

**Department of Transportation
Office of the Chief Information Officer**

**SUPPORTING STATEMENT
Commercial Driver Licensing and Testing Standards**

Part A. Justification:

Introduction: This supporting statement is submitted by the Federal Motor Carrier Safety Administration (FMCSA), as required by the Paperwork Reduction Act, to revise its existing clearance to include information collection (IC) burdens for the proposed changes set forth in a notice of proposed rulemaking (NPRM), titled “*Commercial Driver’s License Testing and Commercial Learner’s Permit Standards*” (Attachment A). The most recent clearance of this information collection was approved by the Office of Management and Budget (OMB) as OMB Control No. 2126-0011 on February 1, 2008, for a total of 1,391,456 burden hours, with an expiration date of February 28, 2011. 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) (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 the commercial driver's license information system (CDLIS).

The CMVSA further requires each person who has a commercial driver's license (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.

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 final 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.

Section 4019 of the Transportation Equity Act for the 21st Century (TEA-21), Public Law 105-178, 112 Stat. June 8, 1999, requires the Secretary of Transportation to review the procedures established and implemented by the States under 49 U.S.C. 31305 for CDL knowledge and skills testing to determine whether the current testing system is an accurate measure and reflection of an individual's knowledge and skills to operate a CMV. The results of this review were incorporated into the new "2005 CDL Test System." This NPRM incorporates by reference this new testing system of knowledge and skills tests and driver and examiner manuals.

Section 4122 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users (SAFETEA-LU), Public Law 109-59, August 10, 2005, requires the Department of Transportation (DOT) to prescribe regulations on minimum uniform standards for the issuance of commercial learner's permits (CLPs), as it has already done for CDLs (49 U.S.C. 31308(2)). More specifically, section 4122 provides that an applicant for a CLP must first pass a knowledge test which complies with minimum standards prescribed by the Secretary and may have only one CLP at a time; that the CLP document must have the same information and security features as the CDL; and that the data on each CLP holder must be added to the driver's record in CDLIS. This NPRM includes each of those requirements.

Section 703 of the Security and Accountability For Every Port Act of 2006 (SAFE Port Act), Public Law 109-347, October 13, 2006, requires the Secretary of Transportation to issue regulations implementing the recommendations in a memorandum issued by the DOT's Office of the Inspector General (OIG) on June 4, 2004, concerning verification of the legal status of commercial drivers and the recommendations in a report issued by the OIG on February 7, 2006 ["Oversight of the Commercial Driver's License Program"] dealing with steps needed to improve anti-fraud measures in the CDL program. The specific recommendations include: the establishment of a legal presence requirement for CDL issuance: declaring a State out of substantial compliance with the CDL requirements, if the State fails to impose adequate internal controls to detect and help prevent fraud in the CDL program or fails to take adequate corrective action when fraud is discovered; and to impose sanctions against States for noncompliance. This NPRM includes all of the OIG's recommendations. Many of the operational procedures suggested by the OIG for carrying out the recommendations have also been adopted.

Interstate and intrastate motor carriers and drivers are subject to the Federal Motor Carrier Safety Regulations (FMCSRs) in regard to the commercial driver's license program under 49 CFR parts 383 and 384 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) that is posted to the CDLIS driver record, the information collected on the CLP application form 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 CLP and CDL holders and applicants 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 CLP or 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 receive 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.

By virtue of the fact that information needed to administer the CDL program is being collected directly from drivers and States, 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 will collect most of the information that a driver applicant must provide the State to be issued a CDL on the initial application for a CLP. This will only move the initial data collection effort from the CDL application to the CLP application. The driver will only be required to update information that is not longer valid and self-certify his/her eligibility at the time of issuance of the CDL.

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 "*Commercial Driver's License Testing and Commercial Learner's Permit Standards*," (73 FR 19282), on April 9, 2008 (Attachment A). Comments received in response to the NPRM on the estimated cost and burden hours will be addressed in the Final Rule.

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) (70 FR 2454) 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 12.8 million CDLIS driver records. This figure does not necessarily reflect the number of active CDL drivers and is constantly changing.

Proposed Annual Burden Hours for First 3 Years

General assumptions made if the proposed requirements set forth in the NPRM on the “Commercial Driver’s License Testing and Commercial Learner’s Permit Standards” are implemented in a final rule:

- It will take 3 years for the States to pass legislation and make the necessary system changes before the new CDL testing and CLP standards will be implemented in the 50 States and the District of Columbia and the data generated by these new requirements are posted to the CDLIS driver record.
- Knowledge and Skills examiners will need to complete the initial training and certification within the first 3 years in order for the State to be in compliance with the new requirements.

Therefore,

- All of the current IC activities imposed on the States and the motor carrier industry over the first 3 years of implementing the new CDL testing and commercial learner’s permit standards will remain unchanged.
- The proposed IC burden for the first 3 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
Driver to notify employer of convictions/disqualifications	640,000	640,000
Driver to complete previous employment paperwork	403,200	403,200
States to complete compliance certification documents	1,632	1,632
State to complete compliance review documents	2,400	2,400
Data/document checks and CDLIS recordkeeping	212,224	212,224
Drivers to complete the CDL application	48,000	48,000
CDL tests recordkeeping	84,000	84,000
Knowledge and skills test examiner certification	0	28,790
Total Burden Hours	1,391,456	1,420,246

FMCSA estimates a **total annual burden of 1,420,246 hours** (640,000 + 403,200 + 1,632 + 2,400 + 212,224 + 48,000 + 84,000 + 28,790 = 1,420,246) imposed on the States and motor

carrier industry in subsequent years. These burden hour changes are directly related to program changes to administer the new CDL testing and CLP standards as part of the CLP and CDL testing and issuance processes. This is based on the following calculations:

1. Knowledge and Skills Test Examiner Certification [Proposed 49 CFR § 384.228] (Attachment A)

Assumptions:

- Based on data from AAMVA, there are approximately 12,000 State and third party examiners who test applicants in all types of vehicles. Of the 12,000 examiners, 4,125 have been trained and certified under the AAMVA program. Of the 4,125 examiners, 737 examiners were trained and certified to administer CDL tests.
- Initial examiner training will take 40 hours to complete.
- States will spread the initial training over the 3 years.
- Criminal background check on an examiner will take approximately 15 minutes to process and evaluate the results.
- The average amount of time to record results of examiner training, certification and criminal background checks is 2 minutes.

Therefore,

- FMCSA estimates there are **2,144 examiners** who administer CDL tests ($(737/4,125) \times 12,000 = 2,144$)

FMCSA estimates the annual burden for examiners to complete the initial training and certification is **28,587 burden hours** ($(2,144 \text{ examiners}/3 \text{ years}) \times 40 \text{ hours} = 28,587$)

- FMCSA estimates the annual burden for States to process and evaluate criminal background checks is **179 burden hours** ($(2,144 \text{ examiners}/3 \text{ years}) \times 15/60 \text{ hours} = 179$)
- FMCSA estimates the annual burden for States to record results of examiner training, certification and criminal background checks is **24 burden hours** ($(2,144 \text{ examiners}/3 \text{ years}) \times 2/60 \text{ hours} = 24$)

The following activities comprise the knowledge and skills examiner certification recordkeeping burden estimate:

Activity	Transactions (Responses)	Burden Hours
Initial examiner training	714.67	28,587
Process and evaluate criminal background check	714.67	179
Record results of training, certification and criminal background check	714.67	24
Total Examiner Certification	2,144	28,790

Estimated Total Annual Responses: 16,205,730 (16,203,586 [current] + 2,144 = 16,205,730)

Proposed Annual Burden Hours for 4th and Subsequent Years

General assumptions made if the proposed requirements set forth in the NPRM on the “Commercial Driver’s License Testing and Commercial Learner’s Permit Standards” are implemented in a final rule:

- Currently, approximately 10% of the 12.8 million (or 1.28 million) 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 11.52 million (12.80 million -1.28 million = 11.52 million).

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
Driver to notify employer of convictions/disqualifications	640,000	640,000
Driver to complete previous employment paperwork	403,200	403,200
States to complete compliance certification documents	1,632	1,632

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.

States to complete compliance review documents	2,400	2,400
Data/document checks and CDLIS recordkeeping	212,224	612,480
Drivers to complete the CDL application	48,000	48,000
CDL tests recordkeeping	84,000	84,000
Knowledge and skills test examiner certification	28,790	8,728
Skills test examiner monitoring and auditing	0	32,665
Total Burden Hours	1,420,246	1,833,105

FMCSA estimates a **total annual burden of \$1,833,105 hours** (640,000 + 403,200 + 1,632 + 2,400 + 612,480 + 48,000 + 84,000 + 8,728 + 32,665 = \$1,833,105) imposed on the States and motor carrier industry in subsequent years. These burden hour changes are directly related to program changes to administer the new CDL testing and CLP standards as part of the CLP and CDL testing and issuance process. This is based on the following calculations:

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

Assumptions:

- The proposed requirements set forth in the NPRM on the “*Commercial Driver’s License Testing and Commercial Learner’s Permit Standards*” will not affect this recordkeeping activity when it is implemented in a final rule.

Therefore,

The current **annual responses of 3,840,000** and **annual burden of 640,000 hours** for drivers to notify their employer of convictions/disqualifications will remain unchanged.

2. CDL Holder providing previous employment history to new employer [49 CFR 383.351] (Attachment F):

Assumptions:

- The proposed requirements set forth in the NPRM on the “*Commercial Driver’s License Testing and Commercial Learner’s Permit Standards*” will not affect this recordkeeping activity when it is implemented in a final rule.

Therefore,

The current **annual responses of 1,612,800** and **annual burden of 403,200 hours** for drivers to provide employment history to a new employer will remain unchanged.

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

Assumption:

- The proposed requirements set forth in the NPRM on the “*Commercial Driver’s License Testing and Commercial Learner’s Permit Standards*” will not affect this recordkeeping activity when it is implemented in a final rule.

Therefore,

The current **annual responses of 51** and **annual burden of 1,632 hours** for the States to complete compliance certification documents will remain unchanged.

4. States completing documents for a State CDL compliance review [49 CFR 384] (Attachment G):

- The proposed requirements set forth in the NPRM on the “*Commercial Driver’s License Testing and Commercial Learner’s Permit Standards*” will not affect this recordkeeping activity when it is implemented in a final rule.

Therefore,

The current **annual responses of 15** and **annual burden of 2,400 hours** for States to complete documents for a State CDL compliance review will remain unchanged.

5. Data/Document Checks and CDLIS Recordkeeping [49 CFR §§ 384.231(d), 384.220, 384.206, Table 1 to 383.71 and proposed 383.73(g) and (m)] (Attachments A, F and G):

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/NDR/State inquiry and recordkeeping transaction is 2 minutes.
- Each driver averages approximately 1 conviction every 3 years.
- FMCSA estimates that approximately 25% of convictions result in a disqualification.
- The average amount of time for each SSN inquiry is 1 minute.
- The average amount of time for each U.S. citizenship/resident alien status transaction is 2 minutes.
- The average amount of time for a second State driver licensing agency employee to verify all documents involved in the issuance of a CLP or CDL is 2 minutes.
- 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 5% of the current total of 11.52 active CDL driver records are drivers who will obtain a new CDL every year.
- The Agency estimates that approximately 25% of commercial learner's permit (CLP) holders do not obtain CDLs.

Therefore,

- FMCSA estimates that there are **576,000 new CDL driver records** (11.52 million x .05 = 576,000 responses) every year.

FMCSA estimates that there are **768,000 new CLP driver records** (576,000/.75 = 768,000²) every year.

FMCSA estimates that there are **2,304,000 renewed CDL driver records** (11.52 million /5 years = 2,304,000 responses) every year.

FMCSA estimates that there are **230,400 transferred CDL driver records** (11.52 million x .02 = 230,400 responses) each year.

FMCSA estimates the annual burden for the Commercial Driver's License Information System (CDLIS), National Driver Register (NDR), State driver record checks and recordkeeping transactions for all CLP and CDL holders is **129,280 burden hours** ([576,000 + 768,000 + 2,304,000 + 230,400] x 2/60 hours = 129,280)

- FMCSA estimates that there are **4,800,000 conviction and disqualification** (11,52 million active CDL holders/3 x 1.25 = 4,800,000) related CDLIS transactions each year.

FMCSA estimates the annual burden for conviction and disqualification transactions is **160,000 burden hours** (4,800,000 x 2/60 hours = 160,000).

- FMCSA estimates that there are **3,878,400 SSN verification transactions** for all CLP and CDL holders (576,000 + 768,000 + 2,304,000 + 230,400 = 3,878,400³) every year.

FMCSA estimates the annual burden for SSN verification transactions for all CLP and CDL holders is **64,640 burden hours** (3,878,400 x 1/60 hours = 64,640)

² If approximately 25% of CLP holders do not obtain CDLs, then the 576,000 new CDL driver records each year represents 75% of the number of CLP holders each year.

³ As proposed in the NPRM, a State only has to perform an SSN verification for the initial issuance of a CLP, transfer of a CDL from another State and for the initial renewal of a CDL after the effective date of the rule, if a notation is placed on the driver record confirming the verification. Since there is no way of estimating how many States will record the notation on the driver's record, a worst case scenario is being used that verification will be performed for every issuance action.

- FMCSA estimates that there are **3,878,400 citizenship/resident alien status transactions** for all CLP and CDL holders (576,000 + 768,000 + 2,304,000 + 230,400 = 3,878,400) every year.

FMCSA estimates the annual burden for citizenship/resident alien status transactions for all CLP and CDL holders is **129,280 burden hours** (3,878,400 x 2/60 hours = 129,280)

- FMCSA estimates that there are **3,878,400** Second verification of issuance documents for all CLP and CDL holders (576,000 + 768,000 + 2,304,000 + 230,400 = 3,878,400) every year.

FMCSA estimates the annual burden for a second State driver licensing agency employee to verify all documents involved in the issuance of all CLP or CDL holders is **129,280 burden hours** (3,878,400 x 2/60 hours = 129,280)

The following activities comprise the data/document checks and CDLIS recordkeeping burden estimate:

Activity	Transactions (Responses)	Burden Hours
CDLIS/NDR/State checks and recordkeeping	3,878,400	129,280
Adding conviction and disqualification data to driver record	4,800,000	160,000
SSN record check	3,878,400	64,640
Proof of U.S. Citizen or Resident Alien status	3,878,400	129,280
Second check of issuance documents by State employee	3,878,400	129,280
Total CDLIS	20,313,600	612,480

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

Assumption:

- The proposed requirements set forth in the NPRM on the “*Commercial Driver’s License Testing and Commercial Learner’s Permit Standards*” will not affect this recordkeeping activity when it is implemented in a final rule.

Therefore,

The current **annual responses of 2,880,000** and **annual burden hours of 48,000 hours**

for applicants to complete the CDL application will remain unchanged.

CDL Knowledge and Skills Tests Recordkeeping [49 CFR 384.202]
(Attachment B):

Assumption:

- The proposed requirements set forth in the NPRM on the “*Commercial Driver’s License Testing and Commercial Learner’s Permit Standards*” will not affect this recordkeeping activity when it is implemented in a final rule.

Therefore,

The current **annual responses of 1,440,000** and **annual burden hours of 84,000 hours** for applicants to complete the CDL application will remain unchanged.

8. Knowledge and Skills Test Examiner Certification [Proposed 49 CFR § 384.228]
(Attachment A)

Assumptions:

- Based on data from AAMVA, there are approximately 12,000 State and third party examiners who test applicants in all types of vehicles. Of the 12,000 examiners, 4,125 have been trained and certified under the AAMVA program. Of the 4,125 examiners, 737 examiners were trained and certified to administer CDL tests.
- Refresher examiner training will take 16 hours to complete.
- States will spread the refresher training over the 4 years.
- Criminal background check on an examiner will take approximately 15 minutes to process and evaluate the results.
- The average amount of time to record results of examiner training, certification and criminal background checks is 2 minutes.

Therefore,

- FMCSA estimates there are **2,144 examiners** who administer CDL tests ($[737/4,125] \times 12,000 = 2,144$)
- FMCSA estimates the annual burden for examiners to complete the refresher training and certification is **8,576 burden hours** ($[2,144 \text{ examiners}/4 \text{ years}] \times 16 \text{ hours} = 8,576$)

FMCSA estimates the annual burden for States to process and evaluate criminal background checks is **134 burden hours** ($2,144 \text{ examiners}/4 \text{ years}] \times 15/60 \text{ hours} = 134$)

FMCSA estimates the annual burden for States to record results of examiner training, certification and criminal background checks is **18 burden hours** ([2,144 examiners/4 years] x 2 /60 hours = 18)

The following activities comprise the knowledge and skills examiner certification recordkeeping burden estimate:

Activity	Transactions (Responses)	Burden Hours
Refresher examiner training	536	8,576
Process and evaluate criminal background check	536	134
Record results of training, certification and criminal background check	536	18
Total Examiner Certification	1,608	8,728

9. Skills Test Examiner Monitoring and Auditing [Proposed 49 CFR § 384.229] (Attachment A)

Assumptions:

- Based on data from AAMVA, there are approximately 12,000 State and third party examiners who test applicants in all types of vehicles. Of the 12,000 examiners, 4,125 have been trained and certified under the AAMVA program. Of the 4,125 examiners, 737 examiners were trained and certified to administer CDL tests.
- Based on FMCSA experience conducting overt and covert monitoring of skills test examiners, 8 hours is required to conduct the monitoring on one examiner.
- In establishing the overt and covert monitoring of skills examiners, at least 50 percent of the examiners should be monitored every year.
- It takes the State 5 minutes to record the results of skills test examiner monitoring.
- It takes the State 2 minutes to record applicant skills test scores by examiner.
- FMCSA estimates that approximately 25 percent of the applicants fail the CDL knowledge and skills tests and therefore are not issued a CDL.
- The Agency estimates that 5% of the current total of 11.52 active CDL driver records are drivers who will obtain a new CDL every year.

Therefore,

- FMCSA estimates there are **2,144 examiners** who administer CDL tests ([737/4,125] x 12,000 = 2,144)

FMCSA estimates the **annual burden** for conducting overt and covert

monitoring of skills test examiners is **8,576 burden hours** (2,144 examiners x .5 x 8 hours = 8,576)

FMCSA estimates the **annual burden** to record the results of skills test examiner monitoring is **89 burden hours** (2,144 examiners x .5 x 5/60 hours = 89)

- FMCSA estimates that there are **576,000 new CDL driver records** (11.52 million x .05 = 576,000 responses) every year.

FMCSA estimates the **annual burden** to record applicant skills test scores by examiner is **24,000 burden hours** (576,000 drivers x 1.25 x 2/60 hours = 24,000)

The following activities comprise the skills test examiner monitoring and auditing burden estimate:

Activity	Transactions (Responses)	Burden Hours
Conducting overt and covert examiner monitoring	1,072	8,576
Record results of examiner monitoring	1,072	89
Record applicant skills test scores by examiner	720,000	24,000
Total Examiner Monitoring	722,144	32,665

Estimated Total Annual Responses: 30,810,218. See table below:

Number of CDL Responses

ITEM	RESPONSES
Driver Notification to Employer	3,840,000
Driver Employment History	1,612,800
Annual State Certification	51
State Compliance Review	15
Data/Document Checks and CDLIS Recordkeeping	20,313,600
Completion of CDL Application	2,880,000
CDL Tests Recordkeeping	1,440,000
Test Examiner Certification	1,608
Test Examiner Monitoring and Auditing	722,144

TOTAL	30,810,218
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13. Estimates of Total Annual Costs to Respondents:

Proposed Annual Cost for First 3 Years

FMCSA estimates the **total annual cost** to the SDLAs to update their systems and to administer initial examiner training is **\$4,114,667** ($\$3,400,000 + \$714,667 = \$4,114,667$). This is based on the following calculations:

1. Proposed Annual Cost for Data Base Development and Systems Updates

FMCSA believes that additional costs to the SDLAs of \$200,000 per jurisdiction would be associated with this information collection and estimated to total approximately **\$10,200,000** ($51 \text{ responses} \times \$200,000/\text{jurisdiction} = \$10,200,000$) over the first 3 years or an **annual cost of \$3,400,000**. This would be a one-time cost that each State and the District of Columbia would need to expend to make modest updates to their systems to accommodate the new data base and recordkeeping requirements of this NPRM over a 3-year period. This includes development of two data bases to: 1) track results of skills test examiner monitoring; and 2) record applicant test scores by examiner. It also includes updating necessary programs to prevent State licensing clerks from issuing CDLs by bypassing negative record checks.

2. Proposed Annual Cost for States to Train and Certify Test Examiners

Assumptions:

- FMCSA estimates that initial training costs \$25 per hour.
- FMCSA estimates that initial training will take 40 hours to complete.
- FMCSA estimates that States will spread this one time cost for initial training over the 3 years.
- Based on data from AAMVA, there are approximately 12,000 State and third party examiners who test applicants in all types of vehicles. Of the 12,000 examiners, 4,125 have been trained and certified under the AAMVA program. Of the 4,125 examiners, 737 examiners were trained and certified to administer CDL tests.
- FMCSA estimates that there are 2,144 examiners ($[(737/4,125) \times 12,000 = 2,144]$) who administer CDL tests

Therefore,

- The **annual cost** to the SDLAs to administer the initial training is **\$714,667** ($[2,144 \text{ examiners}/3 \text{ years}] \times 40 \text{ hours} \times \$25/\text{hour} = \$714,667$)

Proposed Annual Cost for 4th and Subsequent Years

FMCSA estimates the **total annual cost** to SDLAs to upgrade their CLPs to tamperproof documents and to administer refresher training is **\$1,076,500** ($\$896,700 + \$179,800 = \$1,076,500$). This is based on the following calculations:

1. Proposed Annual Cost for States to Tamperproof CLPs

Assumptions:

- FMCSA estimates that it would cost the State driver licensing agency (SDLA) \$1.50 to produce a tamperproof CLP document.
- FMCSA estimates that it costs the State driver licensing agency \$.10 to produce a paper CLP document.
- FMCSA estimates that approximately 25% of CLP holders not not pass the CDL knowledge and skills tests and obtain a CDL.
- FMCSA estimates that the CLP holders who fail the CDL knowledge and skills tests will renew their CLP once during the year.

Therefore:

- FMCSA estimates that there are 576,000 new CDL driver records (11.52 million x .05 = 576,000 responses) every year.
- FMCSA estimates that there are 768,000 new CLP driver records ($576,000 / .75 = 768,000$) every year.
- The The total number of CLP documents produced annually would be 960,000 ($768,000 \times 1.25 = 960,000$ CLP documents).
- The total number of CLP documents produced annually would be 960,000 ($768,000 \times 1.25 = 960,000$)
- The total annual additional cost to the SDLA per CLP document is \$1.40 ($\$1.50 - \$.10 = \1.40)
- The **additional annual cost** to the SDLAs to produce the tamper proof CLPs is **\$1,344,000** ($960,000 \text{ CLPs} \times \$1.40 / \text{CLP} = \$1,344,000$).

2. Proposed Annual Cost for States to Train and Certify Test Examiners

Assumptions:

- FMCSA estimates that refresher training costs \$25 per hour.
- FMCSA estimates that refresher training will take 16 hours to complete.
- FMCSA estimates that States will spread the refresher training over the 4 years.
- FMCSA estimates that there are 2,144 examiners who administer CDL tests

Therefore,

- The **annual cost** to the SDLAs to administer the refresher training is **\$214,400** $([2,144 \text{ examiners}/4 \text{ years}] \times 16 \text{ hours} \times \$25/\text{hour} = \$214,400)$

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

There is no additional cost to the Federal government. State compliance with the new requirements will be monitored as part of the ongoing CDL State compliance review process.

15. Explanation of Program Changes or Adjustments:

Total annual burden hours for the first 3 years have been revised to reflect changes due to the proposals set forth in the NPRM concerning the “*Commercial Driver’s License Testing and Commercial Learner’s Permit Standards*” (program change) once they are implemented in a final rule.

Total annual burden hours for the subsequent years have been revised to reflect changes due to the proposals set forth in the NPRM concerning the ““*Commercial Driver’s License Testing and Commercial Learner’s Permit Standards*” (program change) once they are implemented in a final rule.

The estimated total cost for the first 3 years will include one time start up costs for the jurisdictions to modify their computer systems and provide initial examiner training to accommodate the proposed requirements of the NPRM concerning the ““*Commercial Driver’s License Testing and Commercial Learner’s Permit Standards*” (program change) once they are implemented in a final rule.

The estimated annual cost for the subsequent years will include continuing costs to produce tamperproof CLPs and provide examiner refresher training to accommodate the proposed requirements of the NPRM concerning the ““*Commercial Driver’s License Testing and Commercial Learner’s Permit Standards*” (program change) once they are implemented in a final rule.

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.

Part B. Collections of Information Employing Statistical Methods

This information collection would not employ statistical methods.

ATTACHMENTS:

- A. FMCSA's Notice of Proposed Rulemaking, titled "*Commercial Driver's License Testing and Commercial Learner's Permit Standards*" (73 FR 19282); April 9, 2008.
- 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." [70 FR 2454; January 13, 2005]
- F. Title 49 CFR part 383, "Commercial Driver's License Standards; Requirements and Penalties."
- G. Title 49 CFR part 384, "State Compliance with Commercial Driver's License Program."