

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

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

**Part A. Justification:**

**Introduction:** This supporting statement is submitted by the Federal Motor Carrier Safety Administration (FMCSA), as required by the Paperwork Reduction Act, to revise its existing clearance to include information collection (IC) burdens for the changes set forth in a final rule, titled *“Medical Examiner’s Certification Integration”* (Attachment A) dated April 2015 (80 FR 22790). The most recent clearance of this information collection was approved by the Office of Management and Budget (OMB) as OMB Control No. 2126-0011 on January 12, 2015, for a total of 3,651,867 burden hours, with an expiration date of January 31, 2018. This current submission includes all information collection requirements contained in title 49 CFR part 383, titled *“Commercial Driver’s License Standards: Requirements and Penalties”* and title 49 CFR part 384 titled, *“State Compliance with Commercial Driver’s License Program.”*

**1. Necessity of Information Collection:**

Licensed drivers in the United States deserve reasonable assurance that their fellow motorists are properly qualified to drive the vehicles they operate. Before the Commercial Motor Vehicle Safety Act of 1986 (CMVSA or the Act) (Attachment B) (Public Law 99-570, Title XII, 100 Stat. 3207-170) was signed by the President on October 27, 1986, 18 States and the District of Columbia authorized any person licensed to drive an automobile to also legally drive a large truck or bus. No special training or special license was required to drive these vehicles, even though it was widely recognized that operation of certain types of vehicles called for special skills, knowledge and training. Even in the 32 States that had a classified driver licensing system in place, only 12 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 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 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);
- on-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 that implemented the 16<sup>th</sup> 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 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 D) on security threat assessments for drivers applying for or renewing a CDL with a hazardous materials endorsement. While TSA set the requirements in their final rule, FMCSA has the responsibility as part of the CDL testing and issuance process to ensure that States are in compliance with the TSA requirements.

Section 4019 of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), Public Law 105-178, 112 Stat. June 8, 1999, requires the Secretary of Transportation to review the procedures established and implemented by the States under 49 U.S.C. 31305 for CDL knowledge and skills testing to determine whether the current testing system is an accurate measure and reflection of an individual's knowledge and skills to operate a CMV. The results of this review were incorporated into the new "2005 CDL Test System." The final rule published on May 9, 2011 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, 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; 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, 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 CLP and 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 8, 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.

This rulemaking is the next incremental step in improving the merger of the medical certification and CDL issuing process. The information from the medical examiner’s certificate for drivers required to have a CLP or CDL would be transmitted electronically from the medical examiner to the CLP or CDL holder’s State driver licensing agency (SDLA) for posting to the CLP or CDL holder’s electronic driving record. This would eliminate the need for the driver to carry a paper copy of the medical examiner’s certificate and to physically provide a copy to his/her SDLA.

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

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

State officials use the information collected on the license application form (49 CFR 383.71) that is posted to the CDLIS driver record, the information collected on the CLP application form that is posted to the CDLIS driver record (49 CFR 383.71), the information on the medical examiner’s certificate (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 CLP and 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)]. The FMCSA reviews information submitted by the States and conducts such reviews, audits, and investigations of each State once every three years or as it deems necessary to make compliance determinations for all States and the District of Columbia. If this information were not available, the FMCSA would have no means of independently verifying State compliance.

### **3. Minimizing Burden:**

The Government Paperwork Elimination Act (GPEA) (enacted on October 21, 1998, as Title XVII of Public Law 105-277, 112 Stat. 2681), requires that agencies provide for the option of electronic submission of information and the use of electronic signatures, when practicable. Currently, 49 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 CDL, as well as 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 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. Non-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. Minimizing the Burden for Small Business:**

The regulatory and safety requirements for all CLP and 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, medical examiners 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, medical examiners, 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, medical examiners and States, the FMCSA believes the information collection impact on small businesses or other small entities is not significant.

#### **6. Considerations of Alternatives:**

Currently, most of the information that a driver applicant must provide the State to be issued a CDL is only collected once at the initial application for the CDL and is recorded on the CDLIS driver record. The driver is only required to update information that is no longer valid and self-certify his/her eligibility to continue holding a 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 is only 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 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.

The FMCSA currently performs a CDL compliance review on a State every 3 years, or sooner if a compliance problem is uncovered. In addition, a State is required to evaluate its CDL program every year and send FMCSA a self-certification as to 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. Paperwork Reduction Act Guidelines:**

There are no special circumstances related to this information collection.

## **8. Consultations:**

This request is being submitted in association with the final rule, titled "*Medical Examiner's Certification Integration*" (Attachment A). Comments received in response to the NPRM on the estimated cost and burden hours will be addressed in the Final Rule.

FMCSA consults on a regular basis with the State driver licensing agencies (SDLAs) and the American Association of Motor Vehicle Administrators (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.

**9. Incentives 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 E). 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.

In 49 CFR 384.225, States and the Secretary of Transportation may access all CDLIS driver record information, a driver’s may access his/her own CDLIS driver record information and employers may access his/her own drivers’ or prospective drivers’ CDLIS driver record information after notification to the driver.

**11. Justification for Sensitive Information:**

There are no questions of a sensitive nature.

**12. Estimates of Total Annual Burden Hours for Respondents:**

The CDLIS indicates that there are currently 12.8 million CDLIS driver records. This figure does not necessarily reflect the number of active CDL drivers and is constantly changing.

**Annual Burden Hours for First 3 Years**

General assumptions made for the implementation of the requirements set forth in the final rule on the “Medical Examiner’s Certification Integration”:

Assumption:

- It will take 3 years for the States to pass legislation and make the necessary system changes before the electronic transmission of information on the medical examiner’s certificate from the medical examiner to the SDLA will be implemented in the 50 States and the District of Columbia and the data generated by these new requirements are posted to the CDLIS driver record.

Therefore,

- All of the current IC activities imposed on the States, drivers and the motor carrier industry over the first 3 years of implementing the electronic transmission of information on the medical examiner's certificate from the medical examiner to the SDLA will remain unchanged.

The IC burden for the first 3 years would consist of the following recordkeeping activities:

#### **IC - 1: CDL Driver Activities**

Current and Proposed IC Activity for CDL Drivers	Current Annual Burden Hours for the IC Activities	Annual Burden Hours for the IC Activities in First 3 Years
Driver notification of convictions/disqualifications to employer	730,000	730,000
Driver providing previous employment history to new employer	459,950	459,950
Driver completion of the CDL application form	59,130	59,130
Driver completion of knowledge and skills tests	1,847,813	1,847,813
<b>Total Burden Hours</b>	<b>3,096,893</b>	<b>3,096,893</b>

FMCSA estimates a **total annual burden of 3,096,893 hours** ( $730,000 + 459,950 + 59,130 + 1,847,813 = 3,096,893$ ) imposed on CDL drivers in the CDL testing and licensing process over the first 3 years of implementing the Medical Examiner's Certification Integration.

**Estimated Annual Responses for IC-1: 11,410,100** ( $11,410,100$  [current] + 0 =  $27,120,130$ )

#### **IC -2: State Driver Licensing Agency CDL Activities**

Current and Proposed IC Activity for States	Current Annual Burden Hours for the IC Activities	Annual Burden Hours for the IC Activities in First 3 Years
State recording of medical examiner's certification and medical variance information	81,000	81,000
State recording of the self-certification of commercial motor vehicle operation	4,544	4,544

State verification of medical certification status of all interstate CLP and CDL holders	901	901
Annual State certification of compliance	1,632	1,632
State preparing for and participating in Annual Program Review	10,200	10,200
CDLIS/PDPS/State recordkeeping	335,668	335,668
Knowledge and skills tests recordkeeping	95,813	95,813
Knowledge and skills test examiner certification	25,216	25,216
Skills test examiner monitoring and auditing	0	0
<b>Total Burden Hours</b>	<b>554,974</b>	<b>554,974</b>

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 over the first 3 years of implementing the Medical Examiner's Certification Integration.

**Estimated Annual Responses for IC - 2: 17,900,986** ( $17,900,986$  [current] + 0 =  $17,900,986$ ).

**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	3,096,893	3,096,893
IC-2	554,974	554,974
<b>Total Burden Hours</b>	<b>3,651,867</b>	<b>3,651,867</b>

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

ITEM	RESPONSES
IC-1	11,410,100
IC-2	17,900,986
<b>TOTAL</b>	<b>29,311,086</b>

**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 Responses: 29,311,086 responses** [11,410,100 responses for IC-1 + 17,900,986 responses for IC-2 = 29,311,086].

#### **Annual Burden Hours for 4<sup>th</sup> and Subsequent Years**

General assumptions made for the implementation of the requirements set forth in the final rule on the “Medical Examiner’s Certification Integration”:

Assumption:

- The medical examiner’s certification and medical variance information will be electronically sent to the State driver licensing agency (SDLA) by FMCSA and electronically posted to the CDLIS driver record.

Therefore:

The annual burden hours for the SDLA to manually post the medical examiner’s certificate and medical variance information to the CDLIS driver record will be reduced from 81,000 hours to 0 hours and the annual responses will be reduced from 2.43 million to 0.

Assumption:

- The requirements set forth in the final rule on the “Medical Examiner’s Certification Integration” will not affect the remaining recordkeeping activities when implemented.

Therefore:

The current annual burden and annual responses for the remaining recordkeeping activities will remain unchanged.

The IC burden for the 4<sup>th</sup> and subsequent years would consist of the following recordkeeping activities:

#### **IC - 1: CDL Driver Activities**

Current and Proposed IC Activity for CDL Drivers	Current Annual Burden Hours for the IC Activities	Annual Burden Hours for the IC Activities in 4 <sup>th</sup> and Subsequent Years
Driver notification of convictions/disqualifications to employer	730,000	730,000
Driver providing previous employment history to new employer	459,950	459,950
Driver completion of the CDL application form	59,130	59,130
Driver completion of knowledge and skills tests	1,847,813	1,847,813
<b>Total Burden Hours</b>	<b>3,096,893</b>	<b>3,096,893</b>

FMCSA estimates a **total annual burden of 3,096,893 hours** ( $730,000 + 459,950 + 59,130 + 1,847,813 = 3,096,893$ ) imposed on CDL drivers in the CDL testing and licensing process over the first 3 years of implementing the Medical Examiner's Certification Integration.

**Estimated Annual Responses for IC-1: 11,410,100** ( $11,410,100$  [current] + 0 =  $27,120,130$ )

#### **IC -2: State Driver Licensing Agency CDL activities**

Current and Proposed IC Activity for States	Current Annual Burden Hours for the IC Activities	Annual Burden Hours for the IC Activities in 4 <sup>th</sup> and Subsequent Years
State recording of medical examiner's certification and medical variance information	81,000	0
State recording of the self-certification of commercial motor vehicle operation	4,544	4,544
State verification of medical certification status of all interstate CLP and CDL holders	901	901
Annual State certification of compliance	1,632	1,632
State preparing for and participating in Annual Program review	10,200	10,200
CDLIS/PDPS/State recordkeeping	335,668	335,668
Knowledge and skills tests	95,813	95,813

recordkeeping		
Knowledge and skills test examiner certification	25,216	25,216
Skills test examiner monitoring and auditing	0	0
<b>Total Burden Hours</b>	<b>554,974</b>	<b>473,974</b>

FMCSA estimates a **total annual burden of 473,974 hours** ( $0 + 4,544 + 901 + 1,632 + 10,200 + 335,668 + 95,813 + 25,216 = 473,974$ ) imposed on the States in the CDL testing and licensing process over the first 3 years of implementing the Medical Examiner's Certification Integration.

**Estimated Annual Responses for IC - 2: 15,470,986** ( $17,900,986$  [current] - $2,430,000$  =  $17,900,986$ )

**Estimated Total Annual Burden Hours: 3,570,867. 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	3,096,893	3,096,893
IC-2	554,974	473,974
<b>Total Burden Hours</b>	<b>3,651,867</b>	<b>3,570,867</b>

**Estimated Total Annual Responses: 26,881,086. See table below:**

ITEM	RESPONSES
IC-1	11,410,100
IC-2	15,470,986
<b>TOTAL</b>	<b>26,881,086</b>

**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 Responses: 26,881,086 responses** [11,410,100 responses for IC-1 + 15,470,986 responses for IC-2 = 26,881,086].

### **13. Estimates of Total Annual Costs to Respondents:**

#### **Annual Cost for First 3 Years**

##### **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**

There will be a one-time cost that each State and the District of Columbia will need to expend to make updates to their systems to accommodate the development of the capability to electronically receive and post medical certification and medical variance information from FMCSA and to the CDLIS driver record. While the information technology necessary to carry out these transactions are still in the early development stage, FMCSA estimates that the cost elements to implement these new requirements will not be greater than the estimated cost to implement the posting of the MEC and medical variance information manually to the driver's record. The FMCSA believes that additional costs to the SDLAs associated with this information collection to be a one-time total of approximately \$9,965,163 over the first 3 years or an annual cost of \$3,321,721. The breakdown of the \$9,965,163 by type of work activity by dollar totals for first 3 years is as follows:

<b><i>Information Technology</i></b>	<b>Total State Costs<sup>1</sup></b>
Input and Inquiry Screens	\$6,146,560
Expanded Database	\$1,563,932
Systems and User Acceptance Testing	\$1,664,850
AAMVA Testing	\$589,821
	<b>\$9,965,163</b>
<b>Total One-Time Costs</b>	<b>rounded to \$10,000,000</b>

The FMCSA believes that additional costs to AAMVA to develop the communications link between CDLIS and the National Registry for this information collection to be a one-time total of approximately \$10,000,000 over the first 3 years or an annual cost of \$3,333,333.

**Estimated Total Annual Costs to Respondents:** \$23,812,635 [\$20,479,302 currently approved annual costs for ICR + \$3,333,333 proposed annual costs for IC- 2 (\$10,000,000 one-time costs for IC-2/3 years period) = \$23,812,635].

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<sup>1</sup> 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.

## **Annual Cost for 4<sup>th</sup> and Subsequent Years**

### **IC - 1: CDL Driver Activities**

The FMCSA estimates there will be an annual cost savings to the CDL drivers. The annual cost of interstate CDL holders providing the SDLA with an original or copy of the MEC will be eliminated. This is annual cost savings of **\$1,047,600**

Assumptions:

- FMCSA estimates that it would cost the active interstate CDL holder \$.05 to make a copy of the medical examiner's certificate.
- The Agency estimates that it would cost \$.49 for the active interstate CDL holder to mail a copy of the medical examiner's certificate to the State.
- The number of active CDL holders is 2.96 million.
- FMCSA estimates that approximately 69% of the 2.96 million active interstate CDL holders would renew their medical certification every 2 years.
- FMCSA estimates that approximately 31% of the 2.96 million active 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 3.88 million (2.96 million  $\times$  1.31 = 3.88 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:

**\$1,047,600** [3.88 million drivers/2 years  $\times$  \$.54+ (\$.05 + \$.49) = \$1,047,600].

### **IC -2: State Driver Licensing Agency CDL Activities**

The FMCSA believes that there would be no additional annual costs to the States for the subsequent years associated with this information collection in regard to maintaining the requirements of the final rule “Medical Examiner’s Certification Integration” once they are implemented.

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

There is no additional cost to the Federal government due to the final rule, titled “*Medical Examiner’s Certification Integration*”. State compliance with the new requirements will be monitored as part of the ongoing CDL State compliance review process.

FMCSA estimates the current **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**.

**Estimate of Total Annual Costs to the Federal Government:** \$3,061,000 [ $\$348,000$  annual costs for maintaining the computer systems and data bases for monitoring State compliance with Federal CDL requirements +  $\$2,713,000$  annual costs for maintaining access and communication links to Federal State and Foreign Data Bases =  $\$3,061,000$ ].

**15. Explanation of Program Changes or Adjustments:**

Total annual burden hours for the first 3 years of implementing the changes set forth in the final rule “*Medical Examiner’s Certification Integration*” 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 “*Medical Examiner’s Certification Integration*” once they are implemented (program change).

The program change increase of \$3,333,333 [\$1,000,000 one-time cost/3 years = \$3,333,333] in estimated annual costs to respondents in IC-2 is due to a one-time startup cost being prorated over 3 years for the jurisdictions to modify their computer systems to accommodate the requirements of the final rule “*Medical Examiner’s Certification Integration*” once they are implemented.(program change).

It is estimated that there will be no additional annual cost, but there will be a cost savings for the subsequent years to maintain the requirements of the final rule “*Medical Examiner’s Certification Integration*” once they are implemented(program change).

**16. Publication of Results of Data Collection:**

The FMCSA will not publish information about individual drivers. The Agency will conduct analyses of the data (e.g., the number of active CDL holders who receive medical certificates by State) and may publish results of such analyses.

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

The FMCSA will continue to disclose the expiration date and will not request from OMB approval to refrain from displaying the date.

**18. Exceptions to Certification Statement:**

The FMCSA would not request exceptions to the certification statement.