

**Location of Text Added in the Supporting Statement
for the Non-Substantive Change Request for the
“Commercial Driver Licensing and Testing Standards” ICR
OMB Control No. 2126-0011**

The non-substantive change request is to seek the Office of Management and Budget’s approval for non-substantive changes to the Federal Motor Carrier Safety Administration’s (FMCSA’s) “Commercial Driver Licensing and Testing Standards” ICR, OMB control no. 2126-0011. The change is for the addition of a new language added in sections of Part A of the supporting statement.

The language identifies a subsystem of the Commercial Driver’s License Information System (CDLIS), created as a result of the 2012 Moving Ahead for Progress in the 21st Century (MAP-21) Act, Subtitle B – Commercial Motor Vehicle Safety, and resulted in the establishment of Federal Convictions and Withdrawal Database (FCWD). The FCWD is also referred to as the Foreign Convictions and Withdrawals Database. FMCSA recently discovered the FCWD was not described in the supporting statement. It was determined the changes to the supporting statement will be a non-substantive change to the ICR. FMCSA has prepared the justification to explain the non-substantive change and outline where the additional information was added in the supporting statement for ICR.

Specifically:

- Section 1 – Circumstances that make the Collection of Information Necessary.
- Section 2 – How, By Whom, and For What Purpose is the Information Used
- Section 3 – Extent of Automated Information Collection
- Section 6 – Impact of Less Frequent Collection of Information
- Section IC-2.6 – CDLIS/PDPS/State recordkeeping [49 CFR 384.231 and 384.232]

The new language explaining the FCWD is highlighted below and outlined as follows:

- **Section 1 – Circumstances that make the Collection of Information Necessary.**
 - o The 2012 Moving Ahead for Progress in the 21st 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.

- **Section 2 – How, By Whom, and For What Purpose is the Information Used**
 - 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.
- **Section 3 – Extent of Automated Information Collection**
 - 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 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.

- **Section 6 – Impact of Less Frequent Collection of Information**
 - 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.

- **Section 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 52nd 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.