. There are over 16,000,000 CDLIS transactions annually. Information concerning any convictions of a CDL holder or a person required to have a CDL is transmitted by the State where the driver obtained the conviction to the State of licensure to be recorded on the driver's CDLIS driver record, thereby maintaining the intent of the CMVSA of one driver, one license and one driver record. CDLIS precludes the need for duplicate driver records to be maintained by both the State of licensure and the State of conviction. This information technology serves to reduce the amount of time that each individual State needs to comply with section 12009(a) of the CMVSA. Transaction data maintained by CDLIS is also used by FMCSA for verifying State compliance and by Federal and State enforcement officials in verifying the identity and driver license status of all CDL holders in carrying out security and enforcement actions.

4. Non-Duplication:

The FMCSA is the only agency with the authority to regulate the testing and issuance of CDLs and the information contained in CDLIS. While TSA has the authority to make the determination that a person is a security risk and therefore must be denied a hazardous materials endorsement on his/her CDL, the State compliance with these TSA requirements is administered by FMCSA as part of the State CDL compliance review process. Therefore, the auditing and compliance review process administered by FMCSA is not duplicative of any other information collections.

5. Minimizing the Burden for Small Business:

The regulatory and safety requirements for all CDL holders regardless of the size of the motor carrier they are working for are the same. No information for the CDL program is collected from employers. The information needed to issue, renew, upgrade or transfer a CDL is collected directly from the driver applicant and any other State where the driver was previously licensed. All information that is contained on CDLIS is obtained by the State of licensure from the driver applicant, States where the driver was previously licensed and States where the driver was convicted of a traffic control violation. All information needed by FMCSA to conduct auditing and compliance reviews of the States' CDL programs is obtained directly from the States or CDLIS.

The requirement under 49 CFR 383.73 that States must request the complete driver record from all States where the driver applicant was previously licensed to drive any type of vehicle over the past 10 years reduces the burden on all employers, especially small businesses. This requirement helps employers to employ only safe drivers by being able to obtain complete and accurate CDLIS driver history records from a single source, the current State of licensure.

The requirement to have drivers with a CDL to operate a CMV only applies to large trucks and buses that meet the following definition of a CMV:

- Has a gross combination weight rating of 26,001 pounds or more inclusive of a towed unit(s) with a gross vehicle weight rating of more than 10,000 pounds;
- Has a gross vehicle weight rating of 26,001 pounds or more;
- Is designed to transport 16 or more passengers including the driver; or
- Is of any size and used in the transportation of hazardous materials that are required to be placarded under subpart F of 49 CFR part 172 or any quantity of a material listed as a select agent or toxin in 42 CFR part 73.

By virtue of the fact that information needed to administer the CDL program is being collected directly from drivers and States and that CDLs are only needed to operate large CMVs or ones carrying specialized cargo or 16 or more passengers, the FMCSA believes the information collection impact on small businesses or other small entities is not significant.

6. Considerations of Alternatives:

Currently, most of the information that a driver applicant must provide the State to be issued a CDL is only collected once at the initial application for the CDL and is recorded on the CDLIS driver record. The driver is only required to update information that is no longer valid and self-certify his/her eligibility to continue holding a CDL when he/she renews the CDL. The renewal period is set by the individual State based on the number of drivers in the State, budget and staff available to process the issuance of licenses. The average renewal period is currently 5 years.

The proposed new requirement for the driver to provide the State with an original or copy of the medical examiner's certificate before the initial issuance of the CDL and every time a new medical examiner's certificate is obtained, which must be accomplished before expiration of the medical certification. This is almost always a different re-issuance cycle than for the CDL renewal. Since the States set the license renewal period, FMCSA could extend the medical certification to match the license renewal period and reduce burden on the driver, but this is a physical qualifications and not a CDL program decision. As discussed in the most recent clearance of the information collection titled, "Medical Qualifications Requirements" (OMB Control Number 2126-0006), conducting the medical examination and certification less frequently would be a highway safety issue because a driver's medical condition would not be detected in time to prevent the driver from being involved in a crash.

Drivers currently must report to their employer convictions within 30 days of being convicted and disqualifications within 1 business day of being notified of the driver's disqualification by their State of licensure. Less frequent reporting of convictions and disqualifications would

expose unsafe drivers to the rest of the driving public for longer periods of time and would be counter productive to FMCSA's efforts and goals to reduce CMV crashes and fatalities.

States are currently required to transmit out of State convictions to the State of licensure within 30 days of the conviction and disqualifications within 10 days of the disqualification action. As of September 30, 2008, States must also transmit the convictions within 10 days. The State of licensure is currently required to post convictions to the CDLIS driver record within 10 days of receiving an out of State conviction or in the case of an in-State conviction within 10 days of the conviction. Less frequent reporting of convictions and disqualifications would expose unsafe drivers to the rest of the driving public for longer periods of time and would be counter productive to FMCSA's efforts and goals to reduce CMV crashes and fatalities.

FMCSA currently performs a CDL compliance review on a State every 3 years or sooner if a compliance problem is uncovered. In addition, a State is required to evaluate its CDL program every year and send FMCSA a self-certification as to their current compliance with the Federal CDL compliance requirements. In spite of these frequent reviews of State CDL programs, FMCSA is still uncovering new compliance issues during each compliance review. Any less frequent reviews would greatly reduce the safety benefits of the CDL program in preventing unsafe drivers from obtaining a CDL and efforts to remove problem drivers from the nation's highways. It would also lead to a lack of national uniformity among the 51 jurisdictional CDL programs.

7. Paperwork Reduction Act Guidelines:

There are no special circumstances related to this information collection.

8. Consultations:

This request is being submitted in association with the NPRM, titled "*Medical Certification Requirements as Part of the CDL*" (Attachment A). Comments are being solicited in the proposed rule on the estimated cost and burden hours.

FMCSA consults on a regular basis with the State driver licensing agencies (SDLAs) and the American Association of Motor Vehicle Administrators during compliance reviews, meetings and working groups concerning the frequency of data collection, clarity of instructions and ways to minimize the burdens of recordkeeping. FMCSA also consults on a regular basis with motor carrier industry groups and driver organizations through public forums and industry meetings.

9. Incentives to Respondents:

Respondents are not provided with any payments or gifts for this information collection.

10. Assurances of Confidentiality:

Notifications of convictions for moving violations are confidential and subject to the Privacy Act of 1974, 5 U.S.C. 552A, as amended. As permitted by section 12007(e) of the CMVSA and the

implementing regulations under 49 CFR 384.225(e), only the following four users and their authorized agents may receive CDLIS driver record information pertaining to convictions, disqualifications and other licensing actions for violations of any State or local law relating to motor vehicle traffic control (other than parking violations) committed in any type of vehicle:

- States – All information on all CDLIS driver records;
- Secretary of Transportation -- All information on all CDLIS driver records;
- Driver – Only information related to that CDLIS driver record and obtained on the CDLIS motor vehicle record (MVR) from the State according to its procedures; and
- Employing Motor Carrier or Prospective Employing Motor Carrier – After notification to a driver, all information related to that driver, or prospective CDLIS driver record obtained on the CDLIS MVR from the State according to its procedures.

Under U.S.C. §§ 31309(c) and 31106(e), the Secretary may provide CDLIS driver record information to other parties based on published policy. The current policy was published in the Federal Register, titled “*Policy on Availability of Information from the Commercial Driver’s License Information System*” (Attachment E) on January 13, 2005. This notice of policy allows access to CDLIS driver record information by other Federal agencies that can provide the legal basis and need for the information and execute a Memorandum of Understanding (MOU) with the Department and/or FMCSA.

11. Justification for Sensitive Information:

There are no questions of a sensitive nature.

12. Estimates of Total Annual Burden Hours for Respondents:

The CDLIS indicates that there are currently 12.2 million CDLIS driver records. This figure does not necessarily reflect the number of active CDL drivers and is constantly changing. This is an increase from the 11.3 million CDLIS driver records reported in the currently-approved IC clearance.

Proposed Annual Burden Hours for First 3 Years

General Assumptions Made if the Proposed Requirements set forth in a Final Rule on the “*Medical Certification Requirements as Part of the CDL*” are Implemented:

- Currently, approximately 10% of the 12.2 million (or 1,220,000) CDLIS driver records are either: 1) drivers with expired CDLs, 2) drivers who have been “downgraded,”¹ 3) drivers who have been disqualified for life, and 4) deceased drivers. In all cases, the CDLIS driver records must be kept to meet Federal or State record retention requirements.
- The number of active CDLIS driver records is therefore 10.98 million (12.20 million – 1.22 million = 10.98 million).

¹ A dDwngrade means the State either: 1) restricts the CDL to intrastate or excepted service only operation, or 2) the State removes the CDL privilege entirely from the driver license.

- It will take 3 years for the States to pass legislation and make the necessary system changes before the first medical examiner’s certificate could be posted to the CDLIS driver record.

The proposed IC burden would consist of the following recordkeeping activities (The Agency’s explanation for these proposed burden hour estimates is set forth in further detail below):

Current and Proposed IC Activity for States and CDL Drivers	Current Annual Burden Hours for the IC Activities	Proposed Annual Burden Hours for the IC Activities
Driver to notify employer of convictions/disqualifications	629,445	610,000
Driver to complete previous employment paperwork	395,500	384,300
State to complete compliance certification documents	1,632	1,632
CDLIS recordkeeping	237,004	204,302
Driver to complete CDL application	9,417	10,167
Total Current Burden	1,272,998	1,210,401

Therefore, the FMCSA estimates a **total annual burden of 1,210,401hours** [610,000 + 384,300 + 1,632 + 204,302 + 10,167 = 1,210,401] imposed on the States and the motor carrier industry over the first 3 years of implementing the merger of the medical certification requirements and the CDL issuance and renewal processes. The change in the total annual burden hours is the net results of; 1) program adjustments in regard to the increase in the number of CDLIS driver records and 2) the decrease in the number of active CDLIS driver records. This is based on the following calculations:

1. Driver notification of convictions/disqualifications to employer [49 CFR §§ 383.31 and 383.33] (Attachment 49 CFR 385):

Assumptions:

- It takes the driver approximately 10 minutes to notify a motor carrier of a conviction.
- Each driver averages approximately 1 conviction every 3 years.
- If the conviction also causes a disqualification, the driver will notify the employer of both actions at the same time.

Therefore,

FMCSA’s estimated number of annual responses for the driver to notify the carrier of convictions/disqualifications = **3,660,000 responses** (10.98 million CDL drivers/3 years = 3,660,000).

FMCSA’s estimates the total annual burden for States to notify the driver of

convictions/disqualifications at **610,000 annual burden hours** (3,660,000 convictions x 10/60 hours = 610,000).

2. CDL Holder providing previous employment history to new employer [49 CFR 383.35]:

Assumptions:

- Annual turnover rate is approximately 14%.
- It takes approximately 15 minutes to complete the additional 7 years of employment history that is required of a CDL holder. This only accounts for the additional requirement for a CDL holder and does not account for the 3 years of employment history required of all drivers.

Therefore,

FMCSA's estimated number of **annual responses** for driver turnover = **1,537,200** (10.98 million CDL driver x .14 = 1,537,200).

FMCSA's estimated annual burden for the driver to complete previous employment paperwork = **384,300 annual burden hours** (1,537,200 annual responses x 15/60 hours = 384,300).

3. Annual State certification of compliance [49 CFR 384.305] (Attachment G):

Assumptions:

- It takes an estimated average of 32 hours to fill out compliance documents.
- There are **51 responses** (50 States and the District of Columbia).

Therefore,

FMCSA's estimate for the States to complete compliance certification documents = **1,632 annual burden hours** (51 responses x 32 hours = 1,632).

4. CDLIS Recordkeeping [49 CFR 384.231(d)]:

Assumptions:

- 50 States and the District of Columbia are required to enter data into CDLIS and to perform record checks before issuing, renewing, upgrading or transferring a CDL.
- The average amount of time for each CDLIS inquiry is 2 minutes.
- FMCSA estimates that approximately 25% of convictions result in a disqualification.
- FMCSA estimates that approximately 33% of active CDLIS driver records have a hazardous materials endorsement.
- FMCSA estimates that approximately 2% of active CDLIS driver records are

transferred to another State each year.

- FMCSA estimates that the average renewal period is approximately 5 years,
- The Agency estimates that there are **610,000 new drivers** (5% of the current total of 12.2 million) who will obtain a new CDL every year.

Therefore,

- FMCSA estimated annual burden for new CDLIS driver record transactions is **20,333 hours** (610,000 x 2/60 hours = 20,333) .
- The Agency estimates that there are **4,575,000 convictions and disqualifications** (3,660,000 convictions and disqualifications x 1.25 = 4,575,000) related CDLIS transactions each year.

FMCSA’s estimated annual burden for conviction and disqualification transactions is **152,500 hours** (4,575,000 x 2/60 hours = 152,500).

- The Agency estimates that there are **724,468 CDLIS driver records** (10.98 million x .33/5 years = 724,468) per year that have a hazardous materials endorsement and must be checked for citizenship/resident alien status and recorded on the CDLIS driver record.

FMCSA estimates the annual burden for citizenship/resident alien status transactions at **24,149 hours** (724,468 x 2/60 hours = 24,149)

- The Agency estimates there are **219,600 CDLIS driver records** (10.98 million x .02 = 219,600) transferred to another State each year.

FMCSA estimates the annual burden for CDLIS driver record transfer transactions at **7,320 hours** (219,600 x 2/60 hours = 7,320)

The following activities comprise the CDLIS recordkeeping burden estimate:

Activity	Transactions (Responses)	Burden Hours
Create New Driver	610,000	20,333
Change the State of Record	219,600	7,320
Change Data (violations and disqualifications)	4,575,000	152,500
U.S. Citizen or Resident Alien (if alien, alien registration #)	724,468	24,149
Total CDLIS	6,129,068	204,302

5. Completion of the CDL Application:

Assumption:

- FMCSA estimates that it takes applicants approximately 1 minute to complete the CDL application. This time does not include the portion of the application that all drivers (for a regular driver’s license) would need to complete.
- FMCSA estimates that there are 610,000 new drivers (5% of the current total of 12.2 million) would obtain a new CDL every year.

Therefore,

The Agency estimates a total annual burden of **10,167 hours** (610,000 applications x 1/60 hours = 10,167) for drivers to complete the CDL application.

Estimated Total Annual Responses: 11,936,319. See table below:

Number of CDL Responses

ITEM	RESPONSES
Driver Notification	3,660,000
CDL Holder	1,537,200
Annual State Certification	51
CDLIS Recording	6,129,068
Completion of the CDL Application	610,000
TOTAL	11,936,319

Proposed Annual Burden Hours for Subsequent Years

General Assumptions:

- Currently, approximately 10% of the 12.2 million CDLIS driver records are either: 1)

drivers with expired CDLs, 2) drivers who have been downgraded, 3) drivers who have been disqualified for life, and 4) deceased drivers. In all cases, the CDLIS driver records must be kept to meet Federal or State record retention requirements.

- The number of active CDLIS driver records is therefore 10.98 million (12.20 million - 1,220,000 = 10.98 million).
- There are approximately 4.2 million active CDL holders (both intrastate and interstate).
- Of the 4.2 million active CDL holders, FMCSA estimates that approximately 74% (or 3.1 million) would remain active CDL holders engaged in interstate commerce.
- Of the remaining 6.78 million inactive CDL holders (10.98 – 4.2 million = 6.78 million), FMCSA estimates that approximately 74% (or 5.02 million) would remain inactive interstate CDL holders.
- Since the 5.02 million inactive CDL drivers would not currently renew their medical certification because they would not be working, even though they are required to keep their CDL active, the Agency believes that 55.1 % of these drivers (or 2.76 million) drivers would choose not retain their CDL once the proposed requirements set forth in the “Medical Certification as part of the CDL” are implemented.

Therefore,

- The number of active CDLIS driver records would be reduced to 8.22 million (10.98 – 2.76 million = 8.22 million) due to inactive interstate CDL holders not renewing their CDLs.

The proposed IC burden for subsequent years would consist of the following recordkeeping activities (The Agency’s explanation for these proposed burden hour estimates is set forth in further detail below):

Current and Proposed IC Activity for States and CDL Drivers	Current Annual Burden Hours for the IC Activities	Proposed Annual Burden Hours for the IC Activities
State to obtain and record the medical certificate information	0	127,667
State recording of medical certification status	0	3,118
State to verify the medical certification status of all interstate CDL drivers	0	1,710
Driver to notify employer of convictions/disqualifications	610,000	456,667
Driver to complete previous employment paperwork	384,300	287,700
States to complete compliance certification documents	1,632	1,632
CDLIS recordkeeping	204,302	158,064
Drivers to complete the CDL	10,167	10,167

application		
Total Current Burden	1,210,401	1,046,725

FMCSA estimates a **total annual burden of 1,046,615 hours** (127,667 + 3,118 + 1,710 + 456,667 + 287,700 + 1,632 + 158,064 + 10,167 = 1,046,725) imposed on the States and motor carrier industry in subsequent years. These burden hour changes are directly related to program changes to administer the merger of the medical certification requirements and the CDL issuance and renewal processes. This is based on the following calculations:

1. SDLA Recording of Medical Examiner’s Certificate Information [Proposed 49 CFR 383.73(j)]:

Assumptions:

- Approximately 80 % of the CDLIS drivers would renew their medical certification every 2 years.
- Approximately 20% of the CDLIS drivers would renew their medical certification every year as a condition of a medical variance (i.e., an exemption, Skill Performance Evaluation (SPE) certificate or pilot program) or their employer requires another examination.
- It takes approximately 2 minutes to record the medical examiner’s certificate information on the CDLIS driver record.
- FMCSA estimates that over 610,000 drivers (5% of the current total of 12.2 million) would obtain a new CDL every year.
- FMCSA estimates that 74 % of these new 610,000 CDL drivers, or 451,400 new CDL drivers would be engaged in interstate commerce. Some of these drivers may be excepted from the medical certification requirements, but FMCSA does not have any data on excepted drivers. Therefore, the Agency is using the worst case scenario that all interstate CDL drivers need a medical examiner’s certificate.

Therefore,

- The number of drivers who would need to renew and submit a copy of their medical examiner’s certificate to the State would be 5.36 million (3.1 + 5.02 – 2.76 million = 5.36 million).
- Since 20% of the drivers would need to submit a copy of their medical examiner’s certificate to the State every year as a condition of their medical variance rather than every 2 years, or their employer requires another examination, the total number of renewal submittals (responses) would be 6.43 million (5.36 million x 1.2 = 6.43 million).

The annual submittal of medical examiner’s certificates to the State would be **3.83 million annual responses** (6.43 million/2 years + .61 million (or 610,000) new drivers = 3.83 million).

FMCSA estimates a total of **127,667 annual burden hours** (3.83 million responses x

2/60 hours = 127,667) for the States to obtain and record the medical examiner's certificate information on the CDLIS driver record.

2. SDLA Recording of the Medical Certification Status on the CDLIS Driver Record [Proposed 49 CFR 383.73(a)-(d)]

Assumptions:

- All CDL holders would need to have their medical certification status information recorded on their CDLIS driver record as either "qualified," "excepted" or "intrastate." Only CDL holders subject to part 391 would be required to submit a medical examiner's certificate to the SDLA.
- It takes approximately 5 seconds (.083 minutes) for the SDLA to record the medical certification status information on the CDLIS driver record.

Therefore,

FMCSA estimates the annual SDLA recording of medical certification status information would be **2,254,000 million annual responses** (8.22 million/5 years + .61 million new CDL drivers = 2,254,000 million).

FMCSA estimates the total annual burden of the SDLA recording of medical certification status information at **3,118 hours** (2,254,000 million responses x .083/60 hours = 3,118).

3. SDLA Verification of Medical Certification Status [Proposed 49 CFR 383.73(b), (c) & (d)]

Assumptions:

- Only the medical certification status information of CDL holders subject to part 391 must be verified because they are the only drivers required to be medically certified.
- It takes approximately 5 seconds (.083 minutes) to verify the medical certification status information of a CDL driver who operates a CMV in interstate commerce.

Therefore,

FMCSA estimates that the SDLA's annual verification of medical certification status information would generate **1,236,400 annual responses** [1,072,000 (5,360,000 renewals & upgrades/5 years) + 164,400 transfers per year = 1,236,400).

FMCSA estimates a total **annual burden of 1,710 hours** (1,236,400 x .083/60 hours = 1,710) for SDLAs to verify the medical certification status information of all interstate CDL drivers.

4. Driver notification of convictions/disqualifications to employer [49 CFR §§ 383.31 and 383.33]:

Assumptions:

- It takes the driver approximately 10 minutes to notify a motor carrier of a conviction.
- Each driver averages approximately 1 conviction every 3 years.
- If the conviction also causes a disqualification, the driver will notify the employer of both actions at the same time.

Therefore,

MCSA's estimated number of annual responses for the driver to notify the carrier of convictions/disqualifications = **2,740,000 responses** (8.22 million CDL drivers/3 years = 2,740,000).

FMCSA's estimated annual burden = **456,667 annual burden hours** (2,740,000 convictions x 10/60 hours = 456,667).

5. CDL Holder providing previous employment history to new employer [49 CFR 383.35]:

Assumptions:

- Annual turnover rate is approximately 14%.

- It takes approximately 15 minutes to complete the additional 7 years of employment history that is required of a CDL holder. This only accounts for the additional requirement for a CDL holder and does not account for the 3 years of employment history required of all drivers.

Therefore,

FMCSA's estimated number of annual responses for driver turnover = 1,150,800 (8.22 million CDL driver x .14 = 1,150,800).

FMCSA's estimated annual burden for the driver to complete previous employment paperwork = **287,700 annual burden hours** (1,150,800 annual responses x 15/60 hours = 287,700).

6. Annual State certification of compliance [49 CFR 384.305]:

Assumptions:

- It takes an estimated average of 32 hours to fill out compliance documents.
- There are **51 responses** (50 States and the District of Columbia).

Therefore,

FMCSA's estimate for the States to complete compliance certification documents = **1,632 annual burden hours** (51 responses x 32 hours = 1,632).

7. CDLIS Recordkeeping [49 CFR 384.231(d)]:

Assumptions:

- 50 States and the District of Columbia are required to enter data into CDLIS and to perform record checks before issuing, renewing, upgrading or transferring a CDL.
- The average amount of time for each CDLIS inquiry is 2 minutes.
- FMCSA estimates that approximately 25% of convictions result in a disqualification.
- FMCSA estimates that approximately 33% of active CDLIS driver records have a hazardous materials endorsement.
- FMCSA estimates that approximately 2% of active CDLIS driver records are transferred to another State each year.
- FMCSA estimates that the average renewal period is approximately 5 years,
- The Agency estimates that there are 610,000 drivers (5% of the current total of 12.2 million) who will obtain a new CDL every year.

Therefore,

- FMCSA estimates the annual burden for new CDLIS driver record transactions is **20,333 hours** (610,000 x 2/60 hours = 20,333)

- The Agency estimates there are **3,425,000 convictions and disqualifications** (2,740,000 convictions x 1.25 = 3,425,000) related CDLIS transactions each year.

FMCSA estimates the annual burden for conviction and disqualification transactions at **114,167 hours** (3,425,000 x 2/60 hours = 114,167)

- The Agency estimates that there are **542,520 CDLIS driver records** (8.22 million x .33/5 years = 542,520) per year that have a hazardous materials endorsement and must be checked for citizenship/resident alien status and recorded on the CDLIS driver record.

FMCSA's estimated annual burden for citizenship/resident alien status transactions is **18,084 hours** (542,520 x 2/60 hours = 18,084)

- The Agency estimates that there are **164,400 CDLIS driver records** (8.22 million x .02 = 164,400) transferred from one State to another State each year.

FMCSA's estimated annual burden for CDLIS driver record transfer transactions is **5,480 hours** (164,400 x 2/60 hours = 5,480)

The following activities comprise the CDLIS recordkeeping burden estimate:

Activity	Transactions (Responses)	Burden Hours
Create New Driver	610,000	20,333
Change the State of Record	164,400	5,480
Change Data (convictions and disqualifications)	3,425,000	114,167
U.S. Citizen or Resident Alien (if alien, alien registration #)	542,520	18,084
Total CDLIS	4,741,920	158,064

8. Completion of the CDL Application:

Assumption:

- FMCSA estimates that it takes applicants approximately 1 minute to complete the CDL application. This time does not include the portion of the application that all drivers (for a regular driver's license) would need to complete.
- FMCSA estimates that there are 610,000 drivers (5% of the current total of 12.2 million) would obtain a new CDL every year.

Therefore,

The Agency estimates a **total annual burden of 10,167 hours** (610,000 applications x 1/60 hours = 10,167) for drivers to complete the CDL application.

13. Estimates of Total Annual Costs to Respondents:

Proposed Annual Cost for First 3 Years

FMCSA believes that additional costs to the SDLAs of \$359,706 per jurisdiction would be associated with this information collection and estimated to total approximately **\$18,345,006** (51 responses x \$359,706/jurisdiction) over the first 3 years. This would be a one-time cost that each State and the District of Columbia would need to expend to update their systems to accommodate the new data fields and for recordkeeping requirements of this NPRM over a 3-year period. This includes development of capabilities to record information from the medical examiner's certificate on the CDLIS driver record. It also includes updating all necessary programs to provide medical certification status information as part of the responses to inquiries by all users authorized by 49 CFR § 394.225(e) via their established method of requesting this information, e.g., CDLIS, the National Law Enforcement Telecommunications System (NLETS) to access CDL driver histories or CDLIS motor vehicle record (MVR), for information from the CDLIS driver record. The breakdown by type of work activity by dollar totals and year is as follows:

Work Activity	Year 1	Year 2	Year 3
Planning and Design	\$1,785,000	\$1,785,000	\$0
State Computer Systems Development	\$4,250,000	\$4,250,000	\$4,250,000
Training	\$425,000	\$425,000	\$425,000
Testing Costs	\$250,000	\$250,000	\$250,000
Total	\$6,710,000	\$6,710,000	\$4,925,000

Proposed Annual Cost for Subsequent Years

FMCSA estimates the total annual cost to SDLAs to update their systems and to record information from the driver’s medical examiner’s certificate at **\$ 2,700,600** (\$1,350,300 + \$1,350,300= \$2,700,600). This is based on the following calculations:

1. Proposed Annual Cost of the Driver Providing the SDLA with an Original or Copy of the Medical Examiner’s Certificate

Assumptions:

- FMCSA estimates that it would cost the interstate CDL driver \$.05 to make a copy of the medical examiner’s certificate.
- The Agency estimates that it would cost \$.37 for the interstate CDL driver to mail a copy of the medical examiner’s certificate to the State.
- FMCSA estimates that approximately 80% of the interstate CDL holders would renew their medical certification every 2 years.
- The Agency estimates that approximately 20% of the interstate CDL holders would need to renew their medical certification every year as a condition of a medical variance, or their employer requires another examination.

Therefore,

The total number of renewal submittals (responses) would be 6.43 million (5.36 million x 1.2 = 6.43 million).

FMCSA estimates the total annual cost to the interstate CDL driver to provide the SDLA with an original or a copy of the medical examiner’s certificate as follows:

\$1,350,300 [6.43 million drivers/2 years x \$.42 (\$.05 + \$.37) = \$1,350,300 million].

2. Proposed Annual Cost of SDLA's Notification to Driver of License Downgrade

Assumptions:

- FMCSA estimates that it would cost the SDLA \$.05 to print an automated letter to the driver.
- The Agency estimates that it would cost \$.37 to mail a letter to the interstate CDL driver to notify him or her of a license downgrade.
- FMCSA used the worst case scenario that all interstate CDL drivers who would need to renew their medical examiner's certificate (6.43 million) would receive a notification letter.

Therefore,

The Agency estimates the total annual cost for SDLAs to notify interstate CDL drivers of a license downgrade as follows:

\$1,350,300 [6.43 million/2 years x \$.42 (\$.05 + \$.37) = \$1,350,300].

14. Estimate of Total Annual Costs to the Federal Government:

There is no cost to the Federal government.

15. Explanation of Program Changes or Adjustments:

Total annual burden hours for the first 3 years have been revised to reflect the net effect of the increase in the number of CDLIS driver records from 11.3 to 12.2 million and the decrease in the number of active CDLIS driver records from 12.2 to 10.98 million. (adjustment).

Total annual burden hours for the subsequent years have been revised to reflect changes due to the proposed implementation of a final rule concerning the "*Medical Certification Requirements as Part of the CDL*" (program change).

The estimated total cost for the first 3 years was revised to include one time start up costs for the jurisdictions to modify their computer systems to accommodate the requirements of the proposed implementation of a final rule concerning the "*Medical Certification Requirements as Part of the CDL*" (program change).

The estimated annual cost for the subsequent years was revised to reflect the proposed implementation of a final rule concerning the "*Medical Certification Requirements as Part of the CDL*" (program change).

16. Publication of Results of Data Collection:

The FMCSA would not intend to publish the information collected.

17. Approval for not Displaying the Expiration date for OMB Approval:

The FMCSA would not seek this approval.

18. Exceptions to Certification Statement:

The FMCSA would not request exceptions to the certification statement.

SECTION B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This information collection would not employ statistical methods.

ATTACHMENTS:

- A. FMCSA's Notice of Proposed Rulemaking, titled "*Medical Certification Requirements as Part of the CDL.*"
- B. Commercial Motor Vehicle Safety Act of 1986 [Public Law 99-570].
- C. Motor Vehicle Safety Improvement Act of 1999 [Public Law 106-159].
- D. Section 1012 of the USA PATRIOT Act [Public Law 107-56].
- E. "Policy on Availability of Information from the Commercial Driver's License Information System."
- F. 49 CFR 383, "Commercial Driver's License Standards; Requirements and Penalties
- G. 49 CFR 384, "State Compliance with Commercial Driver's License Program