

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 its existing clearance approved by the Office of Management and Budget (OMB) to include information collection (IC) burdens for the changes set forth in a Final Rule, entitled "*Medical Certification Requirements as Part of the CDL*," (73 FR 73096), December 1, 2008 (Attachment A). The most recent clearance of this information collection was approved by 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 49 CFR part 383, entitled "*Commercial Driver's License Standards: Requirements and Penalties*" and 49 CFR part 384 entitled, "*State Compliance with Commercial Driver's License Program*."

1. Circumstances That Make Collection of Information Necessary:

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 the commercial driver's license information system (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 a CMV, or of their disqualification. These requirements are reflected in 49 CFR part 383, entitled "*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 reason why FMCSA is submitting this revised supporting statement.

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 processes 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. How, by Whom, and for What Purpose is the Information used:

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. Extent of Automated Information Collection:

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, 48 of the 50 (96 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 a 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. It also tracks 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. Efforts to Identify 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 processes administered by FMCSA is not duplicative of any other information collections.

5. Efforts to Minimize the Burden on 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. Impact of Less Frequent Collection of Information:

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, 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 entitled, "*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 3.4 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. Special Circumstances:

There are no special circumstances related to this information collection.

8. Compliance With 5 CFR 1320.8:

This request is being submitted in association with the Final Rule, entitled "*Medical Certification Requirements as Part of the CDL*" (Attachment A). Comments received in the public docket when the notice of proposed rulemaking (71 FR 66723), November 16, 2006 was published on the estimated cost and burden hours has been addressed in this submission of the supporting statement revision.

FMCSA also 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. Payments or Gifts to Respondents:

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

10. Assurance 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, entitled "*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 Collection of Sensitive Information:

There are no questions of a sensitive nature.

12. Estimate of Burden Hours for Information Requested:

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.

Annual Burden Hours for First 3 Years

General assumption made for the implementation of the requirements set forth in the Final Rule on the “*Medical Certification Requirements as Part of the CDL.*”

- 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.

Therefore, the **current total annual burden of 1,391,456 hours** 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 will remain unchanged.

Annual Burden Hours for Year 4 and Subsequent Years

General assumptions made for the implementation of the requirements set forth in the Final Rule on the “*Medical Certification Requirements as Part of the CDL.*”

- Currently, approximately 10% of the 12.8 million CDLIS driver records which is 1,280,000 (.10 x 12.8 million = 1,280,000) are either: 1) drivers with expired CDLs, 2) drivers who have been downgraded¹, 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.²

¹ CDL downgrade means either: (1) the State allows the driver to change his or her self-certification to excepted from part 391, as provided in §390.3(f) or 391.2 of this chapter; (2) a State allows the driver to change his or her self-certification to intrastate only, if the driver qualifies under that State’s physical qualification requirements for intrastate only; or (3) the State removes the CDL privilege from the driver license.

² The retention periods can be from 3 years to life depending on the offense.

- The number of active CDLIS driver records is therefore 11.52 million (12.8 million - 1,280,000 = 11.52 million). This number includes drivers who are authorized to operate CMVs in intrastate only, interstate excepted or interstate commerce.³
- There are approximately 4.2 million active CDL holders (both intrastate and interstate); and 7.32 million inactive CDL holders (both intrastate and interstate) (4.2 million + 7.32 million = 11.52 million).
- 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 once the final rule on *“Medical Certification as part of the CDL”* is implemented.
- Of the remaining 7.32 million inactive CDL holders (11.52 – 4.2 million = 7.32 million), FMCSA estimates that approximately 74% (or 5.42 million) would remain inactive interstate CDL holders.
- While some of the 5.42 million inactive interstate CDL holders may not renew their medical certification and therefore downgrade to interstate excepted, intrastate or a non-CDL because they are not currently operating in non-excepted interstate commerce, the Agency has no basis by which to determine how many would take this action, Therefore, the Agency is making the assumption that all inactive interstate CDL holders will renew their medical certification once the requirements set forth in the Final Rule on *“Medical Certification as part of the CDL”* are implemented.

Therefore,

- The number of active CDLIS driver records would remain at 11.52 million.
- The number of interstate CDL holders will be 8.52 million (3.1 + 5.42 million = 8.52 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):

³ FMCSA does not have any data on the number of “excepted” drivers that are operating in interstate commerce so our overall estimates for interstate drivers will include them as well.

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 in Year 4 and Subsequent Years
State to obtain and record the medical certificate information	0	205,333
State recording of medical certification status	0	3,984
State to verify the medical certification status of all interstate CDL drivers	0	2,593
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
States to complete compliance review documents	2,400	2,400
CDLIS recordkeeping	212,224	212,224
Drivers to complete the CDL application	48,000	48,000
CDL Tests Recordkeeping	84,000	84,000
Total Burden Hours	1,391,456	1,603,366

FMCSA estimates a **total annual burden of 1,603,366 hours** (205,333 + 3,984 + 2,593 + 640,000 + 403,200 + 1,632 + 2,400 + 212,224 + 48,000 + 84,000 = 1,603,366) imposed on the States and motor carrier industry in year 4 and 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(a)(5) and (j)]:

Assumptions:

- Approximately 69% of the 8.52 million interstate CDL holders would renew their medical certification every 2 years.
- Approximately 31% of the 8.52 million interstate CDL holders 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 there are 576,000 new drivers (5% of the current total of 11.52 million active CDL driver record) who would obtain a CDL every year.
- FMCSA estimates that 74% of these new 576,000 CDL holders, or 426,240 new CDL holders would be engaged in interstate commerce. Some of these drivers may be "excepted" from the medical certification requirements under §§ 390.3(f), 391.2 or 392.68, but FMCSA does not have any data on excepted drivers so our estimates here include them. Therefore, the Agency is using the worst case scenario that all interstate CDL drivers need a medical examiner's certificate.

Therefore,

- The number of CDL holders who would need to renew and submit a copy of their medical examiner's certificate to the State would be 8.52 million CDL holders engaged in interstate commerce
- Since 31% of the 8.52 million interstate CDL holders would need to submit a copy of their medical examiner's certificate to the State every year as a condition of their medical variance or their new employer requires another examination, rather than every 2 years as the other 69% of the 8.52 million interstate CDL holders will be required to submit, the total number of renewal submittals (responses) for a 2-year cycle would be 11.16 million (8.52 million x 1.31 = 11.16 million).

The annual submittal of medical examiner's certificates to the State would be **6.16 million annual responses** (11.16 million / 2 years + .576 million (or 576,000) new drivers = 6.16 million).

FMCSA estimates a total of **205,333 annual burden hours** (6.16 million responses x 2/60 hours = 205,333) 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 § 383.71(h)]

Assumptions:

- All CDL holders would need to have their medical certification status information recorded on their CDLIS driver record as either "certified," "excepted" or "not certified" Only CDL holders subject to part 391 (non-excepted, interstate drivers) would be required to submit a medical examiner's certificate to the SDLA.
- CDLs are renewed on average every 5 years.

- 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 **2,880,000 million annual responses** (11.52 million/5 years + .576 million new CDL drivers = 2,880,000 million).

FMCSA estimates the SDLA recording of medical certification status information at a total **annual burden of 3,984 hours** (2,880,000 million responses x .083/60 hours = 3,984 hours).

3. SDLA Verification of Medical Certification Status [Proposed 49 CFR § 383.73(a)-(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.
- Approximately 2% of active CDLIS driver records are transferred to another State each year.
- 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 **1,874,400 annual responses** [(8,520,000 renewals/5 years) + (.02 x 8,520,000 transfers per year) = 1,874,400).

FMCSA estimates a total **annual burden of 2,593 hours** (1,874,400 x .083/60 hours = 2,593) 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] (Attachment F):

Assumptions:

- The requirements set forth in the Final Rule on the "*Medical Certification Requirements as Part of the CDL*" will not affect this recordkeeping activity when they are implemented.

Therefore,

The current **3,840,000 annual responses** and **annual burden of 640,000 hours** will remain unchanged.

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

Assumptions:

- The requirements set forth in the Final Rule on the “*Medical Certification Requirements as Part of the CDL*” will not affect this recordkeeping activity when they are implemented.

Therefore,

The current **1,612,800 annual responses** and **annual burden of 403,200 hours** will remain unchanged.

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

Assumption:

- The requirements set forth in the Final Rule on the “*Medical Certification Requirements as Part of the CDL*” will not affect this recordkeeping activity when they are implemented.

Therefore,

The current **51 annual responses** and **annual burden of 1,632 hours** will remain unchanged.

7. State compliance documents for a State CDL compliance review [49 CFR 384] (Attachment B):

Assumption:

- The requirements set forth in the Final Rule on the “*Medical Certification Requirements as Part of the CDL*” will not affect this recordkeeping activity when they are implemented.

Therefore,

The current **15 annual responses** and **annual burden of 2,400 hours** will remain unchanged.

8. CDLIS Recordkeeping [49 CFR § 384.231(d)] (Attachment G):

Assumptions:

- The requirements set forth in the Final Rule on the “*Medical Certification Requirements as Part of the CDL*” will not affect this recordkeeping activity when they are implemented.

Therefore,

The current **6,430,720 annual responses** and **annual burden of 212, 224 hours** will remain unchanged.

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

Assumption:

- The requirements set forth in the Final Rule on the “*Medical Certification Requirements as Part of the CDL*” will not affect this recordkeeping activity when they are implemented.

Therefore,

The current **2,880,000 annual responses** and **annual burden of 48,000 hours** will remain unchanged.

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

Assumption:

- The requirements set forth in the Final Rule on the “*Medical Certification Requirements as Part of the CDL*” will not affect this recordkeeping activity when they are implemented.

Therefore,

The current **1,440,000 annual responses** and **annual burden of 84,000 hours** will remain unchanged.

Estimated Total Annual Responses: 26,491,986. See table below:

Number of CDL Responses	
ITEM	RESPONSES
Recording Medical Certificate	6,160,000
Recording Medical Status	2,254,000
Verification of Medical Status	1,874,400
Driver Notification to Employer	3,840,000
Driver Employment History	1,612,800
Annual State Certification	51
State Compliance Review Documents	15
CDLIS Recordkeeping	6,430,720
Completion of CDL Application	2,880,000
CDL Test Recordkeeping	1,440,000
TOTAL	26,491,986

13. Estimates of Total Annual Costs to Respondents:

Annual Cost for First 3 Years

FMCSA believes that additional costs to the SDLAs of \$714,059 (rounded) per jurisdiction would be associated with this information collection and estimated to total approximately **\$36,416,999** (51 responses x \$714,058.81/jurisdiction = \$36,416,999) over the first 3 years or an **annual cost of \$12,138,999**. This would be a one-time cost that each State and the District of Columbia would need to develop legislation, 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 of \$36,416,999 by type of work activity by dollar totals for first 3 years is as follows:

Operational	Total State Costs⁴
Enabling Legislation	\$326,608
Storage of Medical Examiner's Certificates	\$3,883,371
Office Space and Equipment	\$6,607,101
Personnel Acquisition	\$32,266
Develop Training Materials / Conduct Initial Training	\$514,338
Information Technology	
Input and Inquiry Screens	\$6,146,560
Expanded Database	\$1,563,932
Expanded Inquiries - CDLIS, NLETS, CDLIS MVR	\$5,820,137
Expanded Reports	\$3,750,755
Expirations and Downgrades	\$5,517,259
Systems and User Acceptance Testing	\$1,664,850
AAMVA Testing	\$589,821
Total One-Time Costs	\$36,416,999

Proposed Annual Cost for Year 4 and Subsequent Years

FMCSA estimates the **total annual cost** to CDL holders and SDLAs to maintain their systems and to record information from the driver's medical examiner's certificate and provide training at **\$13,053,969** (\$2,419,200 + 2,622,600 + \$8,012,169= \$13,053,969). This is based on the following calculations:

1. Annual Cost of All CDL Holders Providing State With Initial Driver Qualification Certification

Assumptions:

- During the 4th and 5th year, all 11.52 million CDL holders must provide the State with one of four driver qualification certifications: non-excepted interstate, excepted interstate, non-excepted intrastate or excepted intrastate. The CDL holders will mail the certifications to the State.
- FMCSA estimates that it would cost \$.42 for a CDL holder to mail the driver qualification certification to the State..

⁴ These costs are based on a sample of nine States conducted by an FMCSA contractor, representing three tiers of size and different regions of the country.

- FMCSA estimates that the certifications will be mailed to the State over the full two years.
- The Agency estimates that it would cost \$.42 for the CDL holder to mail a driver qualification certification to the State.

Therefore

- FMCSA estimates the total annual cost to the CDL holder to provide the SDLA with the driver qualification certification as follows:

\$2,419,200 [11.52 million drivers/2 years x \$.42) = \$2,419,200].

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2. Annual Cost of Interstate CDL Holder Providing the SDLA with an Original or Copy of the Medical Examiner's Certificate

Assumptions:

- FMCSA estimates that it would cost the interstate CDL holder \$.05 to make a copy of the medical examiner's certificate.
- The Agency estimates that it would cost \$.42 for the interstate CDL holder to mail a copy of the medical examiner's certificate to the State.
- FMCSA estimates that approximately 69% of the interstate CDL holders would renew their medical certification every 2 years.
- FMCSA estimates that approximately 31% of the interstate CDL holders 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.

Therefore,

The total number of renewal submittals would be 11.16 million (8.52 million x 1.31 = 11,16 million).

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

\$2,622,600 [11.16 million drivers/2 years x \$.47 (\$.05 + \$.42) =

\$2,622,600].

3. Annual Cost of SDLA’s Maintenance of Computer Hardware, Software, Databases and Training

FMCSA believes that additional costs to the SDLAs of \$157,101 (rounded) per jurisdiction per year would be associated with this information collection for an estimated total **annual cost of \$8,012,169** (51 responses x \$157,101.35/jurisdiction = \$8,012,169) to maintain computer hardware, software, databases and training associated with this information collection as follows:

<i>Operational</i>	Total State Costs⁵
Medical Examiner’s Certificates Storage Equipment Maintenance	\$1,425,739
Office Space and Equipment Maintenance	\$350,619
Training	\$1,164,836
Letter Preparation and Mailing	\$3,959,555
<i>Information Technology</i>	
Data Storage and Computer Process	\$1,111,420
Total Annual Costs	\$8,012,169

14. Estimate of 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 of implementing the merger of the medical certification requirements and the CDL issuance and renewal processes will remain unchanged (program change).

Total annual burden hours for the subsequent years have been revised to reflect changes due to the requirements set forth in the Final rule on the “*Medical Certification Requirements as Part of the CDL*” (program change) once they are implemented.

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

⁵ These costs are based on a sample of nine States conducted by an FMCSA contractor, representing three tiers of size and different regions of the country.

requirements of the Final Rule on the “*Medical Certification Requirements as Part of the CDL*” (program change) once they are implemented.

The estimated annual cost for the subsequent years was revised to reflect the requirements set forth in the Final Rule on the “*Medical Certification Requirements as Part of the CDL*” (program change) once they are implemented.

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 Final Rule, entitled “*Medical Certification Requirements as Part of the CDL*,” (73 FR 73096), December 1, 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.”