

**Justification for Nonmaterial/Nonsubstantive Change for
OMB Control Number 2126-0011 ICR**

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.

General Assumptions:

- 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).

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 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 Burden Hours	1,272,998	1,210,401

Therefore, the FMCSA estimates a **total annual burden of 1,210,401 hours** [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 program adjustments in regard to: 1) 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 E):

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.

¹ A downgrade 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.

- 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] (Attachment E):

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)] (Attachment F):

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** ($610,000 \times 2/60 \text{ hours} = 20,333$).
- The Agency estimates that there are **4,575,000 convictions and disqualifications** ($3,660,000 \text{ convictions and disqualifications} \times 1.25 = 4,575,000$) related CDLIS transactions each year.

FMCSA's estimated annual burden for conviction and disqualification transactions is **152,500 hours** ($4,575,000 \times 2/60 \text{ hours} = 152,500$).

- The Agency estimates that there are **724,468 CDLIS driver records** ($10.98 \text{ million} \times .33/5 \text{ years} = 724,468$) 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** ($724,468 \times 2/60 \text{ hours} = 24,149$)

- The Agency estimates there are **219,600 CDLIS driver records** ($10.98 \text{ million} \times .02 = 219,600$) transferred to another State each year.

FMCSA estimates the annual burden for CDLIS driver record transfer transactions at **7,320 hours** ($219,600 \times 2/60 \text{ hours} = 7,320$)

The following activities comprise the CDLIS recordkeeping burden estimate:

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

5. Completion of the CDL Application [49 CFR § 383.71] (Attachment E):

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