

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

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

Introduction

This is to request the Office of Management and Budget” (OMB’s) renewed three-year approved clearance for the information collection entitled “Commercial Driver Licensing and Testing Standards” (OMB Control No. 2126-0011), which is currently due to expire on August 31, 2014. This ICR is being revised to account for an increase in the number of Commercial Driver License Information System (CDLIS) driver records from 12.8 to 14.6 million and the addition of one information collection item: “Driver completion of knowledge and skills tests [49 CFR 383.71(a)(2)(ii) and (b)(2)].”

This current submission includes all information collection requirements contained in title 49 CFR part 383, titled “Commercial Driver’s License Standards: Requirements and Penalties” (Attachment A) and title 49 CFR part 384 titled, “State Compliance with Commercial Driver’s License Program” (Attachment B).

Part A: Justification

1. Circumstances that make the collection of information necessary

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 C) (Public Law 99-570, Title XII, 100 Stat. 3207) 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 required an applicant to take a skills test in a representative vehicle. Equally serious was the problem of drivers who had multiple driver licenses. By spreading their convictions among several States, these commercial motor vehicle (CMV) drivers could avoid license suspension for traffic violations 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 [49 U.S.C. 31302]. 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) [49 U.S.C. 31303]. 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.

Section 12005 of the Act requires the Secretary of Transportation (Secretary) to develop minimum Federal standards for testing and licensing of operators of CMVs. The term is defined in section 12019 of the Act to be a motor vehicle used in commerce to transport passengers or property: (a) if the vehicle has a gross vehicle weight rating (GVWR) of 26,001 or more pounds or such a lesser GVWR as the Secretary determines appropriate by regulation, but not less than a GVWR of 10,001 pounds, (b) if the vehicle is designed to transport more than 15 passengers, including the driver, or (c) if such vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act [49 U.S.C. 31305].

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/one record requirement. This clearinghouse is known as the Commercial Driver's License Information System (CDLIS) [49 U.S.C. 31309].

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 [49 U.S.C. 31314]. 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 (67 FR 49742) (Attachment D) that implemented 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 E) 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.

A Final Rule was published on December 1, 2008 (73 FR 73096)(Attachment F) that implemented the 16th CDL related provision of MCSIA, the merging of the medical certification and CDL issuing processes.

An interim final rule (IFR) was published on May 5, 2003 (68 FR 23844) (Attachment G) as a companion rule to the Transportation Security Administration's (TSA's) May 5, 2003 IFR which implemented section 1012 of the USA PATRIOT Act (Public Law 107-56) (Attachment H) 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. 107, June 9, 1998) (Attachment I), 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." A final rule was published on May 9, 2011 (76 FR 26854)(Attachment J) that requires the use of a State Testing System that is comparable to the 2005 CDL Test System.

Section 4122 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users (SAFETEA-LU)(Public Law 109-59), August 10, 2005 (Attachment K), 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]. 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 (49 U.S.C. 31302); 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. The Final Rule published on May 9, 2011 also 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 (Attachment L), requires the Secretary of Transportation to promulgate 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, as well as 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 imposed sanctions against States for noncompliance. This Final Rule published on May 9, 2011 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. The authority for these regulations is 49 U.S.C. chapter 313, 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's 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) that is posted to the CDLIS driver record, the information collected on the CLP application form that is posted to the CDLIS driver record (49 CFR 383.71) 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 [49 U.S.C. 31311(a)] (see section 12011(a) of CMVSA). The FMCSA reviews information submitted by the States and conducts such reviews, audits, and investigations of each State 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 Pub L No. 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 States and the District of Columbia (98 percent of the jurisdictions) 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 that uses 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 CLP or CDL, as well as those persons who have been disqualified from operating CMVs that require the driver to have a valid CLP or CDL. This means that jurisdictions can obtain or send information regarding any CLP or 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 CLP or 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. The State of licensure is to record the conviction 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 [49 U.S.C. 31311(a)]. 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 CLPs and 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. Efforts to minimize the burden on small businesses

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 driver record 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 (b)(3)(iv) 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.

Since the 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 CLP or CDL is only collected once at the initial application for the CLP or 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 CLP or CDL when he/she renews the CLP or CDL. The renewal period for a CDL 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.

Most of the information that a driver applicant must provide the State in order to be issued a CDL is collected when the driver applies for a CLP. This simply moves up the initial data collection point from the CDL application to the CLP application. The driver will only be required to update information that is no 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 counterproductive 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 10 days of the conviction and disqualifications within 10 days of the disqualification action. 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 the driving public to unsafe drivers for longer periods of time and would be counterproductive to FMCSA's efforts and goals to reduce CMV crashes and fatalities.

The FMCSA currently performs a CDL compliance review on a State as it deems necessary to make compliance determinations for all States and the District of Columbia. Currently, an annual program review is conducted on every state and the District of Columbia 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 its current compliance with the Federal CDL requirements. In spite of these frequent reviews of State CDL programs, FMCSA is still uncovering new problems during each compliance review. 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 jurisdictions with CDL programs.

7. Special circumstances

There are no special circumstances related to this information collection.

8. Compliance with 5 CFR 1320.8

FMCSA consults on a regular basis with the State driver licensing agencies (SDLAs) and the American Association of Motor Vehicle Administrators (AAMVA) 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 groups, driver organizations, and safety advocates through public forums and meetings.

FMCSA published a notice in the Federal Register (79 FR 29480) with a 60-day public comment period to announce this proposed information collection on May 22, 2014 (see Attachment M). One comment was received in response to this notice and has been placed in the public docket. The commenter is anonymous. The full comment and responsive consideration is as follows:

The commenter is anonymous. The full comment and responsive consideration is as follows:

The anonymous commenter stated: "The ICR indicates that there are 2.96 million drivers of interstate CMVs. On what basis? BLS puts the number of drivers of heavy trucks at about 1.6 m, not all of whom are in interstate commerce. Even if one adds the self-employed (BLS puts that at less than 150,000) and bus drivers, one would be hard pressed to reach 3 million interstate drivers. Turnover in long-haul truckload is high, but not almost a half million per year as estimated. Does the Agency have any basis for these numbers? The number of drivers holding a CDL is irrelevant, as the ICR admits. A driver is not subject to the rule unless he or she is driving a CMV in interstate commerce. A CDL holder is not required to notify anyone of convictions if he or she is not driving a CMV so using 13 million as the baseline is just silly as it is for the next item (providing information to the new employer).

The burden is vastly overstated."

The FMCSA in response disagrees with the anonymous commenter. The BLS underestimates the number of drivers who are operating trucks and require a CDL. The BLS only counts persons who declare their profession as a truck driver. There are many other persons who work for utility companies and other employers who consider themselves professional electricians, plumbers, construction workers, etc. who operate commercial motor vehicles that require them to hold a CDL. In addition, drivers of motorcoaches, transit buses and school buses are required to have a CDL if the vehicle is designed to transport 16 or more passengers, including the driver.

In regard to using a little over 13 million as the number of active CDL and commercial learners permit (CLP) holders, this is supported by the number of driver records that are on the Commercial Driver's License Information System minus an estimate of the number of driver records of persons permanently disqualified, voluntarily surrendered their CDL or are recorded deceased, but must remain in the data base because they contain driver convictions that must be retained on the record for a set period of time. These 13 million active CDL and CLP holders represent both interstate and intrastate drivers, whether they are currently employed or not employed. There are certain requirements to hold a CDL or CLP whether or not the person is currently employed as a driver. This includes the reporting of all moving violations in any motor vehicle to either their employer or if not currently employed to their State of licensure. Also, there is a high turnover of employed drivers, either seeking new employment or coming in and out of the trucking industry.

FMCSA published a notice in the Federal Register (79 FR 44961) on August 1, 2014 with a 30-day public comment period that announced this information would be sent to OMB for approval (Attachment N).

9. Payments or gifts to respondents

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

10. Assurances of Confidentiality:

Under U.S.C. §§ 31309(c) and 31106(e), the Secretary may provide CDLIS driver record information to various parties based on published policy. The current policy was published in the Federal Register on January 13, 2005 (70 FR 2454), titled "*Policy on Availability of Information from the Commercial Driver's License Information System*" (Attachment O). 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 14.6 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 12.8 million CDL driver records reported in the currently approved ICR clearance.

Proposed Annual Burden Hours

General assumptions:

- Currently, approximately 10% of the 14.6 million (or 1.46 million) CDL driver records on CDLIS 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 driver records must be kept on CDLIS to meet Federal or State record retention requirements.
- The number of active CDL driver records is therefore 13.14 million (14.6 million – 1.46 million = 13.14 million). This number includes drivers who are authorized to operate CMVs in intrastate or interstate commerce.²
- There are approximately 4.27 million active CDL holders (both intrastate and

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

² 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.

interstate); and 8.87 million inactive CDL holders (both intrastate and interstate) for a total of 13.14 million CDL holders(4.27 million + 8.87 million = 13.14 million).

- Of the 4.27million active CDL holders, FMCSA estimates that approximately 2.96 million are active CDL holders engaged in interstate commerce.
- Of the remaining 8.87 million inactive CDL holders (13.14 – 4.27 million = 8.87 million), FMCSA estimates that approximately 74% (or 6.56 million) are inactive interstate CDL holders.
- It is assumed that the 6.56 million inactive interstate CDL holders will either not renew their medical certification and therefore downgrade to excepted interstate commerce, intrastate commerce or a non-CDL because they are not currently operating in non-excepted interstate commerce and do not want to pay for a physical examination..

Therefore,

- The number of active CDLIS driver records will be 2.96 million.
- The number of interstate CDL holders who will renew their medical certification will be 2.96 million

The proposed ICR 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):

IC – 1: CDL Driver Activities

| Current and Proposed IC Activity for CDL Drivers | Current Annual Burden Hours for the IC Activities | Proposed Annual Burden Hours for the IC Activities |
|--|---|--|
| Driver notification of convictions/disqualifications to employer | 640,000** | 730,000 |
| Driver providing previous employment history to new employer | 403,200** | 459,950 |
| Driver completion of the CDL application form | 48,000** | 59,130 |
| Driver completion of knowledge and skills tests | 0 | 1,847,813 |
| Total Burden Hours | 1,091,200 | 3,096,893 |

Note: ** See currently approved (August 3, 2011) Information Collection Supporting Statement.

FMCSA estimates a **total annual burden of 3,096,893 hours** ($730,000 + 459,950 + 59,130 + 1,847,893 = 3,096,893$) imposed on CDL drivers in the CDL testing and licensing process. These burden hour changes are directly related to program adjustments and changes in regard to: 1) the increase in the number of CDLIS driver records; and 2) the addition of one information collection item: "Driver completion of knowledge and skills tests 49 CFR 384.201." This is based on the following calculations:

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

Assumptions:

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

Therefore,

FMCSA's estimated number of annual responses for the driver to notify the carrier of convictions/disqualifications = **4,380,000 responses** (13.14 million CDL drivers/3 years = 4,380,000).

FMCSA estimates the total annual burden for States to notify the driver of convictions/disqualifications at **730,000 annual burden hours** ($4,380,000$ convictions \times $10/60$ hours = 730,000).

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

Assumptions:

- Annual turnover rate is approximately 14% based on industry estimates.
- 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 = **1,839,800** (13.14 million CDL holders x .14 = 1,839,800).

FMCSA's estimated annual burden for the driver to complete previous employment history = **459,950 annual burden hours** (1,839,800 annual responses x 15/60 hours= 459,950).

3. Driver Completion of the CDL Application Form [49 CFR 383.71]:

Assumptions:

- 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.
- CDLs are renewed on average every 5 years.

Therefore,

- FMCSA estimates that there are **657,000 new drivers** (13.14 million x .05 = 657,000) would obtain a CDL every year.

The Agency estimates an **annual burden of 10,950 hours** (657,000 applications x 1/60 hours = 10,950) for new drivers to complete the CDL application.

- FMCSA estimates there are **2,628,000 renewal drivers** (13.14 million / 5 years).

The Agency estimates an **annual burden of 43,800 hours** (2,628,000 renewals x 1/60 = 43,800) for renewal drivers to complete the CDL application.

- FMCSA estimates that there are **262,800 transfer drivers** (13.14 million x .02 = 262,800).

The Agency estimates an **annual burden of 4,380 hours** (262,800 x 1/60 = 4,380).

| Activity | Transactions (Responses) | Burden Hours |
|----------------------|--------------------------|---------------|
| New Drivers | 657,000 | 10,950 |
| Renewal Drivers | 2,628,000 | 43,800 |
| Transfer Drivers | 262,800 | 4,380 |
| Total Drivers | 3,547,800 | 59,130 |

4. Driver completion of knowledge and skills tests [49 CFR 383.71(a)(2)(ii) and (b)(2)]

Assumptions:

- FMCSA estimates that there are 657,000 new drivers (5% of the current total of 13.14 million active CDL driver records) who would obtain a CDL every year.
- FMCSA estimates that approximately 25 percent of the applicants fail the CDL knowledge and skills tests the first time they take the tests
- FMCSA estimates that a knowledge test on average takes 45 minutes to complete,
- FMCSA estimates that a skills test on average takes 90 minutes to complete.

Therefore,

- The Agency estimates there are **821,250 knowledge tests** completed every year ($657,000 \times 1.25 = 821,250$).

The Agency estimates the **annual burden** for taking the knowledge test is **615,938 hours** ($821,250 \times 45/60 \text{ hour/test} = 615,938$).

- The Agency estimates there are **821,250 skills tests** completed every year ($657,000 \times 1.25 = 821,250$).

The Agency estimates the **annual burden** for taking the skills tests is **1,231,875 hours** ($821,250 \times 90/60 \text{ hour/test} = 1,231,875$).

| Activity | Responses | Burden Hours |
|-------------------------------------|------------------|------------------|
| Driver completion of knowledge test | 821,250 | 615,938 |
| Driver completion of Skills test | 821,250 | 1,231,875 |
| Total Tests | 1,642,500 | 1,847,813 |

Estimated Annual Responses for IC - 1: 11,410,100. See table below:

| ITEM | RESPONSES |
|--|-----------|
| Driver notification of convictions/disqualifications to employer | 4,380,000 |
| Driver providing previous | 1,839,800 |

| | |
|---|-------------------|
| employment history to new employer | |
| Driver Completion of CDL Application Form | 3,547,800 |
| Driver completion of knowledge and skills tests | 1,642,500 |
| TOTAL | 11,410,100 |

Estimated Annual Burden Hours: 3,096,893 hours [730,000 hours for Driver notification of convictions/disqualifications to employer + 459,950 hours for Driver providing previous employment history to new employer + 59,130 hours for Driver completion of the CDL application form + 1,847,814 hours for Driver completion of knowledge and skill tests = 3,096,893].

Estimated Number of Annual Respondents: 10,424,600 respondents [4,380,000 +1,839,800 + 3,547,800 + 657,000 = 10,424,600].

Estimated Number of Responses: 11,410,100 responses [4,380,000 responses for Driver notification of convictions/disqualifications to employer + 1,839,800 responses for Driver providing previous employment history to new employer + 3,547,800 responses for Driver completion of CDL application form + 1,642,500 responses for Driver completion of knowledge and skills tests = 11,410,100].

IC – 2: State Driver Licensing Agency CDL Activities

| Current and Proposed IC Activity for States | Current Annual Burden Hours for the IC Activities | Proposed Annual Burden Hours for the IC Activities |
|--|---|--|
| State recording of medical examiner's certificate information | 205,333* | 81,000 |
| State recording of self-certification of CMV operation | 3,984* | 4,544 |
| State verification of medical certification status | 2,593* | 901 |
| Annual State certification of compliance | 1,632** | 1,632 |
| State preparing for and participating in Annual Program Review | 2,400** | 10,200 |
| CDLIS/PDPS/State Recordkeeping | 212,224** | 335,668 |
| CDL Knowledge and Skills tests recordkeeping | 84,000** | 95,813 |
| Knowledge and skills test examiner certification | 25,216** | 25,216 |
| Total Burden Hours | 537,382 | 554,974 |

Note: * See currently approved (May 1, 2012) no material or non-substantive change to a currently approved collection.

** See currently approved (August 3, 2011) Information Collection Supporting Statement.

FMCSA estimates a **total annual burden of 554,974 hours** ($81,000 + 4,544 + 901 + 1,632 + 10,200 + 335,668 + 95,813 + 25,216 = 554,974$) imposed on the States in the CDL testing and licensing process. These burden hour changes are directly related to program adjustments in regard to the increase in the number of CDLIS driver records. This is based on the following calculations:

3. State Recording of Medical Examiner's Certificate Information [49 CFR 383.73(b)(5) and (o)]:

Assumptions:

- Approximately 69% of the 2.96 million interstate CDL holders would renew their medical certification every 2 years.
- Approximately 31% of the 2.96 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 657,000 new drivers (5% of the current total of 13.14 million active CDL driver records) who would obtain a CDL every year.
- FMCSA estimates that 74% of these new 657,000 CDL holders, or 486,180 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 existing CDL holders who would need to renew and submit a copy of their medical examiner's certificate to the State would be 2.96 million CDL holders engaged in interstate commerce.
- Since 31% of the 2.96 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 2.96 million interstate CDL holders will be required to submit, the total number of renewal

submittals (responses) for a 2-year cycle would be 3.88 million (2.96 million x 1.31 = 3.88 million).

The annual submittal of medical examiner's certificates to the State would be **2.43 million annual responses** (3.88 million / 2 years + 486,180 new drivers = 2.43 million).

FMCSA estimates a total of **81,000 annual burden hours** (2.43 million responses x 2/60 hours = 81,000) for the States to obtain and record the medical examiner's certificate information on the CDLIS driver record.

2. State Recording of the Self Certification of Commercial Motor Vehicle (CMV) Operation [49 CFR 383.71(a)]

Assumptions:

- All CDL holders would need to have their self-certification of CMV operation information recorded on their CDLIS driver record as either "non-excepted interstate," "excepted interstate," "non-excepted intrastate" or "excepted intrastate." Only CDL holders subject to part 391 (non-excepted, interstate drivers) [49 CFR 383.71(h)] would be required to submit a medical examiner's certificate to the State driver licensing agency (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 self-certification of CMV operation information would be **3,285,000 annual responses** (13.14 million / 5 years + 657,000 new CDL drivers = 3,285 million).

FMCSA estimates the SDLA recording of self-certification of CMV operation information at a total **annual burden of 4,544 hours** (3,285,000 million responses x .083/60 hours = 4,544 hours).

3. State Verification of Medical Certification Status [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 **651,200 annual responses** [(2,960,000 renewals/5 years) + (.02 x 2,960,000 transfers per year) = 651,200).

FMCSA estimates a total **annual burden of 901hours** (651,200 x .083/60 hours = 901) for SDLAs to verify the medical certification status information of all interstate CDL drivers.

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

Assumptions:

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

Therefore,

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

5. State preparing for and participating in Annual Program Review [49 CFR 384.307]:

Assumptions:

- A State CDL Annual Program Review is conducted every year.
- Since the comprehensive reviews are in their 2nd cycle, States only have to update information from the previous reviews, it takes approximately 3 days to prepare and 2 days to participate in the review
- Approximately 5 State staff are involved in the review.

Therefore,

There are **51 annual responses** (50 States and the District of Columbia).

FMCSA estimates the total burden for States to complete the documents for a State CDL compliance review at **10,200 annual burden hours** (51 x 5 days x 8 hours/day x 5 staff = 10,200).

6. CDLIS/PDPS/State Recordkeeping [49 CFR 384.231 and 384.232]:

Assumptions:

- 50 States and the District of Columbia are required to enter data into CDLIS and to perform record checks before initially issuing, renewing, upgrading or transferring a CDL.
- The average amount of time for each record inquiry is 2 minutes.
- FMCSA estimates that approximately 25% of convictions result in a disqualification.
- FMCSA estimates that approximately 33% of active driver records have a hazardous materials endorsement.
- FMCSA estimates that approximately 2% of active driver records are transferred to another State each year.
- CDLs are renewed on average every 5 years.
- Each driver averages approximately 1 conviction every 3 years.
- FMCSA estimates that approximately 25% of convictions result in a disqualification.

Therefore,

- The Agency estimates that there are **657,000 new drivers** (5% of the current total of 13.14 million active CDL driver records) who will obtain a CDL every year.

FMCSA estimated **annual burden** for new driver record transactions is **27,900 hours** (657,000 x 2/60 hours = 27,900).

- The Agency estimates that there are **2,628,000 driver records** (13.14 million / 5 years = 2,628,000) renewed each year.

FMCSA estimated **annual burden** for renewal driver record transactions is **87,600 hours** (2,628,000 x 2/60 hours = 87,600)

- The Agency estimates there are **262,800 driver records** (13.14 million x .02 = 262,800) transferred to another State each year.

FMCSA estimated **annual burden** for driver record transfer transactions at **8,760 hours** (262,800 x 2/60 hours = 8,760).

- The Agency estimates that there are **5,475,000 convictions and disqualifications** (13.14million / 3 convictions x 1.25 = 5,475,000) related CDLIS transactions each year.

FMCSA's estimated **annual burden** for conviction and disqualification transactions is **182,500 hours** (5,475,000 x 2/60 hours = 182,500).

- The Agency estimates that there are **867,240 driver records** (13.14 million x .33/5 years = 867,240) per year that have a hazardous materials endorsement and must be checked for citizenship/resident alien status and recorded on CDLIS.

FMCSA estimates the **annual burden** for citizenship/resident alien status transactions at **28,908 hours** (867,240 x 2/60 hours = 28,908).

The following activities comprise the CDLIS recordkeeping burden estimate:

| Activity | Transaction s (Responses) | Burden Hours |
|--|--|-------------------------|
| Create New Driver | 657,000 | 27,900 |
| Driver renewals | 2,628,000 | 87,600 |
| Driver Transfers to New State of Record | 262,800 | 8,760 |
| CDLIS transactions (convictions and disqualifications) | 5,475,000 | 182,500 |
| U.S. Citizen or Resident Alien Status Check | 867,240 | 28,908 |
| Total CDLIS | 9,890,040 | 335,668 |

7. CDL Knowledge and Skills Tests Recordkeeping [49 CFR 384.202]

Assumptions:

- FMCSA estimates that there are 657,000 new drivers (5% of the current total of 13.14 million active CDL driver records) would obtain a CDL every year.
- FMCSA estimates that it takes driver licensing examiners approximately 2 minutes per applicant to record the results of the CDL general and endorsement knowledge tests.
- FMCSA estimates that it takes driver licensing examiners approximately 5 minutes per applicant to record the results of the CDL skills tests.
- FMCSA estimates that approximately 25 percent of the applicants fail the CDL knowledge and skills tests the first time they take the tests.

Therefore,

- The Agency estimates there are **821,250 knowledge tests** completed every

year (657,000 x 1.25 = 821,250)

The Agency estimates the **annual burden** for recording the results of the CDL knowledge test is **27,375 hours** (821,250 x 2/60 hour/test = 27,375)

- The Agency estimates there are **821,250 skills tests** completed every year (657,000 x 1.25 = 821,250)

The Agency estimates the **annual burden** for recording the results of the CDL skills tests is **68,438 hours** (821,250 x 5/60 hour/test = 68,438).

| Activity | Responses | Burden Hours |
|---------------------------------------|------------------|---------------|
| Record Results of CDL Knowledge Tests | 821,250 | 27,375 |
| Record Results of CDL Skills Tests | 821,250 | 68,438 |
| Total Test Recording | 1,642,500 | 95,813 |

8. Knowledge and Skills Test Examiner Certification [49 CFR § 384.228]

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. Therefore, the estimate of CDL test examiners was extrapolated from the ratio of AAMVA certified CDL test examiners to all AAMVA certified test examiners. The number of CDL test examiners is expected to stay constant because States in this current economic environment cannot afford to hire additional employees.
- Based on sampling of several SDLAs, approximately 25 percent of the examiners will only administer the knowledge test.
- Based on Federal employee experience in developing training courses, it is estimated that the initial combined knowledge and skills test examiner training will take 40 hours to complete.
- Based on Federal employee experience in developing training courses, it is estimated that the initial knowledge-test-only examiner training will take 20 hours to complete.

- States will spread the initial training over the 3 year implementation period.
- Based on Federal employee observation of SDLA licensing activities, a criminal background check on an examiner will take approximately 15 minutes to process and evaluate the results.
- Based on Federal employee observation of SDLA licensing activities, the average amount of time to record results of examiner training, certification and criminal background checks is approximately 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 combined knowledge and skills test training and certification is **21,440 burden hours** ($[\.75 \times 2,144 \text{ examiners}/3 \text{ years}] \times 40 \text{ hours} = 21,440$).

FMCSA estimates the annual burden for examiners to complete the initial knowledge-test-only training and certification is **3,573 burden hours** ($[\.25 \times 2,144 \text{ examiners}/3 \text{ years}] \times 20 \text{ hours} = 3,573$).

Total for initial training is **25,013 burden hours** ($21,440 + 3,573 = 25,013$).

- 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 | 25,013 |
| 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 | 25,216 |

Estimated Annual Responses for IC - 2: 17,900,986. See table below:

| ITEM | RESPONSES |
|--|-------------------|
| State Recording of Medical Examiner's Certificate Information | 2,430,000 |
| State recording of Self Certification of CMV Operation | 3,285,000 |
| State Verification of Medical Certification Status | 651,200 |
| Annual State Certification of Compliance | 51 |
| State preparing for and participating in Annual Program Review | 51 |
| CDLIS/PDPS/State Recordkeeping | 9,890,040 |
| CDL knowledge and Skills Tests Recordkeeping | 1,642,500 |
| Knowledge and Skills Test Examiner Certification | 2,144 |
| TOTAL | 17,900,986 |

Estimated Annual Burden Hours: 554,974 hours [81,000 hours for State recording of medical examiner's certificate information + 4,544 hours for State recording of self-certification of CMV operation + 901 hours for State verification of medical certification status + 1,632 hours for Annual State certification of compliance +10,200 hours for State preparing for and participating in Annual Program Review + 335,668 hours for CDLIS/PDPS/State Recordkeeping + 95,813 hours for CDL Knowledge and Skills tests recordkeeping + 25,216 hours for Knowledge and skill test examiner certification = 554,974].

Estimated Number of Annual Respondents: 6,367,221 respondents [2,430,000 + 3,285,000 + 651,200 + 51 + 51 +51 + 51 + 817 = 6,367,221]

Estimated Number of Responses: 17,900,986 responses [2,430,000 responses for State Recording of Medical Examiner's Certificate Information + 3,285,000 responses for State recording of Self Certification of CMV Operation + 651,200 responses for State Verification of Medical Certification Status + 51 responses for Annual State Certification of Compliance + 51 responses for State preparing for and participating in Annual Program Review + 9,890,040 responses for CDLIS/PDPS/State Recordkeeping + 1,642,500 responses for CDL knowledge and Skills Tests Recordkeeping + 2,144

responses for Knowledge and Skills Test Examiner Certification = 17,900,986].

Estimated Total Annual Burden Hours: 3,651,867. See Table 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 |
|---|---|--|
| IC-1 | 1,091,200 | 3,096,893 |
| IC-2 | 537,382 | 554,974 |
| Total Burden Hours | 1,628,582 | 3,651,867 |

Estimated Total Annual Respondents: 16,791,821. See table below:

| Item | Respondents |
|--------------|-------------------|
| IC-1 | 6,367,221 |
| IC-2 | 10,424,600 |
| TOTAL | 16,791,821 |

Estimated Total Annual Responses: 29,311,086. See table below:

| ITEM | RESPONSES |
|--------------|-------------------|
| IC-1 | 11,410,100 |
| IC-2 | 17,900,986 |
| TOTAL | 29,311,086 |

Estimated Total Annual Burden Hours: 3,651,867 hours [3,096,893 hours for IC-1 + 554,974 hours for IC-2 = 3,651,867].

Estimated Total Annual Number of Respondents: 16,791,821 respondents [6,367,221 for IC-1 +10,424,600 respondents for IC-2 = 16,791,821].

Estimated Total Annual Number of Responses: 29,311,086 responses [11,410,100 responses for IC-1 +17,900,986 responses for IC-2 = 29,311,086].

13. Estimate of total annual costs to respondents

IC – 1: CDL Driver Activities

The FMCSA believes that there would be no additional costs to the CDL drivers associated with this information collection.

IC – 2: State Driver Licensing Agency CDL Activities

The FMCSA believes that there would be no additional costs to the SDLAs associated with this information collection.

Estimate of Annual Cost to Respondents: \$20,479,302 currently approved.

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

FMCSA estimates the **total annual cost** to the agency to maintain the computer systems and data bases to monitor State compliance with the Federal CDL requirements at **\$3,061,000** (\$348,000 + \$2,713,000 = \$3,061,000). This is based on the following information:

1. Annual Cost of Maintaining the Automated Compliance Review System (ACRS)
 - The ACRS is used to monitor and document results of State compliance reviews and to generate reports on State compliance.
 - The annual cost is based on current contact with vendor.
 - FMCSA estimates the **total annual cost** to the Agency to be **\$348,000**.

2. Annual Cost of Maintaining Access and Communication links to Federal, State and Foreign Data Bases
 - FMCSA maintains access to State CDL driver history data bases, a Federal Conviction and Withdrawal data base of foreign drivers and to the Mexican commercial driver data base.
 - The annual cost is based on current contract with vendor.
 - FMCSA estimates the **total annual cost** to the Agency to be **\$2,713,000**.

15. Explanation of Program Changes or Adjustments:

The total annual burden hours increase of 2,023,285 hours [3,651,867 proposed annual burden hours - 1,628,582 currently approved annual burden hours] is due to program change adjustment increase of 1,468,311 annual burden hours due to the increase in the number of CDLIS driver records from 12.8 million to 14.6 million [2,023,285 total annual burden hours increase – 554,974 annual burden hours program change increase due to the addition of a new IC entitled “Driver completion of knowledge and skill tests”].

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 of OMB approval

The FMCSA would not seek this approval.

18. Exceptions to certification statement

The FMCSA would not request exceptions to the certification statement.