

**Department of Transportation  
Federal Motor Carrier Safety Administration**

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

**INTRODUCTION**

This is to request the Office of Management and Budget's (OMB's) renewed three-year approved clearance for the information collection titled "Commercial Driver Licensing and Testing Standards" (OMB Control No. 2126-0011), which is currently due to expire on October 31, 2018. This ICR is being revised, primarily to account for a decrease in the number of Commercial Driver's License Information System (CDLIS) driver records from 13,140,000 million to 8,507,375.

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 and valid to drive the vehicles they operate. Before the Commercial Motor Vehicle Safety Act of 1986 (CMVSA or the Act) (Attachment C) (Pub. L. 99-570, Title XII, 100 Stat. 3207) enacted 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 across several States, these commercial motor vehicle (CMV) drivers could avoid license suspension for traffic violations and continue driving.

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 office 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.

CMVSA 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 CMV 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. 31301].

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 immediately 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 annual State Annual Program Reviews (APRs) and Skills Testing 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) (Pub. L. 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 including (§§ 383.71, 383.73, and/or 384.206).

A Final Rule was published on December 1, 2008, (73 FR 73096)(Attachment F) 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, (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 (Pub. L. 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 21<sup>st</sup> Century (TEA-21)(Pub. L. 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)(Pub. L. 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) (Pub. L. 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.

The 2012 Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) Act, Subtitle B – Commercial Motor Vehicle Safety resulted in FMCSA creating the Federal Convictions and Withdrawal Database (FCWD) as a subset of the CDLIS gateway. The FCWD is also referred to as the Foreign Convictions and Withdrawals Database. Additionally, MAP-21, Section 32203 – “State Reporting of Foreign Commercial Driver Convictions” requires States to report convictions of Mexican and Canadian drivers to the FCWD or other information system designated by the Secretary. Finally, MAP-21, Section 32204 – “Authority to Disqualify Foreign Commercial Drivers” clarifies the Secretary's authority to issue disqualification from operating in the United States for a foreign driver's license for committing a disqualifying offense when the licensing jurisdiction fails to take action.

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 Pub. L. 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 as well as the driver's current status.

## **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 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 ineligible, 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 substantially comply 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.

The FCWD houses the convictions Mexican, and Canadian CDL holders, and other foreign drivers receive while driving a CMV within the United States. This enables the FMCSA to impose the same conditions on Mexico and Canadian drivers as are imposed on U.S. drivers by the States.. The system receives convictions from all State jurisdictions within the United States for drivers holding a commercial driver's license from Mexico and Canada. This data, along with the data from eLicencia in Mexico or the Canadian licensing jurisdiction is combined to give a complete driving record to the requesting enforcement official.

Convictions enter the FCWD either electronically from the CDLIS gateway or via U.S. mail on paper. Paper convictions are entered in to the FCWD after being reviewed by the FMCSA contractor. Convictions must be checked for viability before they are allowed to be part of a foreign driver's history in the FCWD as there are instances the license number on a conviction does not match the name and address of the individual that holds that license number. A conviction cannot be attributed to a foreign driver's history in the FCWD unless it is confirmed the correct driver is being held responsible for that conviction. If there is a discrepancy in the data received from the U.S. jurisdiction, manual efforts are made to ensure the correct driver is located, this may involve manual searches of the e-Licencia database, calls to Mexico or the Canadian licensing jurisdiction and/or calls to the State that issued the conviction.

Once the data is in the FCWD the same rules that are applied to U.S. drivers are imposed on the Mexican and Canadian drivers. If a foreign commercial driver would have their driving privilege withdrawn for a U.S. conviction, then the conviction and withdrawal information is sent to the licensing jurisdiction in Mexico or Canada. Whenever a driver is checked through the CDLIS gateway (which includes Mexico and Canada via the FCWD) the current driving status returned to the requesting services would include a meshed version of the license status from Mexico or Canada and what is contained within the FCWD.

### **3. EXTENT OF AUTOMATED INFORMATION COLLECTION**

The Government Paperwork Elimination Act (GPEA) (enacted on October 21, 1998, 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 receiving an immediate response. There are over 16,000,000 CDLIS transactions annually. There are over 8,000 convictions submitted to the FCWD annually from U.S. jurisdictions, 50% of which are electronic submissions through CDLIS. 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 or FCWD for a foreign driver. 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. The FCWD is to record the conviction on the foreign driver's FCWD conviction history, thereby ensuring foreign drivers are held to the same standards as U.S. drivers. 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 work 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 contained on the 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 a driver applicant must provide the State in order 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 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 to be issued a CDL is collected when the driver applies for a CLP. This 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 within 30 days of being convicted and disqualifications within one (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 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.

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. States are currently required to transmit convictions and withdrawals on foreign licensed drivers to the FCWD within 10 days of the conviction. 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. The FCWD is held to the same standard as the States, in that the FCWD is required to post the conviction to the database within 10 days. 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.

FMCSA currently performs a CDL APR on a State annually to make compliance determinations for all States and the District of Columbia. In addition, a State is required to evaluate its own 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 continues to uncover 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.

On August 9, 2018, FMCSA published a notice in the Federal Register with a 60-day public comment period to announce this proposed information collection (83 FR 39496) (Attachment N). The Agency did not receive comments in response to this notice. FMCSA will publish a notice in the Federal Register with a 30-day public comment period to announce this ICR would be sent to OMB for its review and approval.

## **9. PAYMENTS OR GIFTS TO RESPONDENTS**

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

## **10. ASSURANCE OF CONFIDENTIALITY**

Under U.S.C. §§ 31309(c) and 31106(e), the Secretary may provide CDLIS driver record information to various parties. 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 M). 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 information collection burden consists of the following tasks and recordkeeping activities divided between information collections of drivers and information collections of SDLAs:

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

- IC-1.1 Driver notification of convictions/disqualifications to employer
- IC-1.2 Driver providing previous employment history to new employer
- IC-1.3 Driver completion of the CDL application form
- IC-1.4 Driver completion of knowledge and skills tests

### **IC-2: SDLA CDL Activities**

- IC-2.1 State recording of medical examiner’s certificate information
- IC-2.2 State recording of self-certification of CMV operation
- IC-2.3 State verification of medical certification status



- IC-2.4 Annual State certification of compliance
- IC-2.5 State preparing for and participating in Annual Program Review
- IC-2.6 CDLIS/PDPS/State Recordkeeping
- IC-2.7 CDL Knowledge and Skills tests recordkeeping
- IC-2.8 Knowledge and skills test examiner certification

For the purposes of this ICR, the Agency derives its burden hour and burden hour cost estimates based on the following statistics:

- There were 15,354,363 active master pointer records (MPRs) in CDLIS in 2016.<sup>(1)</sup>
- There were 8,308,109 CDLs in force in 2016.<sup>(2)</sup> The Agency assumes that each of the 8,308,109 CDLs in force represents an active CDL holder.
- Approximately 217,073 drivers, or 2% of active CDL holders, transferred their CDL to a different State in 2016.<sup>(3)</sup>
- Approximately 3,100,000 CDL holders engaged in interstate commerce in 2017.<sup>(4)</sup>
- There were approximately 455,000 new CDL drivers in 2014.<sup>(5)</sup>

Next, the Agency applies a growth rate of 0.594%<sup>(6)</sup> to the above statistics to obtain estimated respondent numbers listed in Table 1.

**Table 1. Estimations of Driver Populations**

Year	CDLIS Driver Records	Active CDL Drivers	Active Interstate CDL Holders	Active CDL Holder Transfer Drivers	New CDL Holders
1 (2019)	15,629,606	8,457,041	3,136,937	220,964	468,675
2 (2020)	15,722,446	8,507,275	3,155,571	222,277	471,459
3 (2021)	15,815,837	8,557,809	3,174,315	223,597	474,259

<sup>10</sup> Information collected by U.S. Department of Transportation (DOT), Federal Motor Carrier Safety Administration (FMCSA) MC-ESL in September 2017 from online sources, typically State Driver Licensing Agency (SDLA) websites.

<sup>20</sup> Annual Program Review (APR) and Skills Test Review (STR) data, collected by FMCSA MC-ESL from the SDLAs. The District of Columbia (DC) was not included within the scope of the data collection. Florida, Illinois, and Nevada did not provide data regarding CDLs in force. Values for these four missing SDLAs were imputed based on the ratio of CDLs in force to all licensed drivers in all other reporting SDLAs, but constrained to be no greater than the number of active Master Pointer Records (MPRs) in CDLIS for CY2016 for these SDLAs as reported by AAMVA on MPR Summary Report CD90.7.2.

<sup>30</sup> American Association of Motor Vehicle Administrators (AAMVA), “CDLIS MPR Summary Report CD90.7.2 for CY2016 for all 51 CDLIS jurisdictions” (February 2018).

<sup>40</sup> U.S. Department of Transportation (DOT), Federal Motor Carrier Safety Administration (FMCSA), “2017 Pocket Guide to Large Truck and Bus Statistics.” June 2017. Available at [www.fmcsa.dot.gov/safety/data-and-statistics/commercial-motor-vehicle-facts](http://www.fmcsa.dot.gov/safety/data-and-statistics/commercial-motor-vehicle-facts) (accessed March 1, 2018).

<sup>50</sup> U.S. Department of Transportation (DOT), Federal Motor Carrier Safety Administration (FMCSA), “Regulatory Evaluation of Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators. Final Rule. Regulatory Impact Analysis. Final Regulatory Flexibility Analysis. Unfunded Mandates Analysis.” (ELDT Final Rule Regulatory Evaluation) (November 2016). Docket ID FMCSA-2007-27748. Available at [www.regulations.gov/document?D=FMCSA-2007-27748-1291](http://www.regulations.gov/document?D=FMCSA-2007-27748-1291) (accessed March 13, 2018).

<sup>0</sup> Bureau of Labor Statistics, “Employment Projections (2016-2026).” Available at [data.bls.gov/projections/occupationProj](http://data.bls.gov/projections/occupationProj) (accessed March 1, 2018). The Agency created a composite growth rate for driver occupations typically or potentially requiring a CDL by weighting the compound annual growth rate in employment (2016-2026) for heavy and tractor-trailer truck drivers (Standard Occupational Classification (SOC) Code) 53-3032), bus drivers, school or special client (SOC Code 53-3022), and bus drivers, transit and intercity (SOC Code 53-3021) by total employment in each SOC in 2016.

Annualized	15,722,630	8,507,375	3,155,608	222,279	471,464
------------	------------	-----------	-----------	---------	---------

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

Driver activities include four parts: 1) notifying a motor carrier of any convictions or disqualifications; 2) providing previous employment history to a new employer; 3) completing the CDL application form; and 4) completing the knowledge test and skills test.

FMCSA assumes these tasks will be carried out by individuals equivalent to a Heavy and Tractor-trailer Truck Driver (Standard Occupational Classification (SOC) Code 53-3032), Bus Drivers, School or Special Client (SOC Code 53-3022), and Bus Drivers, Transit and Intercity (SOC Code 53-3021). To create a composite loaded hourly wage, the Agency weighted the median hourly wage for each occupation by total employment, as displayed in Table 2, which resulted in a weighted hourly wage of \$18.75 ( $0.731 \times \$19.87 + 0.198 \times \$14.50 + 0.070 \times \$19.13$ ).

**Table 2. Composite Driver Base Hourly Wage Rate<sup>(7)</sup>**

Standard Occupational Classification (SOC) Code	Occupational Title	Total Employment (Year 2016) (thousands) (a)	Weight (a ÷ 2,558,900 = b)	Base Median Hourly Wage (c)	Weighted Base Hourly Wage (b × c = d)
53-3032	Heavy and Tractor-trailer Truck drivers	1,871,700	0.731	\$19.87	\$14.53
53-3022	Bus Drivers, School or Special Client	507,900	0.198	\$14.50	\$2.88
53-3021	Bus Drivers, Transit and Intercity	179,300	0.070	\$19.13	\$1.34
<b>Sum (composite base hourly wage rate)</b>					<b>\$18.75</b>

To arrive at a loaded hourly wage rate, the Agency first estimated a load factor of 1.516 by dividing the total cost of compensation for private industry workers of the production, transportation, and material moving occupation group (\$28.47) by the average cost of hourly wages and salaries (\$18.78) as reported by the Bureau of Labor Statistics in its Employer Costs for Employee Compensation for September 2017.<sup>(8)</sup> Multiplying the mean hourly wage by the load factor results in a loaded hourly wage of \$28.43 ( $\$18.75 \times 1.516$ ), which will be used to estimate burden hour costs of this ICR.

#### **IC-1.1 Driver notification of convictions/disqualifications to employer [49 CFR 383.31 and 383.33]**

A driver is required to notify its motor carrier of any convictions or disqualifications. To estimate burden hour and burden costs associated with this task, the Agency relies on the statistics and estimations outline above as well as the following assumptions:

- A driver will average approximately 1 conviction every 3 years.
- A driver will spend approximately 10 minutes (0.167 hours) notifying a motor carrier of a conviction.
- If a conviction also causes a disqualification, the driver will notify the employer of both

<sup>70</sup> Bureau of Labor Statistics, “May 2016 National Occupational Employment and Wage Estimates United States.” Available at [www.bls.gov/oes/current/oes\\_nat.htm#53-0000](http://www.bls.gov/oes/current/oes_nat.htm#53-0000) (accessed March 1, 2018).

<sup>80</sup> Bureau of Labor Statistics, “Table 1. Civilian workers, by major occupational and industry group.” Available at [www.bls.gov/news.release/ecec.t01.htm](http://www.bls.gov/news.release/ecec.t01.htm) (accessed March 1, 2018).

actions at the same time.

During the first year of this ICR, 2,819,014 drivers, or one-third of the 8,457,041 active CDL drivers, will receive a conviction. Each driver will spend 0.167 hours notifying the motor carrier of the conviction, which results in a total annual burden of 470,775 hours (2,819,014 drivers × 0.167 hours per driver) and an annual burden hour cost of \$13,384,133 (470,775 hours × \$28.43 per hour) (Table 3).

As detailed in Table 3, IC-1.1 results in approximately 2,835,792 drivers annually spending a total of 473,577 hours notifying motor carriers of convictions, at a cost of \$13,463,804.

**Table 3. Driver Notification of Convictions/Disqualifications to Employer (IC-1.1)**

Year	Respondents (a)	Responses per Respondent (b)	Total Annual Responses (a × b = c)	Burden Hours per Response (d)	Total Annual Burden Hours (c × d = e)	Total Annual Respondent Cost (e × \$28.43= f)
1	2,819,014	1	2,819,014	0.167	470,775	\$13,384,133
2	2,835,758	1	2,835,758	0.167	473,572	\$13,463,652
3	2,852,603	1	2,852,603	0.167	476,385	\$13,543,626
Total	8,507,375	-	8,507,375	-	1,420,732	\$40,391,411
Annualized	2,835,792	-	2,835,792	-	473,577	\$13,463,804

The currently approved total burden for driver notification of convictions/disqualifications to employers is 730,000 hours. The new total of 473,577 represents a decrease of 256,423 hours. This is due to a decrease in the estimated number of active CDL drivers, a result of the availability of more accurate and recent data.

**IC-1.2 Driver providing previous employment history to new employer [49 CFR 383.35]**

In addition to 3 years of employment history required of all drivers, a CDL driver is required to provide on a form a further 7 years of employment history when applying to a company as a CDL driver. To estimate burden hour and burden costs associated with this task, the Agency relies on the statistics and estimations outline above as well as the following assumptions:

- The annual turnover rate is approximately 14%.
- A CDL driver will spend approximately 15 minutes (0.25 hours) completing the additional 7 years of employment history.

During the first year of this ICR, 1,183,986 drivers (8,457,041 active CDL drivers × 14% turnover), will spend a total of 295,997 hours (1,183,986 drivers × 0.25 hours per driver) providing an additional 7 years of employment history, resulting in an annual burden hour cost \$8,415,195 (295,997 hours × \$28.43 per hour) (Table 4).

As detailed in Table 4, IC-1.2 results in approximately 1,191,033 drivers annually spending a total of 297,758 hours completing an additional 7 years of employment history, at a cost of \$8,465,270.

**Table 4. Driver Providing Previous Employment History to New Employer (IC-1.2)**

Year	Respondents (a)	Responses per Respondent (b)	Total Annual Responses (a × b = c)	Burden Hours per Response (d)	Total Annual Burden Hours (c × d = e)	Total Annual Respondent Cost (e × \$28.43 = f)
1	1,183,986	1	1,183,986	0.25	295,997	\$8,415,195
2	1,191,019	1	1,191,019	0.25	297,755	\$8,465,175
3	1,198,093	1	1,198,093	0.25	299,523	\$8,515,439
Total	3,573,098	-	3,573,098	-	893,275	\$25,395,809
Annualized	1,191,033	-	1,191,033	-	297,758	\$8,465,270

The currently approved total burden for drivers providing previous employment history to a new employer is 459,950 hours. The new total of 297,758 represents a decrease of 162,192 hours. This is due to a decrease in the estimated number of active CDL drivers, a result of the availability of more accurate and recent data.

### IC-1.3 Driver completion of the CDL application form [49 CFR 383.71]

To obtain, transfer, or renew a CDL, an individual is required to provide certain information. To estimate burden hour and burden costs associated with this task, the Agency relies on the statistics and estimations outlined above as well as the following assumptions:

- CDL applicants, transfer drivers, and drivers renewing their CDL require approximately 1 minute (0.017 hours) to complete the CDL portion of the driver's license application form.
- On average, CDLs are renewed every 5 years.

During the first year of this ICR, 468,675 new drivers, 220,964 transfer drivers, and 1,691,408 active drivers (8,457,041 drivers ÷ 5 years) will each spend 1 minute completing the CDL application form (see Table 1). This results in a total of 2,381,047 respondents (468,675 + 220,964 + 1,691,408) and 40,478 burden hours (2,381,047 × 0.017 hours), at a cost of \$1,150,790 (40,478 hours × \$28.43 per hour).

As detailed in Table 5, IC-1.3 results in approximately 2,395,219 drivers annually spending a total of 40,719 hours completing the CDL application form, at a cost of \$1,157,632.

**Table 5. Driver Completion of The CDL Application Form (IC-1.3)**

Year	Respondents (a)	Responses per Respondent (b)	Total Annual Responses (a × b = c)	Burden Hours per Response (d)	Total Annual Burden Hours (c × d = e)	Total Annual Respondent Cost (e × \$28.43 = f)
1	2,381,047	1	2,381,047	0.017	40,478	\$1,150,790
2	2,395,191	1	2,395,191	0.017	40,718	\$1,157,613
3	2,409,418	1	2,409,418	0.017	40,960	\$1,164,493
Total	7,185,656	-	7,185,656	-	122,156	\$3,472,896
Annualized	2,395,219	-	2,395,219	-	40,719	\$1,157,632

The currently approved total burden for drivers completing the CDL application form is 59,130 hours. The new total of 40,719 represents a decrease of 18,411 hours. This is due to a decrease in the estimated number of active CDL drivers, a result of the availability of more accurate and

recent data.

**IC-1.4 Driver completion of knowledge and skills tests [49 CFR 383.71(a)(2)(ii) and (b)(2)]**  
 CDL applicants are required to complete a knowledge test and a skills test. To estimate burden hour and burden costs associated with this task, the Agency relies on the statistics and estimations outline above as well as the following assumptions:

- Approximately 50 percent of applicants fail the CDL knowledge and skills tests the first time they take the tests.<sup>(9)</sup>
- An applicant will spend approximately 45 minutes (0.75 hours) completing the knowledge test.
- An applicant will spend approximately 90 minutes (1.5 hours) completing the skills test.

During the first year of this ICR, 468,675 driver applicants will attempt the knowledge test. Approximately 50 percent will fail and retake the test, resulting in 703,013 responses ( $468,675 \times 1.5$ ) and 527,260 burden hours ( $703,012 \times 0.75$  hours), at a cost of \$14,990,002 ( $527,259 \times \$28.43$  per hour) (Table 6).

**Table 6. Driver Completion of Knowledge Test**

Year	Respondents (a)	Responses per Respondent (b)	Total Annual Responses (a × b = c)	Burden Hours per Response (d)	Total Annual Burden Hours (c × d = e)	Total Annual Respondent Cost (e × \$28.43 = f)
1	468,675	1.5	703,013	0.75	527,260	\$14,990,002
2	471,459	1.5	707,189	0.75	530,392	\$15,079,045
3	474,259	1.5	711,389	0.75	533,542	\$15,168,599
Total	1,414,393	-	2,121,591	-	1,591,194	\$45,237,646
Annualized	471,464	-	707,197	-	530,398	\$15,079,215

During the first year of this ICR, 468,675 driver applicants will attempt the skills test. Approximately 50 percent will fail and retake the test, resulting in 703,013 responses ( $468,675 \times 1.5$ ) and 1,054,520 burden hours ( $703,012 \times 1.5$  hours), at a cost of \$29,980,004 ( $1,054,519 \times \$28.43$  per hour) (Table 7).

**Table 7. Driver Completion of Skills Test**

Year	Respondents (a)	Responses per Respondent (b)	Total Annual Responses (a × b = c)	Burden Hours per Response (d)	Total Annual Burden Hours (c × d = e)	Total Annual Respondent Cost (e × \$28.43 = f)
1	468,675	1.5	703,013	1.5	1,054,520	\$29,980,004
2	471,459	1.5	707,189	1.5	1,060,784	\$30,158,089
3	474,259	1.5	711,389	1.5	1,067,084	\$30,337,198
Total	1,414,393	-	2,121,591	-	3,182,388	\$90,475,291
Annualized	471,464	-	707,197	-	1,060,796	\$30,158,430

<sup>90</sup> Government Accountability Office, “Commercial Driver’s Licensing: Federal Oversight of State Programs Could be Improved.” Available at [www.gao.gov/products/GAO-15-607](http://www.gao.gov/products/GAO-15-607) (accessed March 1, 2018). The GAO notes that of the 50 licensing agencies surveyed, 31 “reported that, in 2014, between 20 and 50 percent of applicants failed the test on their first attempt.” FMCSA believes the assumption of a 50% failure rate is reasonable considering that, for example, a driver that fails on the first attempt may fail on a second attempt and pass on the third attempt. Each attempt would result in one response.

The knowledge and skills tests combined will result in an annualized total of 1,414,394 responses (707,197 + 707,197) and 1,591,192 (530,398 + 1,060,796) burden hours, at a cost of \$45,237,645 (\$15,079,215 + \$30,158,430) (Table 8).

**Table 8. Annualized Driver Completion of Knowledge and Skills Test (IC-1.4)**

Test	Respondents	Responses	Total Burden Hours	Total Burden Hour Cost
Knowledge	471,464	707,197	530,398	\$15,079,215
Skills	471,464	707,197	1,060,796	\$30,158,430
Total	942,928	1,414,394	1,591,194	\$45,237,645

The currently approved total burden for drivers completing the knowledge and skills tests is 1,847,813 hours. The new total of 1,591,194 represents a decrease of 256,619 hours. While the Agency’s estimated failure rate rose from 25% to 50% (due to the availability of additional information), the burden hours estimate was more heavily influenced by a decrease in the estimated number of active CDL drivers, a result of the availability of more accurate and recent data.

**Estimated Burden for IC-1 CDL Driver Activities**

Annualized over the three years covered by this ICR, the Agency estimates the four tasks included in IC-1 will result in 7,836,436 responses and 2,403,247 burden hours, and a \$68,319,477 cost to respondents (Table 9).

**Table 9. Annualized Responses, Burden Hours, and Burden Hour Cost for IC-1**

Information Collection	Respondents	Responses	Burden Hours	Burden Hour Cost
IC-1.1 Driver notification of convictions/disqualifications to employer	2,835,792	2,835,792	473,577	\$13,463,804
IC-1.2 Driver providing previous employment history to new employer	1,191,033	1,191,033	297,758	\$8,465,270
IC-1.3 Driver completion of the CDL application form	2,395,219	2,395,219	40,719	\$1,157,632
IC-1.4 Driver completion of knowledge and skills tests	942,928	1,414,394	1,591,194	\$45,237,645
Total	7,364,972	7,836,438	2,403,248	\$68,324,351

Estimated Annual Number of Respondents for IC-1: 7,364,972.

Estimated Annual Number of Responses for IC-1: 7,836,438.

Estimated Total Annual Burden Hours for IC-1: 2,403,248.

Estimated Annual Burden Hour Cost for IC-1: \$68,324,351.

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

SDLA activities include: 1) recording of medical examiner’s certificate information; 2) recording of self-certification of CMV operation; 3) verification of medical certification status; 4) annual State certification of compliance; 5) preparing for and participating in Annual Program Review; 6) CDLIS/PDPS/State Recordkeeping; 7) CDL knowledge and skills tests recordkeeping; and 8) knowledge and skills test examiner certification.

FMCSA assumes these tasks will be carried out by individuals equivalent to Information and Record Clerks (SOC Code 43-4000), Court, Municipal, and License Clerks (SOC Code 43-4031), and First-Line Supervisors of Office and Administrative Support Workers (SOC Code 43-1011) in the Federal, State, and Local Government, excluding state and local schools and hospitals and the U.S. Postal Service (OES Designation) (NAICS 999000). The median hourly wage rates for these occupations are displayed in Table 10.<sup>(10)</sup>

To arrive at loaded hourly wage rates for each occupation, the Agency first estimated a load factor of 1.597 by dividing the total cost of compensation for state and local government workers (\$48.78) by the average cost of hourly wages and salaries (\$30.54) as reported by the Bureau of Labor Statistics in its Employer Costs for Employee Compensation for September 2017.<sup>(11)</sup> Multiplying the mean hourly wage by the load factor results in loaded hourly wages displayed in Table 10.

**Table 10. Respondent Wage Rates for SDLA CDL Activities**

SOC Code	Occupational Title	Median Hourly Wage	Loaded Hourly Wage
43-4000	Information and Record Clerks	\$18.38	\$29.35
43-4031	Court, Municipal, and License Clerks	\$19.68	\$31.43
43-1011	First-Line Supervisors of Office and Administrative Support Workers	\$26.16	\$41.78

### **IC-2.1 State recording of medical examiner’s certificate information [49 CFR 383.73(b)(5) and (o)]**

A State must record a medical examiner’s certificate information on the driver’s record when a new CDL is issued to an individual who intends to be engaged in interstate commerce and when an existing CDL holder engaged in interstate commerce renews and submits a copy of their medical examiner’s certificate to the State. To estimate burden hour and burden costs associated with this task, the Agency relies on the assumptions and statistics outline above as well as the following assumptions:

- Approximately 78% of new drivers who obtain a CDL will be engaged in interstate commerce.<sup>(12)</sup> Note that 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 assumes all interstate CDL drivers need a medical examiner’s certificate.
- Approximately 69% of interstate CDL holders will renew their medical certification

<sup>100</sup> Bureau of Labor Statistics, “May 2016 National Occupational Employment and Wage Estimates United States: NAICS 999000 - Federal, State, and Local Government, excluding state and local schools and hospitals and the U.S. Postal Service (OES Designation).” Available at [www.bls.gov/oes/current/naics3\\_999000.htm](http://www.bls.gov/oes/current/naics3_999000.htm) (accessed March 1, 2018).

<sup>110</sup> Bureau of Labor Statistics, “Table 3. State and local government, by major occupational and industry group.” [www.bls.gov/news.release/ecec.t03.htm](http://www.bls.gov/news.release/ecec.t03.htm) (accessed March 1, 2018).

<sup>120</sup> U.S. Department of Transportation (DOT), Federal Motor Carrier Safety Administration (FMCSA), “2017 Pocket Guide to Large Truck and Bus Statistics.” June 2017. Available at [www.fmcsa.dot.gov/safety/data-and-statistics/commercial-motor-vehicle-facts](http://www.fmcsa.dot.gov/safety/data-and-statistics/commercial-motor-vehicle-facts) (accessed March 1, 2018). The 2017 publication states that approximately 3.1 million CMV drivers operate interstate and hold a CDL, while 900,000 operate intrastate and hold a CDL [ $3,100,000 \div (3,100,000 + 900,000) = 78\%$ ]. FMCSA multiplies the number of new drivers by 78% to obtain the estimated number of new CDL drivers engaged in interstate commerce.

- every 2 years.
- Approximately 31% of interstate CDL holders will 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.
- An SDLA employee equivalent to an information and record clerk (SOC Code 43-4000) will perform this task at a loaded hourly wage of \$29.35.
- An estimated 249 SDLA employees from the 50 States and the District of Columbia undertake this task.
- An SDLA employee will spend approximately 2 minutes (0.033 hours) recording the medical examiner’s certificate information on the CDLIS driver record.

During the first year of this ICR, 249 State information and record clerks will record medical examiner’s certificate information for 2,420,260 new CDL drivers and existing interstate CDL drivers, resulting in 2,420,260 responses and 79,869 burden hours (2,420,260 × 0.033 hours), at a cost of \$2,344,155 (79,869 × \$29.35).

Annualized, IC-2.1 results in approximately 2,434,665 responses totaling 80,344 burden hours at a cost of \$2,358,095 (Table 11).

**Table 11. State Recording of Medical Examiner’s Certificate Information (IC-2.1)**

Year	Number of Respondents (a)	Average Responses per Respondent (b)	Total Annual Responses (a × b = c)	Burden Hours per Response (d)	Total Annual Burden Hours (c × d = e)	Total Annual Respondent Cost (e × \$29.35 = f)
1	249	9,720	2,420,260	0.033	79,869	\$2,344,155
2	249	9,778	2,434,637	0.033	80,343	\$2,358,067
3	249	9,836	2,449,099	0.033	80,820	\$2,372,067
Total	747	-	7,303,996	-	241,032	\$7,074,289
Annualized	249	-	2,434,665	-	80,344	\$2,358,096

The currently approved total burden for State recording of medical examiner’s certificate information is 81,000 hours. The new total of 80,344 represents a decrease of 656 hours due to a calculation correction and a decrease in the estimated number of active CDL drivers, a result of the availability of more accurate and recent data.

**IC-2.2 State recording of the self-certification of CMV operation [49 CFR 383.71(a)]**

All CDL holders must 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. To estimate burden hour and burden costs associated with this task, the Agency relies on the assumptions and statistics outlined above as well as the following assumptions:

- On average, CDL drivers will self-certify every 5 years.
- It takes approximately 5 seconds (0.001389 hours) for an SDLA to record the medical certification status information on the CDLIS driver record.
- An SDLA employee equivalent to an information and record clerk (SOC Code 43-4000)



- will perform this task at a loaded hourly wage of \$29.35.
- An estimated 249 SDLA employees from the 50 States and the District of Columbia undertake this task.

During the first year of this ICR, a State employee will record self-certifications for 2,160,083 new CDL drivers and existing drivers, resulting in 2,160,083 responses and 3,000 burden hours ( $2,160,083 \times 0.001389$  hours), at a cost of \$88,050 ( $3,000 \times \$29.35$ ).

Annualized, IC-2.2 results in approximately 2,172,939 responses totaling 3,018 burden hours at a cost of \$88,578 (Table 12).

**Table 12. State Recording of the Self-Certification of CMV Operation (IC-2.2)**

Year	Number of Respondents (a)	Average Responses per Respondent (b)	Total Annual Responses (a × b = c)	Burden Hours per Response (d)	Total Annual Burden Hours (c × d = e)	Total Annual Respondent Cost (e × \$29.35 = f)
1	249	8,675	2,160,083	0.001389	3,000	\$88,050
2	249	8,727	2,172,914	0.001389	3,018	\$88,578
3	249	8,778	2,185,821	0.001389	3,036	\$89,107
Total	747	-	6,518,818	-	9,054	\$265,735
Annualized	249	-	2,172,939	-	3,018	\$88,578

The currently approved total burden for State recording of self-certifications is 4,544 hours. The new total of 3,018 represents a decrease of 1,526 hours due to a decrease in the estimated number of active CDL drivers, a result of the availability of more accurate and recent data.

**IC-2.3 State verification of medical certification status [49 CFR 383.73(a)-(d)]**

States must verify only medical certification status information of CDL holders subject to part 391 (active interstate CDL holders and transfer drivers) at the time of medical certification renewal because they are the only drivers required to be medically certified. To estimate burden hour and burden costs associated with this task, the Agency relies on the assumptions and statistics outlined above as well as the following assumptions:

- Approximately 69% of interstate CDL holders will renew their medical certification every 2 years.
- Approximately 31% of interstate CDL holders will 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.
- An SDLA employee equivalent to an information and record clerk (SOC Code 43-4000) will perform this task at a loaded hourly wage of \$29.35.
- An estimated 249 SDLA employees from the 50 States and the District of Columbia undertake this task.
- It takes approximately 5 seconds (0.001389 hours) for an SDLA to record the medical certification status information on the CDLIS driver record.

During the first year of this ICR, 249 SDLA employees will record medical examiner's certificate information for 2,275,658 existing drivers and transfer drivers, resulting in 2,275,658 responses and 3,161 burden hours ( $2,275,658 \times 0.001389$  hours), at a cost of \$92,775 ( $3,161 \times$

\$29.35).

Annualized, IC-2.3 results in approximately 2,289,202 responses totaling 3,180 burden hours at a cost of \$93,333 (Table 13).

**Table 13. State Verification of Medical Certification Status (IC-2.3)**

Year	Number of Respondents (a)	Average Responses per Respondent (b)	Total Annual Responses (a × b = c)	Burden Hours per Response (d)	Total Annual Burden Hours (c × d = e)	Total Annual Respondent Cost (e × \$29.35 = f)
1	249	9,139	2,275,658	0.001389	3,161	\$92,775
2	249	9,193	2,289,176	0.001389	3,180	\$93,333
3	249	9,248	2,302,773	0.001389	3,199	\$93,891
Total	747	-	6,867,607	-	9,540	\$279,999
Annualized	249	-	2,289,202	-	3,180	\$93,333

The currently approved total burden for State verification of medical certification status is 901 hours. The new total of 3,180 represents an increase of 2,279 hours. On December 6, 2008, a new final rule titled Medical Certification Requirements as Part of the CDL, modifying 49 CFR parts 383, 384, 390, and 391 required all interstate commercial driver’s license (CDL) holders subject to the physical qualification requirements of the FMCSRs to provide a current original or copy of their medical examiner’s certificates to their State Driver Licensing Agency (SDLA).. As a result, the Agency made an adjustment to the estimate of the number of drivers affected, given the availability of more accurate and recent data, and a program change. The program change, regarding the requirement that a State verify medical certification status at the time of certification renewal rather than CDL renewal, increased the frequency of State verification.

**IC-2.4 Annual State certification of compliance [49 CFR 384.305]**

On an annual basis, all 50 States and the District of Columbia must complete compliance documents for FMCSA officials to review and ensure that the provisions of the regulations are being carried out by the State. To estimate burden hour and burden costs associated with this task, the Agency relies on the assumptions and statistics outline above as well as the following assumptions:

- An SDLA employee equivalent to a first-line supervisors of office and administrative support workers (SOC 43-1011) will perform this task at a loaded hourly wage of \$41.78.
- It takes an estimated average of 32 hours to fill out compliance documents.

Annualized, IC-2.4 results in 51 responses (50 States + District of Columbia) and 1,632 burden hours (51 × 32 hours), at a cost of \$68,185 (1,632 × \$41.78) (Table 14).

**Table 14. Annual State Certification of Compliance (IC-2.4)**

Year	Number of Respondents (a)	Responses per Respondent (b)	Total Annual Responses (a × b = c)	Burden Hours per Response (d)	Total Annual Burden Hours (c × d = e)	Total Annual Respondent Cost (e × \$41.78 = f)
1	51	1	51	32	1,632	\$68,185
2	51	1	51	32	1,632	\$68,185
3	51	1	51	32	1,632	\$68,185

Total	153	-	153	-	4,896	\$204,555
Annualized	51	-	51	-	1,632	\$68,185

The burden hours for IC-2.4 remain constant at 1,632 hours.

### IC-2.5 State preparing for and participating in annual program review [49 CFR 384.307]

Each State and the District of Columbia conducts an annual CDL program review. To estimate burden hour and burden costs associated with this task, the Agency relies on the assumptions and statistics outline above as well as the following assumptions:

- Approximately 5 State staff are involved in the review process.
- Each State staffer will spend 5 days, or 40 hours (5 days × 8 hours per day) completing the annual program review: 3 days to prepare and 2 days to participate in the review.
- A State employee equivalent to a first-line Supervisors of office and administrative support workers (SOC 43-1011) will perform this task at a loaded hourly wage of \$41.78 (see Table 10).

Annualized, IC-2.5 results in 51 responses (50 States + District of Columbia), 255 respondents (51 responses × 5 employees per response) and 10,200 burden hours (51 × 5 employees per state × 40 hours), at a cost of \$426,156 (10,200 × \$41.78) (Table 15).

**Table 15. State Preparing for and Participating in Annual Program Review (IC-2.5)**

Year	Number of Respondents (a)	Responses per Respondent (b)	Total Annual Responses (a × b = c)	Burden Hours per Response (d)	Total Annual Burden Hours (c × d = e)	Total Annual Respondent Cost (e × \$41.78 = f)
1	255	0.2	51	200	10,200	\$426,156
2	255	0.2	51	200	10,200	\$426,156
3	255	0.2	51	200	10,200	\$426,156
Total	765	-	153	-	30,600	\$1,278,468
Annualized	255	-	51	-	10,200	\$426,156

The burden hours for IC-2.4 remain constant at 10,200 hours.

### IC-2.6 CDLIS/PDPS/State recordkeeping [49 CFR 384.231 and 384.232]

The 50 States and the District of Columbia are required to enter data into CDLIS and to perform recordkeeping actions for certain activities including: creating a new driver record, renewing driver CDLs, transferring driver records to a different state, entering convictions and disqualifications, and checking U.S. citizen or resident alien status for drivers renewing their CDL with a hazardous materials endorsement. The FMCSA serves as the 52<sup>nd</sup> State to enter convictions for foreign drivers sent by the 50 States and the District of Columbia into the FCWD (a subsystem of CDLIS) and perform recordkeeping actions for certain activities including: entering U.S. convictions for foreign drivers and FCWD disqualifications and reinstatements for a foreign driver's operating privileges in the United States. To estimate burden hour and burden costs associated with this task, the Agency relies on the assumptions and statistics outline above as well as the following assumptions:

- On average, CDLs are renewed every 5 years.
- A CDL driver averages approximately 1 conviction every 3 years.
- Approximately 25% of convictions result in a disqualification.

- Approximately 33% of active driver records have a hazardous materials endorsement.
- An SDLA employee equivalent to an information and record clerk (SOC Code 43-4000) will perform recordkeeping tasks at a loaded hourly wage of \$29.35.
- An estimated 249 SDLA employees from the 50 States and the District of Columbia undertake this task.
- An SDLA employee will spend approximately 2 minutes (0.033 hours) per response performing recordkeeping activities.

During the first year of this ICR, 249 SDLAs will undertake recordkeeping activities for 6,462,979 records, including: 468,675 new driver records (see Table 1), 1,691,408 renewals for existing driver records (8,457,041 ÷ 5 years), 220,964 transfer driver records, 3,523,767 convictions and disqualifications (8,457,041 ÷ 3 years × 1.25), and 558,165 citizenship/resident alien status checks of driver records with hazardous materials endorsements (8,457,041 × 0.33 ÷ 5 years). This results in 213,278 burden hours (6,462,979 × 0.033 hours) at a cost of \$6,259,709 (213,278 × \$29.35).

As detailed in Table 16, IC-2.6 results in an average of approximately 6,501,445 responses requiring 214,548 hours, at a cost of \$6,296,974.

**Table 16. CDLIS/PDPS/State Recordkeeping (IC-2.6)**

Year	Number of Respondents (a)	Average Responses per Respondent (b)	Total Annual Responses (a × b = c)	Burden Hours per Response (d)	Total Annual Burden Hours (c × d = e)	Total Annual Respondent Cost (e × \$29.35 = f)
1	249	25,956	6,462,979	0.033	213,278	\$6,259,709
2	249	26,110	6,501,369	0.033	214,545	\$6,296,896
3	249	26,265	6,539,987	0.033	215,820	\$6,334,317
Total	747	-	19,504,335	-	643,643	\$18,890,922
Annualized	249	-	6,501,445	-	214,548	\$6,296,974

The currently approved total burden for CDLIS/PDPS/State recordkeeping is 335,668 hours. The new total of 214,548 represents a decrease of 121,120 hours. This is due to a decrease in the estimated number of active CDL drivers, a result of the availability of more accurate and recent data.

**IC-2.7 CDL knowledge and skills tests recordkeeping [49 CFR 384.202]**

SDLAs must record the results of every CDL knowledge test and every CDL skills test taken. To estimate burden hour and burden costs associated with this task, the Agency relies on the assumptions and statistics outline above as well as the following:

- Approximately 50% of applicants fail the CDL knowledge and skills tests the first time they take the tests.<sup>(13)</sup>
- An SDLA employee equivalent to an information and record clerk (SOC 43-4000) will perform recordkeeping tasks at a loaded hourly wage of \$29.35.
- An estimated 249 SDLA employees from the 50 States and the District of Columbia undertake record the results of the knowledge tests and skills tests.
- It takes an information and record clerk approximately 2 minutes (0.033 hours) per applicant to record the results of the CDL knowledge test.

<sup>130</sup> Id. at 9.

- It takes an information and record clerk approximately 5 minutes (0.083 hours) per applicant to record the results of the CDL skills test.

As displayed in Table 17, during the first year of this ICR, there will be approximately 703,012 responses ( $468,675 \times 1.5$ ) and 23,199 burden hours ( $703,012 \times 0.033$  hours), at a cost of \$680,891 ( $23,199 \times \$29.35$  per hour).

**Table 17. CDL Knowledge Test Recordkeeping**

Year	Number of Respondents (a)	Average Responses per Respondent (b)	Total Annual Responses (a × b = c)	Burden Hours per Response (d)	Total Annual Burden Hours (c × d = e)	Total Annual Respondent Cost (e × \$29.35 = f)
1	249	2,823	703,012	0.033	23,199	\$680,891
2	249	2,840	707,188	0.033	23,337	\$684,941
3	249	2,857	711,389	0.033	23,476	\$689,021
Total	747	-	2,121,589	-	70,012	\$2,054,853
Annualized	249	-	707,196	-	23,337	\$684,951

Table 18 displays annual burden hours for recordkeeping activities related to the CDL skills test. During the first year of this ICR, there will be approximately 703,012 responses ( $468,675 \times 1.5$ ) and 58,350 burden hours ( $703,012 \times 0.083$  hours), at a cost of \$1,712,573 ( $58,350 \times \$29.35$  per hour).

**Table 18. CDL Skills Test Recordkeeping**

Year	Number of Respondents (a)	Average Responses per Respondent (b)	Total Annual Responses (a × b = c)	Burden Hours per Response (d)	Total Annual Burden Hours (c × d = e)	Total Annual Respondent Cost (e × \$29.35 = f)
1	249	2,823	703,012	0.083	58,350	\$1,712,573
2	249	2,840	707,188	0.083	58,697	\$1,722,757
3	249	2,857	711,389	0.083	59,045	\$1,732,971
Total	747	-	2,121,589	-	176,092	\$5,168,301
Annualized	249	-	707,196	-	58,697	\$1,722,767

Knowledge and skills tests recordkeeping combined will result in an annualized total of 1,414,392 responses ( $707,196 + 707,196$ ) and 82,034 ( $23,337 + 58,697$ ) burden hours, at a cost of \$2,407,718 ( $\$684,951 + \$1,722,767$ ) (Table 19).

**Table 19. Annualized Knowledge and Skills Test Recordkeeping (IC-2.7)**

Test	Respondents	Responses	Total Burden Hours	Total Burden Hour Cost
Knowledge	249	707,196	23,337	\$684,951
Skills	249	707,196	58,697	\$1,722,767
Total	489	1,414,392	82,034	\$2,407,718

The currently approved total burden for knowledge and skills test recordkeeping is 95,813 hours. The new total of 82,034 represents a decrease of 13,779 hours. This is due to a decrease in the estimated number of new CDL drivers, a result of the availability of more accurate and recent

data.

### IC-2.8 Knowledge and skills test examiner certification [49 CFR § 384.228]

State and third-party knowledge and skills test examiner certification involves three tasks: training, background check, and recording of results. All knowledge and skills test examiners must successfully complete a formal CDL test examiner training course and examination before certifying them to administer CDL knowledge and skills tests. States are required to process and evaluate criminal background checks for each knowledge and skills test examiner. The results of training, certification, and criminal background checks must be recorded. To estimate burden hour and burden costs associated with this task, the Agency relies on the assumptions and statistics outlined above as well as the following:

- Of the 6,661 AAMVA trained and certified examiners, 2,946 examiners administer CDL tests.<sup>(14)</sup>
- Of the 2,946 trained and certified CDL examiners, 1,839 administer the knowledge test only.<sup>(15)</sup> The remaining 1,107 examiners administer both knowledge and skills tests.
- The knowledge-only test examiner training will take an estimated 20 hours to complete.
- The combined knowledge and skills test examiner training will take an estimated 40 hours to complete.
- CDL test examiners must successfully complete the formal CDL test examiner training course and examination every three years.
- A CDL test examiner equivalent to a court, municipal, and license clerk (SOC Code 43-4031) will complete the task of examiner skills and/or knowledge training and examination at a loaded hourly wage of \$31.43.
- A criminal background check on an examiner will take approximately 15 minutes (0.25 hours) to process and evaluate the results.
- It takes approximately 2 minutes (0.033 hours) to record results of examiner training, certification, and criminal background checks is approximately 2 minutes.
- An SDLA employee equivalent to an information and record clerk (SOC Code 43-4000) will process and evaluate criminal background checks and record results of examiner training, certification and criminal background checks at a loaded hourly wage of \$29.35.

Examiners that administer knowledge tests only will complete training and an examination every three years. As shown in Table 20, this results in an annual average of 613 responses ( $1,839 \div 3$ ), 12,260 burden hours ( $613 \times 20$ ) and a burden hour cost of \$385,332 ( $12,260 \times \$31.43$ ).

**Table 20. Knowledge Test Examiner Training and Examination**

Year	Number of Respondents (a)	Responses per Respondent (b)	Total Annual Responses (a × b = c)	Burden Hours per Response (d)	Total Annual Burden Hours (c × d = e)	Total Annual Respondent Cost (e × \$31.43 = f)
1	613	1	613	20	12,260	\$385,332
2	613	1	613	20	12,260	\$385,332
3	613	1	613	20	12,260	\$385,332
Total	1,839	-	1,839	-	36,780	\$1,155,995
Annualized	613	-	613	-	12,260	\$385,332

<sup>140</sup> Email from American Association of Motor Vehicle Administrators (AAMVA) to FMCSA on February 12, 2018.

<sup>150</sup> Id.

The 1,107 examiners that administer knowledge and skills tests will complete training and an examination every three years. As Table 21 details, this results in 369 examiners ( $1,107 \div 3$ ) annually spending a total of 14,760 hours ( $369 \times 40$ ), at a cost of \$463,907 ( $14,760 \times \$31.43$ ).

**Table 21. Knowledge and Skills Test Examiner Training and Examination**

Year	Number of Respondents (a)	Responses per Respondent (b)	Total Annual Responses (a × b = c)	Burden Hours per Response (d)	Total Annual Burden Hours (c × d = e)	Total Annual Respondent Cost (e × \$31.43 = f)
1	369	1	369	40	14,760	\$463,907
2	369	1	369	40	14,760	\$463,907
3	369	1	369	40	14,760	\$463,907
Total	1,107	-	1,107	-	44,280	\$1,391,720
Annualized	369	-	369	-	14,760	\$463,907

All CDL examiners will have their criminal background check processed and evaluated at the time of their training and examination. As shown in Table 22, this results in 982 annual background checks ( $2,946 \div 3$ ) and 246 burden hours ( $982 \times 0.25$ ), costing \$7,220 ( $246 \times \$29.35$ ).

**Table 22. Criminal Background Check Processing and Evaluation**

Year	Number of Respondents (a)	Responses per Respondent (b)	Total Annual Responses (a × b = c)	Burden Hours per Response (d)	Total Annual Burden Hours (c × d = e)	Total Annual Respondent Cost (e × \$29.35 = f)
1	982	1	982	0.25	246	\$7,220
2	982	1	982	0.25	246	\$7,220
3	982	1	982	0.25	246	\$7,220
Total	2,946	-	2,946	-	737	\$21,660
Annualized	982	-	982	-	246	\$7,220

As shown in Table 23, the recording of training, certification, and criminal background check results will result in an annual average of 982 responses ( $2,946 \div 3$ ) and 33 burden hours ( $982 \times 0.033$ ), costing \$969 ( $33 \times \$29.35$ ).

**Table 23. Recording of Training, Certification, and Criminal Background Check Results**

Year	Number of Respondents (a)	Responses per Respondent (b)	Total Annual Responses (a × b = c)	Burden Hours per Response (d)	Total Annual Burden Hours (c × d = e)	Total Annual Respondent Cost (e × \$29.35 = f)
1	982	1	982	0.033	33	\$969
2	982	1	982	0.033	33	\$969
3	982	1	982	0.033	33	\$969
Total	2,946	-	2,946	-	99	\$2,907
Annualized	982	-	982	-	33	\$969

These four tasks combined result in an annualized total of 2,946 responses and 27,298 burden

hours, costing \$857,405 (Table 24).

**Table 24. Annualized Knowledge and Skills Test Examiner Certification (IC-2.8)**

Test	Respondents	Responses	Total Burden Hours	Total Burden Hour Cost
Examiner Knowledge Certification	613	613	12,260	\$385,332
Examiner Knowledge & Skills Certification	369	369	14,760	\$463,907
Process and evaluate criminal background check	982	982	246	\$7,205
Recordkeeping	982	982	33	\$961
Total	2,946	2,946	27,299	\$857,428

The currently approved total burden for knowledge and skills test examiner certification is 25,216 hours. The new total of 27,299 represents an increase of 2,083 hours. This is due to an increase in the number of State and third-party knowledge and skills test examiners.

**Estimated Burden for IC-2 State Driver Licensing Agency CDL Activities**

Annualized over the three years covered by this ICR, the Agency estimates the eight tasks included in IC-2 will result in 14,815,691 responses and 422,255 burden hours, and a \$12,596,468 cost to respondents (Table 25).

**Table 25. Annualized Responses, Burden Hours, and Burden Hour Cost for IC-2**

Information Collection	Respondents	Responses	Burden Hours	Burden Hour Cost
IC-2.1 State Recording of Medical Examiner’s Certificate Information	249	2,434,665	80,344	\$2,358,096
IC-2.2 State recording of Self Certification of CMV Operation	249	2,172,939	3,018	\$88,578
IC-2.3 State Verification of Medical Certification Status	249	2,289,202	3,180	\$93,333
IC-2.4 Annual State Certification of Compliance	51	51	1,632	\$68,185
IC-2.5 State preparing for and participating in Annual Program Review	255	51	10,200	\$426,156
IC-2.6 CDLIS/PDPS/State Recordkeeping	249	6,501,445	214,548	\$6,296,974
IC-2.7 CDL knowledge and Skills Tests Recordkeeping	489	1,414,392	82,034	\$2,407,718
IC-2.8 Knowledge and Skills Test Examiner Certification	2,946	2,946	27,299	\$857,428
Total	4,746	14,815,691	422,255	\$12,596,468

Estimated Annual Number of Respondents for IC-2: 4,746.

Estimated Annual Number of Responses for IC-2: 14,815,691.

Estimated Total Annual Burden Hours for IC-2: 422,255.

Estimated Annual Burden Hour Cost for IC-2: \$12,596,468.

**Total Estimated Burden**

The total annualized number of respondents, responses, burden hours, and burden hour cost for this ICR is detailed in Table 26.



**Table 26. Annualized Respondents, Responses, Burden Hours, and Burden Hour Cost for IC-1 and IC-2**

<b>Information Collection</b>	<b>Respondents</b>	<b>Responses</b>	<b>Burden Hours</b>	<b>Burden Hour Cost</b>
IC-1 CDL Driver Activities	7,364,972	7,836,438	2,403,248	\$68,324,351
IC-2 SDLA CDL Activities	4,746	14,815,691	422,255	\$12,596,468
Total	7,369,718	22,652,129	2,825,503	\$80,920,819

**Estimated Annual Number of Respondents:** 7,369,718 respondents.

**Estimated Annual Number of Responses:** 22,652,129 responses.

**Estimated Total Annual Burden:** 2,825,503 hours.

**Estimated Annual Burden Hour Cost:** \$80,920,819.

### 13. ESTIMATE OF TOTAL ANNUAL COSTS TO RESPONDENTS

The Agency believes that there are no additional costs to the CDL drivers or to the SDLAs associated with this information collection.

### 14. ESTIMATE OF COST TO THE FEDERAL GOVERNMENT

FMCSA estimates the total annual cost to the Agency to run the State Compliance Records Enterprise (SCORE), the computer system and data base to monitor State compliance with the Federal CDL requirements, at \$450,000. The annual cost is based on a current vendor contract.

### 15. EXPLANATION OF PROGRAM CHANGES OR ADJUSTMENTS

The total annual burden hours decrease of 826,364 hours [2,825,503 proposed annual burden hours – 3,651,867 currently approved annual burden hours] is due to a program change and an adjustment.

On December 1, 2008, FMCSA published the final rule Medical Certification Requirements as Part of the CDL in the Federal Register (73 FR 73096). This rule, by amending 49 CFR 383.73(a)-(d) and (j), required drivers to present a medical certificate to the State Driver Licensing Agency to post on the drivers record—and that a State verify medical certification status at the time of certification at initial issuance as well as renewal—increased the frequency of State verification, resulting in an increase of 1,995 hours at a cost of \$58,553. Had the program change not occurred, respondents would have incurred 1,185 burden hours at a cost of \$34,780. With the program change, respondents would incur 3,180 burden hours at a cost of \$93,333. This program change is reflected in IC-2.3, above.

The program adjustments to this ICR include—a decrease in the number of CDL holders from 13,140,000 to 8,507,375, and, an increase in the number of CDL examiners from 2,144 to 2,946. The resulting decrease of 828,359 burden hours is primarily due to the decrease in the number of CDL holders, as the number of CDL holders heavily impact burden estimates for each component of IC-1, IC-2.1 through IC-2.3, IC-2.6, and IC-2.7. The adjustment of the number of CDL holders prompted the availability of more accurate and recent data, resulting in a decrease of 828,359 burden hours.

## **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 Agency is not seeking approval for not displaying the expiration date of OMB approval.

## **18. EXCEPTIONS TO CERTIFICATION STATEMENT**

FMCSA would not request exceptions to the certification statement.

### **ATTACHMENTS:**

- A. 49 CFR part 383, titled “Commercial Driver's License Standards: Requirements and Penalties.”
- B. 49 CFR part 384 titled, “State Compliance with Commercial Driver’s License Program.”
- C. Commercial Motor Vehicle Safety Act of 1986 (CMVSA or the Act).
- D. Final Rule, “Commercial Driver’s License Standards Requirements and Penalties: CDL Program Improvements and Non-Communication Motor Vehicle Violations,” 67 FR 49742, July 31, 2002.
- E. Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Pub. L. 106-159, 113 Stat. 1748).
- F. Final Rule, “Medical Qualifications Requirements,” 73 FR 73096, December 1, 2008.
- G. Interim Final Rule, “Limitations on the Issuance of Commercial Driver’s Licenses with Hazardous Materials Endorsement,” 68 FR 23844, May 5, 2003.
- H. Section 1012 of the USA PATRIOT Act (Pub. L. 107-56).
- I. Pub. L. 105-178, 112 Stat. 107, June 9, 1998.
- J. Final Rule, “Commercial Driver’s License Testing and Commercial Learner’s Permit Standards,” 76 FR 26854, May 9, 2011.
- K. Section 4122 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users (SAFETEA-LU)(Pub. L. 109-59).
- L. Section 703 of the Security and Accountability For Every Port Act of 2006 (SAFE Port Act) (Pub. L. 109-347).
- M. Policy on Availability of Information from the Commercial Driver’s License Information System, January 13, 2005 (70 FR 2454).
- N. Agency Information Collection Activities; Revision of an Approved Information Collection Request: Commercial Driver Licensing and Test Standards (60-day notice), August 9, 2018 (83 FR 39496).
- O. Agency Information Collection Activities; Revision of an Approved Information Collection Request: Commercial Driver Licensing and Test Standards (30-day notice), October 30, 2018 (83 FR 54643).
- P. Section 32203 – “State Reporting of Foreign Commercial Driver Convictions” of the 2012 Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) Act, Subtitle B – Commercial Motor Vehicle Safety (Pub. L. 112-141)
- Q. Section 32204 – “Authority to Disqualify Foreign Commercial Drivers” of the 2012 Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) Act, Subtitle B – Commercial Motor

New Attachments

**SEC. 32203. STATE REPORTING OF FOREIGN COMMERCIAL DRIVER**

**CONVICTIONS.** (a) DEFINITION OF FOREIGN COMMERCIAL DRIVER—Section 31301 is amended—

(1) by redesignating paragraphs (10) through (14) as paragraphs (11) through (15), respectively; and

(2) by inserting after paragraph (9) the following: “(10) ‘foreign commercial driver’ means an individual licensed to operate a commercial motor vehicle by an authority outside the United States, or a citizen of a foreign country who operates a commercial motor vehicle in the United States.”.

(b) STATE REPORTING OF CONVICTIONS—Section 31311(a) is amended by adding after paragraph (21) the following:

“(22) The State shall report a conviction of a foreign commercial driver by that State to the Federal Convictions and Withdrawal Database, or another information system designated by the Secretary to record the convictions. A report shall include—

“(A) for a driver holding a foreign commercial driver’s license—

“(i) each conviction relating to the operation of a commercial motor vehicle; and

“(ii) each conviction relating to the operation of a non-commercial motor vehicle; and

“(B) for an unlicensed driver or a driver holding a foreign non-commercial driver’s license, each conviction relating to the operation of a commercial motor vehicle.”.

**SEC. 32204. AUTHORITY TO DISQUALIFY FOREIGN COMMERCIAL DRIVERS.**

Section 31310 is amended by adding at the end the following: “(k) FOREIGN COMMERCIAL DRIVERS—A foreign commercial driver shall be subject to disqualification under this section.”.