

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

**SUPPORTING STATEMENT  
Financial Responsibility for Motor Carriers of Passengers and  
Motor Carriers of Property**

**SUMMARY**

- This ICR is a revision. This ICR revision has a program adjustment of a decrease of 67,713 responses and 1,592 burden hours and shown in section 12. The reason for the decrease is due to a methodology change as forms are completed on a one-time basis instead of once per year.
- The ICR consists of the burden calculations for the completion and storage of the MCS-90 and MCS-82 forms by property carriers, as well as burden calculations for passenger carriers to complete and store the MCS 90-B and MCS 82B forms. The burden calculations for U.S., Mexican and Non-North American (NNA) and Canadian carriers to maintain copies of forms MCS-90, MCS-90B, MCS-82, and/or MCS-82B, is also calculated.

**INTRODUCTION**

The Federal Motor Carrier Safety Administration (FMCSA) submits to the Office of Management and Budget (OMB) its request to revise a currently-approved information collection request (ICR) titled “*Financial Responsibility for Motor Carriers of Passengers and Motor Carriers of Property*” and covered by OMB Control Number 2126-0008. This ICR is due to expire on March 31, 2021

**Part A. Justification**

**1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY**

Interstate motor carriers and transportation intermediaries, as well as certain intrastate hazardous materials carriers, are required by law to maintain minimum levels of financial responsibility.<sup>1</sup>

The Federal Government has long required motor carriers, brokers, and freight forwarders to maintain certain levels of financial responsibility, either through insurance, a bond, or other financial security, as a means to protect the public in the event of a crash and to protect carriers and shippers against dishonest and financially unstable brokers. The Motor Carrier Act of 1935 first directed the establishment of Federal rules and regulations for interstate

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<sup>1</sup> FMCSA, “Examining the Appropriateness of the Current Financial Responsibility and Security Requirements for Motor Carriers, Brokers, and Freight Forwarders – Report to Congress, A Report Pursuant to Section 32104 of the Moving Ahead for Progress in the 21st Century Act (P.L. 112-141).” Washington, D.C. April 2014.

motor carrier operations that govern “security for the protection of the public”<sup>2</sup>

Sections 29 and 30 of the Motor Carrier Act of 1980 (codified at 49 U.S.C. § 31139, see Attachment A) require the Secretary of Transportation (Secretary) to promulgate regulations that establish minimum levels of financial responsibility for motor carriers of property to cover public liability, property damage, and environmental restoration.

In short, 49 U.S.C. § 31139, Minimum Financial Responsibility for Transporting Property, requires insurers or sureties covering motor carriers of property to file form MCS-90 (Attachment C) as evidence their client’s insurance policy meets the minimum level of financial responsibility, or file MCS-82 (Attachment E) as evidence their client’s surety bond meets the minimum requirement for a surety bond.

Section 18 of the Bus Regulatory Reform Act of 1982 (codified at 49 U.S.C. § 31138, see Attachment B) requires the Secretary to promulgate regulations that establish minimum levels of financial responsibility for for-hire motor carriers of passengers to cover public liability and property damage. Insurers or sureties covering motor carriers of passengers file form MCS-90B (Attachment D) as evidence that a carrier’s policy meets the minimum level of financial responsibility, or form MCS-82B (Attachment F) as evidence a carrier’s surety bond instrument meets the minimum requirement.

The Endorsement for Motor Carrier Policies of Insurance for Public Liability under Sections 29 and 30 of the Motor Carrier Act of 1980 (forms MCS-90 and MCS-90B) and the Motor Carrier Public Liability Surety Bond under Section 18 of the Bus Regulatory Reform Act of 1982 (forms MCS-82 and MCS-82B) contain the minimum amount of information necessary to document that a motor carrier has obtained, and has in effect, the required levels of financial responsibility as set forth in applicable regulations (see 49 CFR § 387.9 (motor carriers of property) and 49 CFR § 387.33T (motor carriers of passengers), both at Attachment G). FMCSA regulations state that such carriers of property and passengers may not operate until they have obtained minimum levels of financial responsibility (see 49 CFR §§ 387.7(a) and 387.31(a) for property and passengers, respectively).

The currently approved information collection supports the Department of Transportation’s (DOT’s) Strategic Goal of “Safety” because the information concerns the safe operation of commercial motor vehicles (CMVs) by drivers who operate in interstate commerce on the Nation’s highways.

## **2. HOW, BY WHOM, AND FOR WHAT PURPOSE IS THE INFORMATION USED**

FMCSA and the public use the information collected to verify that a motor carrier of property or passengers has obtained, and has in effect, the required minimum levels of financial responsibility. While the financial instrument policies themselves are between motor carriers and insurers/sureties for proprietary reasons, the financial responsibility requirements of forms MCS-90, MCS-90B, MCS-82, MCS-82B is public information. These forms assure the public that carriers operating on public interstate highways meet the

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<sup>2</sup> FMCSA, “Examining the Appropriateness,” April 2014.

minimum levels of financial responsibility to the public. All carriers are required to provide a copy of these forms upon reasonable requests made by the public (see 49 CFR § 387.31(e)(1)).

Insurers or sureties file forms MCS-90, MCS-90B, MCS-82, MCS-82B to FMCSA when seeking an operating authority. U.S., Mexican and Non-North American (NNA) and Canadian carriers seeking an operating authority must also maintain copies of forms MCS-90, MCS-90B, MCS-82, and/or MCS-82B.

U.S. carriers must keep a copy of their forms at their principal place of business. Mexican, NNA, and Canadian carriers must store a copy of these forms on each vehicle when entering the U.S., and must provide a copy of these forms to Federal or State enforcement officials during roadside inspections (see 49 CFR § 387.303(b)(4)).

This IC covers the following information collections:

**IC-1.1**—The completion of Form MCS-90, *Endorsement for Motor Carrier Policies of Insurance for Public Liability* Under Sections 29 and 30 of the Motor Carrier Act of 1980; or **IC-1.2**—The completion of Form MCS-82, *Motor Carrier Public Liability Surety Bond* Under Sections 29 and 30 of the Motor Carrier Act of 1980; and **IC-1.3**—Document Storage of Form MCS-90 or MCS-82.

**IC-2.1** The completion of Form MCS-90B, *Endorsement for Motor Carrier Policies of Insurance for Public Liability* Under Section 18 of the Bus Regulatory Reform Act of 1982; or **IC-2.2**—The completion of Form MCS-82B, *Motor Carrier Public Liability Surety Bond* Under Section 18 of the Bus Regulatory Reform Act of 1982; and **IC2.3**—Document storage of Form MCS-90B or MCS-82B.

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

The endorsements (Forms MCS-90/90B) and surety bonds (Forms MCS-82/82B) are not submitted to FMCSA. Insurance companies and agents provide these forms directly to motor carriers to document that required levels of financial responsibility are in place. For this reason, FMCSA has little information on the extent to which insurers prepare and transmit these forms electronically or through other automated means. There are no FMCSA requirements that would prohibit or interfere with automation of this information collection between insurers and insured motor carriers.

### **4. EFFORTS TO IDENTIFY DUPLICATION**

There are no similar financial responsibility paperwork burdens made by any other Federal agency or within the DOT that would result in duplication of this information.

### **5. EFFORTS TO MINIMIZE THE BURDEN ON SMALL BUSINESSES**

The requirement to obtain and have in effect a minimum level of financial responsibility applies to many for-hire motor carriers of non-hazardous property in interstate or foreign commerce and most for-hire and private motor carriers of hazardous waste, hazardous materials, and hazardous substances, in interstate, foreign, or intrastate commerce. A significant portion of the motor carriers subject to this information collection are small businesses. FMCSA cannot further reduce the burden without neglecting statutory obligations.

The requirement to obtain and have in effect a minimum level of financial responsibility applies to all for-hire motor carriers of passengers in interstate commerce, regardless of size, subject to exceptions.<sup>3</sup> FMCSA cannot further reduce the burden without neglecting statutory obligations.

## **6. IMPACT OF LESS FREQUENT COLLECTION OF INFORMATION**

An insurance endorsement may be required to be completed by a motor carrier upon one of the following events: (1) the establishment of a new motor carrier operation subject to the financial responsibility requirements, (2) an operational change to the type of carriage (property) or change in seating capacity of vehicles operated (passenger) which changes the required level of financial responsibility, (3) a change in the amount of primary insurance, (4) a change of the insurance policy number, (5) the issuance of a new insurance policy, or (6) the replacement of a surety bond with an insurance policy.

A surety bond may be required to be completed by a motor carrier upon one of the following events: 1) the establishment of a new motor carrier operation subject to the financial responsibility requirements, (2) a change to the type of carriage (property) or change in seating capacity of vehicles operated (passenger) which changes the required level of financial responsibility, or (3) the replacement of an insurance policy with a surety bond (4) a change of the insurance policy number, (5) the issuance of a new insurance policy.

The frequency of this information collection cannot be reduced. The elimination of this information collection would hinder the ability of FMCSA to ensure that motor carriers of property and passengers have in effect an appropriate level of financial responsibility for the types of commodities transported (property) or seating capacity (passenger) of vehicles operated on the public highways.

## **7. SPECIAL CIRCUMSTANCES**

There are no special circumstances with this information collection.

## **8. COMPLIANCE WITH 5 CFR 1320.8**

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<sup>3</sup> 49 United States Code 31138(b).

FMCSA published the 60-day Federal Register notice on October 8, 2020 (85 FR 63648), and received 2 comments in response. The first comment, from the National School Transportation Association (NSTA), supports the proposal to renew the MCS-82B and MCS-90B information collection to verify proof of motor carrier financial responsibility. The second comment, from The American Property Casualty Insurance Association (APCIA), raised three issues: (1) That [t]he MCS-90 form is sometimes erroneously treated by trucking regulators as a simple certification of insurance coverage” and that extension of an insurer’s liability “could be easily fixed by limiting the MCS-90 to apply only to accidents occurring inside the United States...”; (2) that keeping the expiration date on the financial responsibility forms creates confusion; and (3) that the unintended consequence related to changes of the MCS-90 Web pages is that some users believe a change in the Web page equates to a change in the MCS-90 itself.

With regard to the first issue, Property Casualty Insurers of America (PCI), a predecessor to APCIA, previously filed a Petition for Rulemaking with FMCSA pertaining to the extension of MCS-90 liability to Mexico. However, given the decision in *Lincoln General Ins. Co. v. De La Luz Garcia*, 501 F.3d 436 (5<sup>th</sup> Cir. 2007) that effectively granted (PCI) the relief it was seeking in its Petition for Rulemaking, FMCSA decided not to address PCI’s petition further at that time. The *Minimum Levels of Financial Responsibility for Motor Carriers*, is noted in the Federal Register Notice 74 FR 27485, 27487 dated (June 10, 2009). Therefore, given that APCIA’s concerns have been previously addressed, FMCSA does not believe changing the MCS-90 is necessary. Additionally, FMCSA does not believe that even if a change was necessary that an ICR proceeding is an appropriate forum for such a change. FMCSA welcomes discussing APCIA’s concerns informally and is happy to have a meeting with APCIA to discuss further. With regard to the comment on the expiration date, the commenter noted that the regulation requires that the MCS-90 and its accompanying insurance filing be continuous until canceled, but that having expiration dates on the forms “creates confusion and could change the meaning of the endorsement in the eyes of a court. It needlessly causes motor carriers to worry that their insurance coverage might not satisfy federal requirements, especially as this bureaucratic date often falls behind its intended expiration.” APCIA goes on to argue that the date often confuses law enforcement as to if the date refers to the insurer’s insurance policy rather than the form. FMCSA agrees with the comment and requests permission to exclude the expiration date from all forms.

With regard to the comment on Web site updates, FMCSA will look into ensuring that any future updates to our webpage are more clear.

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

Respondents are not provided with any payment or gift for this information collection.

## **10. ASSURANCE OF CONFIDENTIALITY**

These records are not confidential.

## 11. JUSTIFICATION FOR COLLECTION OF SENSITIVE INFORMATION

There are no questions of a sensitive nature.

## 12. ESTIMATE OF BURDEN HOURS FOR INFORMATION REQUESTED

### ASSUMPTIONS FOR BURDEN ESTIMATES

The following are assumptions made to estimate the annual hourly burden estimate.

#### **Part 1: Form Completion IC 1.1, 1.2, 2.1, and 2.2**

Motor carriers of property or passengers generally obtain their required level of financial responsibility through an insurance policy. Once a motor carrier's insurance policy is obtained, the motor carrier's insurer completes form MCS-90 (property) or MCS-90B (passengers) and sends the motor carrier a copy. All motor carriers store these forms at their principal place of business (PPOB). The motor carrier provides a copy of the MCS-90 form to FMCSA if it is a Hazardous Material Carrier. The forms are completed on a one-time basis if the insurance policy, as identified by the policy number on the Form MCS-90, is still valid upon the renewal of insurance. However, if the policy number has changed or the insurance policy has been canceled in accordance with the terms shown on Form MCS-90, then a new Form MCS-90 must be completed.<sup>4</sup> Through conversations with industry stakeholders, FMCSA assumes the turnover rate of the existing universe of policies is about 25 percent on an annual basis due to policy termination and issuance of new policies.

Another financial instrument that motor carriers of property and/or passengers may use to meet their financial responsibility is a surety bond. Once a motor carrier's surety bond is obtained, the motor carrier's surety institution prepares the MCS-82 (property) or MCS-82B (passenger) forms and submits a copy to the motor carrier where the motor carrier stores the form at their principal place of business. The forms are completed on a one-time basis unless the surety bond contract is terminated and a new surety bond contract is issued. Through conversations with industry stakeholders, FMCSA assumes surety bond turnover is about 25 percent of the existing surety bond population due to surety bond terminations and new surety bond contracts issued.

FMCSA assumes the property and passenger motor carrier universe is the same as the insurance and surety bond universe.

In addition to the policy turnover expected from the existing universe of passenger and property motor carriers, it is reasonable to expect new motor carriers entering the market will seek an insurance policy or surety bond for the first time. To estimate new motor carriers to the market we take the previous iteration of this ICR revision which showed there were an average of 217,259 property carriers and 4,278 passenger carriers per year for the years 2018, 2017 and 2016 or a total of 221,537 property and passenger motor carriers per year.<sup>5</sup> For this iteration, FMCSA records show that for years 2019, 2018, and 2017 on average there were 229,005 property motor carriers per year and 4,159 passenger carriers for a total of 233,164

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<sup>4</sup> FMCSA Part 387 Section 387.15: Forms Guidance Q&A, Question 4: Question 4: Must a motor carrier obtain a new Form MCS-90 each year if it retains the same insurance company? Available at <https://www.fmcsa.dot.gov/regulations/title49/section/387.15>

carriers per year.<sup>6</sup> This shows that the number of property carriers increased by an average of 11,746 per year and passenger carriers decreased by 119 per year. See Error: Reference source not found for summary. FMCSA uses the average annual growth of property and passenger carriers as the estimate for the number of new annual MCS-90 (property/insurance), MCS-82 (property/surety), MCS-90B (passenger/insurance), and MCS-82B (passenger/surety) forms that will be completed by the motor carrier's insurer or surety bond institution for the years 2021, 2022, and 2023. As there is a decline in new passenger carriers, no new passenger carriers will submit forms MCS-90B (passenger/insurance) or 82B (passenger/surety) forms.

**Table 1. Estimated Annual Motor Carrier Entities**

Carrier Type	ICR Number	Estimated Annual Total Carriers (a)	Estimated Annual Total Carriers from the Previous ICR (b)	Difference (c= a - b)
Property Carriers	1	229,005	217,259	+11,746
Passenger Carriers	2	4,159	4,278	-119
<b>Total</b>	-	<b>233,164</b>	<b>221,537</b>	<b>+11,627</b>

For the turnover of insurance policies or surety bonds issued annually, FMCSA takes the 229,005 property carriers' universe and 4,159 passenger carriers' universe and multiplies by the turnover rate. For example, it can be expected there will be 57,251 ( $229,005 \times .25 = 57,251$ ) forms MCS-90 and MCS-82 and 1,040 ( $4,159 \times .25 = 1,040$ ) forms MCS-90B and MCS-82B completed.

In summarizing new annual forms submitted by first time property or passenger carriers and new forms submitted from annual policy or surety bond turnover, a respondent population of 70,037 is estimated. See Error: Reference source not found.

**Table 2. Estimated Annual Total Respondents**

Carrier Type	Respondents (New Entry Carriers) (a=Table 1 column c)	Respondents (25% of Existing Carrier Population) (b=Table 1 column a $\times$ .25)	Total Number of Annual Respondents (c = a + b)	Applicable Form	ICR Number
Property Carriers	11,746	57,251	68,997	MCS-90 (insurance)	1.1
				MCS-82 (surety)	1.2
Passenger Carriers	0*	1,040	1,040	MCS-90B (insurance)	2.1
				MCS-82B (surety)	2.2
<b>Total</b>	<b>11,746</b>	<b>58,291</b>	<b>70,037</b>	-	-

\*An annual average decline of 119 passenger carriers indicates no new passenger carriers will enter the market for year 2021, 2022, and 2023.

FMCSA records indicate that, on average, 99.5 percent of property carriers meet their financial responsibility requirements through insurance policies, with the remaining 0.5 percent of carriers using surety bonds. For passenger carriers, FMCSA records show that

<sup>5</sup> FMCSA's Motor Carrier Management Information System (MCMIS) and L&I Database as of 12/28/2018, 12/29/2017, 12/30/2016, accessed March 2019.

<sup>6</sup> Source: FMCSA's Motor Carrier Management Information System (MCMIS) and L&I Database as of 12/27/2019, 12/28/2018, 12/29/2017, accessed June 2020.

financial responsibility is met 100 percent of the time through insurance policies.

For example, if 68,997 annual property carriers will complete forms MCS-90 (insurance) or MCS-82 (surety) per year in 2021, 2022 and 2023 then 68,652 ( $68,997 \times .995 = 68,652$ ) will complete form MCS-90 (insurance) and 345 ( $68,997 \times .005 = 345$ ) will complete form MCS-82 (surety). If there are 1,040 annual passenger carriers completing forms MCS-90B (insurance) or MCS-82B (surety), then 1,040 ( $1,040 \times 1 = 1,040$ ) passenger carriers are expected to submit form MCS-90B per year. See Error: Reference source not found.

**Table 3. Total Number of Respondents to Complete Forms**

Carrier Type	Total Number of Annual Respondents (a=Table 2 column c)	Percent Split between Insurance & Surety Forms (b)	Total Number of Annual Respondents per Form (c = a × b)	Applicable Form	ICR Number
Property Carriers	68,997	99.5%	68,652	MCS-90 (insurance)	1.1
		0.005%	345	MCS-82 (surety)	1.2
Passenger Carriers	1,040	100%	1,040	MCS-90B (insurance)	2.1
		0%	0	MCS-82B (surety)	2.2
<b>Total</b>	<b>70,037</b>	-	<b>70,037</b>	-	

For the estimated annual burden for respondents to complete each form, FMCSA continues to estimate each form takes 2 minutes or 0.033 hours (2 minutes / 60 minutes = 0.033 hours) to complete by the motor carrier's insurer or surety bond institution. The annual burden to complete form MCS-90 (property insurance), MCS-82 (property surety), MCS-90B (passenger insurance), and MCS-82B (passenger surety) is 2,266, 11, 34, and 0 hours, respectively, for a total annual burden of 2,311 hours. See Error: Reference source not found.

**Table 4 Total Hourly Annual Burden for Respondents to Complete Forms**

Carrier Type	Total Number of Annual Respondents per Form (a=Table 3 column c)	Number of Responses per Form (b = a × 1)	Hourly Burden per Response (c)	Total Hourly Burden per Form (d=b × c)	Applicable Form	ICR Number
Property Carriers	68,652	68,652	0.033	2,266	MCS-90 (insurance)	1.1
	345	345	0.033	11	MCS-82 (surety)	1.2
Passenger Carriers	1,040	1,040	0.033	34	MCS-90B (insurance)	2.1
	0	0	0.033	0	MCS-82B (surety)	2.2
<b>70,037</b>	<b>70,037</b>	<b>70,037</b>	-	<b>2,311</b>	-	-

**Part 1: Total Respondents, Responses and Annual Burden Hours to Complete Forms**



In summary, there are a total of 70,037 insurer or surety bond institution respondents who will complete 70,037 responses of forms MCS-90, MCS-82, MCS-90B MCS-82B for an annual hourly burden of 2,311.

**Total Respondents and Responses per IC**

+68,652 respondents will complete 1 form MCS-90 (property insurance), IC 1.1  
+ 345 respondents will complete 1 form MCS-82 (property surety), IC 1.2  
+ 1,040 respondents will complete 1 form MCS-90B (passenger insurance), IC. 2.1  
+ 0 respondents will complete 1 form MCS-82 (passenger surety), IC.2.2  
70,037 total annual respondents to complete 70,037 forms.

**Annual Hourly Burden for Form Completion**

+2,266 annual hourly burden for form MCS-90 (property insurance), IC 1.1  
+ 11 annual hourly burden for form MCS-82 (property surety), IC 1.2  
+ 34 annual hourly burden for form MCS-90B (passenger insurance), IC. 2.1  
+ 0 annual hourly burden for form MCS-82 (passenger surety), IC.2.2  
2,311 total annual hourly burden hours to complete forms.

**Part 2: Form Storage IC 1.3 and 2.3**

The second part associated with this annual hourly burden estimate is the hourly burden associated with motor carriers that must store the forms.

All property motor carriers and passenger motor carriers are required to store one copy of the applicable form at their PPOB. In addition to the requirement to store the forms at their PPOB, Mexican, Non-North American (NNA) and Canadian carriers are also required to store one copy in each of their applicable vehicles when operating in the United States, See 49 CFR 387.7(f) and 49 CFR 387.303(b)(4). FMCSA continues to estimate each motor carrier respondent will take 1 minute or 0.017 hours (1 minute/ 60 minutes = 0.017 hours) to store each applicable form at their principal place of business. See 49 CFR 387.303(b)(4).

FMCSA records indicate that out of the 229,005 annual average total property carriers, United States carriers represent 94 percent of the total population with the remaining 6 percent representing Mexico, NNA and Canadian carriers. For the average annual passenger carriers, FMCSA records indicate that out of the 4,159 annual average passenger carriers, United States carriers represent 93 percent of the total carrier population with the remaining 7% representing Mexico, NNA and Canada carriers.

To estimate the number of responses per respondents to store forms, FMCSA applies these ratios to the relevant population. See Error: Reference source not foundError: Reference source not found.

**Table 5. Respondent Population Required to Store Forms**

Carrier Type	Number of Respondents  (a=Table 3 column a)	Percent Split between United States carriers vs. Mexico, NNA & Canada  (b)	Total Number of U.S. Respondents  (c =a ×U.S. value of b)	Total Number of Mexico, NNA and Canada Respondents  (d=a ×non-U.S. value of b)	Applicable Form
Property Carriers	68,652	94% / 6%	64,533	4,119	MCS-90 (insurance)
	345	94% / 6%	324	21	MCS-82 (surety)
Passenger Carriers	1,040	93% / 7%	967	73	MCS-90B (insurance)
	0	93% / 7%	0	0	MCS-82B (surety)
	<b>70,037</b>	-	<b>65,824</b>	<b>4,213</b>	<b>Total</b>

As United States property and passenger carriers are only required to store one copy at their primary place of business, the estimated hourly burden for this storage is 1,119 burden hours ( $65,834 \times .017 \times 1 = 1,119$ ). See Error: Reference source not found.

**Table 6 Total United States Respondents Hourly Burden to Store Forms**

Carrier Type	Number of U.S. Respondents  (a=Table 5 column c)	Number of U.S. Responses  (b= a × 1)	Hourly Burden per Response  (c)	Total U.S. Hourly Burden	Applicable Form	ICR Number
Property Carriers	64,533	64,533	0.017	1,097	MCS-90 (insurance)	1.3
	324	324	0.017	6	MCS-82 (surety)	1.3
<b>Sub-Total</b>	<b>64,857</b>	<b>64,857</b>	-	<b>1,103</b>	-	-
Passenger Carriers	967	967	0.017	16	MCS-90B (insurance)	2.3
	0	0	0.017	0	MCS-82B (surety)	2.3
<b>Sub-Total</b>	<b>967</b>	<b>967</b>	-	<b>16</b>	-	-
<b>Total</b>	<b>65,824</b>	<b>65,824</b>	<b>0</b>	<b>1,119</b>	-	-

According to the previous ICR, Mexico, NNA and Canada motor carriers had an average of nine vehicles per carrier. As Mexico, NNA, and Canada motor carriers are required to store a copy in each vehicle while operating in the US, and it takes 1 minute to store a copy in each vehicle, the estimated annual burden is 645 hours ( $4,213 \times .017 \times 9 = 645$ ). In addition, Mexico, NNA and Canada motor carriers are required to store a copy of each applicable form at their PPOB, bringing the estimated annual burden to 720 hours ( $4,213 \times .017 \times 10 = 716$ ). See Error: Reference source not found.

**Table 7 Total Mexico, NNA and Canada Respondents Hourly Burden to Store Forms**

Carrier Type	Number of Mexico,	Number of Mexico,	Hourly Burden	Total Mexico,	Applicable Form	ICR Number
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	<b>NNA and Canada Respondents</b> (a=Table 5 column d)	<b>NNA and Canada Responses</b> (b= a × 10)	<b>to Store Form</b> (c)	<b>NNA, and Canada Hourly Burden</b>		
Property Carriers	4,119	41,190	0.017	700	MCS-90 (insurance)	1.3
	21	210	0.017	4	MCS-82 (surety)	1.3
<b>Sub-Total</b>	<b>4,140</b>	<b>41,400</b>	-	<b>704</b>	-	-
Passenger Carriers	73	730	0.017	12	MCS-90B (insurance)	2.3
	0	0	0.017	0	MCS-82B (surety)	2.3
<b>Sub-Total</b>	<b>73</b>	<b>730</b>	-	<b>12</b>	-	-
<b>Total</b>	<b>4,213</b>	<b>42,130</b>	<b>0</b>	<b>716</b>	-	-

## **Part II: Total Respondents, Responses and Annual Burden Hours to Store Forms**

In summary, there are a total of 70,037 United States, Mexico, NNA, and Canadian motor carrier respondents who will store 107,964 (65,834 +42,130 =107,964) forms MCS-90, MCS-82, MCS-90B MCS-82B. It will take these respondents a total of 1,835 (1,119 + 716 =1,835) annual burden hours.

### **Total United States Respondents and Responses**

+64,533 United States respondents will store 1 form, MCS-90 (property insurance), IC 1.3  
+ 324 United States respondents will store 1 form MCS-82 (property surety), IC 1.3  
+ 967 United States respondents will store 1 form MCS-90B (passenger insurance), IC 2.3  
+ 0 United States respondents will store 1 form MCS-82 (passenger surety), IC 2.3  
65,824 total annual respondents to store 65,824 forms.

### **Total Mexico, NNA, and Canada Respondents and Responses**

+4,119 Mexico, NNA and Canada respondents will store 10 forms, MCS-90 (property insurance), IC 1.3  
+ 21 Mexico, NNA, and Canada respondents will store 10 forms, MCS-82 (property surety), IC 1.3  
+ 73 Mexico, NNA, and Canada respondents will store 10 forms, MCS-90B (passenger insurance), IC 2.3  
+ 0 Mexico, NNA, and Canada respondents will store 10 forms, MCS-82 (passenger surety), IC 2.3  
4,213 total Mexico, NNA and Canada respondents to store 42,130 forms.

### **Annual United States, Mexico, NNA Respondents Hourly Burden**

+1,797 (1,097 + 700 = 1,797) annual hourly burden for form MCS-90 (prop. insurance), IC 1.3  
+ 10 (6 + 4 = 10) annual hourly burden for form MCS-82 (property surety), IC 1.3  
+ 28 (16 + 12 = 28) annual hourly burden for form MCS-90B (passenger insurance), IC 2.3  
+ 0 (0 + 0 = 0) annual hourly burden for form MCS-82 (passenger surety), IC 2.3  
1,835 total annual burden hours to store forms.

## **Part I Form Completion and Part II Form Storage Summary**

Total Annual Respondents **140,074** (70,037 form completion + 70,037 form storage = 140,074 respondents).

Total Annual Responses **178,001** (70,037 form completion + 107,964 form storage = 178,001 responses)

Total Burden Hours **4,146** (2,311 form completion + 1,835 form storage = 4,146 burden hours)

**ASSUMPTIONS FOR BURDEN COST ESTIMATES**

Forms MCS-90, MCS-90B, MCS-82, MCS-82B are expected to be completed by United States, Mexico, NNA, and Canada motor carrier insurers or financial institutions and be stored by the respective carrier. When estimating respondent hourly burden costs, because less than 7% of the respondent universe is represented by Mexico, NNA, and Canada respondents, FMCSA applies the same United States labor category and wages for all respondents.

**Part 1: Form Completion IC 1.1, 1.2, 2.1, and 2.2**

FMCSA expects completion of forms MCS-90 (property insurance) and MCS-90B (passenger insurance) to be performed by insurance underwriters. The median salary of an insurance underwriter is \$33.36 per hour.<sup>7</sup> To arrive at a loaded wage, FMCSA divides the total cost of compensation for private insurance carriers (\$51.49) by the median cost of hourly wages and salaries of insurance carriers (\$33.72) as reported by the Bureau of Labor Statistics in its Employer Costs for Employee Compensation for March 2020.<sup>8</sup> This calculation results in a load factor of 1.53. Multiplying the median hourly wage by the load factor results in a loaded hourly wage of \$51.04 ( $\$33.36 \times 1.53 = \$51.04$ ). Error: Reference source not found shows the estimated hourly labor cost to complete forms MCS-90 and MCS-90B is \$117,392 per year.

**Table 8. Estimated Annual Cost for Respondents to Complete Insurance Forms MCS-90 and MCS-90B**

Carrier Type	Total Number of Respondents (a)	Total Number of Responses (b = a × 1)	Hourly Burden per Response (c)	Total Hourly Burden (d = b × c)	Total Hourly Burden Cost (e = d × \$51.04)	Applicable Form	ICR Number
Property Carriers	68,652	68,652	0.033	2,266	\$115,657	MCS-90 (insurance)	1.1
Passenger Carriers	1,040	1,040	0.033	34	\$1,735	MCS-90B (insurance)	2.1
<b>Total</b>	<b>69,692</b>	<b>69,692</b>	–	<b>2,300</b>	<b>\$117,392</b>	<b>Total</b>	-

FMCSA expects completion of form MCS-82 (property surety bond) and MCS-82B (passenger surety bond) to be performed by a financial specialist. The median salary of a financial specialist is \$39.22 per hour.<sup>9</sup> To arrive at a loaded wage, FMCSA divides the total

<sup>7</sup> Bureau of Labor Statistics (2020). “Occupational Employment and Wages, May 2018, 13-2053 Insurance Underwriters.” Available at <https://www.bls.gov/oes/2018/may/oes132053.htm> (accessed August 16, 2020).

<sup>8</sup> Bureau of Labor Statistics (2020). “Table 4. Employer Costs for Employee Compensation for private industry workers by occupational and industry group, March 2020.” Available at <https://www.bls.gov/news.release/ecec.toc.htm> (accessed August 16, 2020).

<sup>9</sup> Bureau of Labor Statistics (2020). “Occupational Employment and Wages, May 2019, 13-2098 Financial and

cost of compensation for private financial workers (\$54.87) by the median cost of hourly wages and salaries of financial workers (\$36.38) as reported by the Bureau of Labor Statistics in its Employer Costs for Employee Compensation for March 2020,<sup>10</sup> which results in a load factor of 1.51. Multiplying the median hourly wage by the load factor results in a loaded hourly wage of \$59.22 ( $\$39.22 \times 1.51 = \$59.22$ ). Error: Reference source not found shows the estimated hourly labor cost to complete forms MCS-82 and MCS-82B, which is \$651 per year.

**Table 9. Estimated Annual Cost for Respondents to Complete Surety Bond Forms**

Carrier Type	Total Number of Respondents (a)	Total Number of Responses (b = a × 1)	Hourly Burden per Response (c)	Total Hourly Burden (d = b × c)	Total Hourly Burden Cost (e = d × \$59.22)	Applicable Form (a)	ICR Number
Property Carriers	345	345	0.033	11	\$651	MCS-90 (surety)	1.2
Passenger Carriers	0	0	0.033	0	\$0	MCS-90B (surety)	2.2
<b>Total</b>	<b>345</b>	<b>345</b>	<b>–</b>	<b>11</b>	<b>\$651</b>	<b>Total</b>	

**Part 1: Total Respondents Annual Burden Cost to Complete Forms**

In summary, there are a total of 70,037 United States, Mexico, NNA, and Canada passenger or property motor carrier insurers or surety bond institutions who will complete 70,037 responses of forms MCS-90, MCS-82, MCS-90B MCS-82B for an annual hourly burden cost of \$118,043.

**Annual Hourly Burden Cost for Form Completion**

+ \$115,657 annual burden cost to complete form MCS-90 (property insurance), IC 1.1  
 + \$1,735 annual burden cost to complete form MCS-82 (property insurance), IC 2.1  
 + \$651 annual burden cost to complete form MCS-90B (passenger\_surety), IC. 1.2  
 + \$0 annual hourly burden cost for form MCS-82B (passenger surety), IC.2.2.  
\$118,043 total annual hourly burden cost hours to complete forms.

**Part 2: Form Storage IC 1.3 and 2.3**

FMCSA expects a passenger or property Motor Carrier’s Compliance Officer to store the respective forms. The median salary for a Compliance Officer is \$33.20 per hour.<sup>11</sup> To arrive at a loaded wage, FMCSA divides the total cost of compensation for private workers in the transportation and warehousing industry (\$40.45) by the median cost of hourly wages and salaries in the transportation and warehousing industry (\$26.25) as reported by the Bureau of Labor Statistics in its Employer Costs for Employee Compensation for March 2020.<sup>12</sup> This

Investment Analysts, Financial Risk Specialists, and Financial Specialists, All Other.” Available at <https://www.bls.gov/oes/current/oes132098.htm> (accessed August 16, 2020).

<sup>10</sup> Bureau of Labor Statistics (2020). “Table 4. Employer Costs for Employee Compensation for private industry workers by occupational and industry group, March 2020.” Available at <https://www.bls.gov/news.release/ecec.toc.htm> (accessed August 16, 2020).

<sup>11</sup> Bureau of Labor Statistics (2020). “Occupational Employment and Wages, May 2019, 13-1041 Compliance Officers.” Available at <https://www.bls.gov/oes/current/oes131041.htm> (accessed August 16, 2020).

<sup>12</sup> Bureau of Labor Statistics (2020). “Table 4. Employer Costs for Employee Compensation for private industry workers by occupational and industry group, March 2020.” Available at <https://www.bls.gov/news.release/ecec.toc.htm> (accessed August 16, 2020).

results in a load factor of 1.54. Multiplying the median hourly wage by the load factor results in a loaded hourly wage of \$51.13 ( $\$33.20 \times 1.54 = \$51.13$ ). Table 10 Total Respondent Burden Cost to Store Forms shows that the estimated hourly labor cost to store forms MCS-90, MCS-82, MCS-90B, and MCS-82B is \$108,669 per year.

**Table 10 Total Respondent Burden Cost to Store Forms**

Respondents Country of Origin	Total Number of Respondents  (a)	Total Number of Responses  (b = a × 1 or 10)	Hourly Burden per Response  (c)	Total Hourly Burden  (d = b × c)	Total Hourly Burden Cost  (e = d × \$59.22)	Applicable Form  (a)	ICR Number
United States	65,834	65,834	0.017	1,119	\$66,267	All	1.3
Mexico, NNA and Canada	4,213	42,130	0.017	716	\$42,402	All	2.3
<b>Total</b>	<b>70,047</b>	<b>107,964</b>	–	<b>1,835</b>	<b>\$108,669</b>	<b>Total</b>	-

**Annual Hourly Burden Cost for Form Storage**

+ \$66,267 annual burden cost to store all forms, IC 1.3  
+ \$42,402 annual burden cost for store all forms, IC2.3  
\$108,669

**Part II: Total Respondent Annual Burden Hours Cost to Store Forms**

In summary, there are a total of 70,037 United States, Mexico, NNA, and Canada passenger or property motor carrier compliance officers who will store 107,964 responses of forms MCS-90, MCS-82, MCS-90B and MCS-82B for an annual hourly burden cost of \$108,669

**Part I Form Completion and Part II Form Storage Summary**

Total Annual Hourly Burden Respondent Cost **\$226,712** (\$118,043 form completion cost + \$108,669 form storage cost = \$226,712 total cost).

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

There are no non-labor costs to the respondents, such as start-up costs or operation/maintenance costs, to be reported. FMCSA does not separately account for start-up costs, operation/maintenance and record keeping costs within this ICR because these costs do not exceed routine broker business practices.

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

The information collection imposes no cost to the Federal Government.

**15. EXPLANATION OF PROGRAM CHANGES OR ADJUSTMENTS**

The previous iteration of this ICR had 245,704 responses and 5,738 burden hours. This ICR revision has a program adjustment of a decrease of 67,713 responses and 1,592 burden hours. The reason for the decrease is due to a methodology change as forms are completed on a one-time basis if the insurance policy or surety bond contract, as identified by the policy number, is still valid upon the renewal of insurance or surety bond. If new insurance policies or surety bonds are issued, then new forms are submitted by the insurers or surety institutions and stored by the respective motor carrier. To account for this, FMCSA introduced a turnover policy rate. Previous methodology stated forms were completed once per year which overestimated the burden.

The previous iteration of this ICR had a total annual respondent cost of \$237,291. This ICR has a total annual respondent cost of \$226,712. This downward revision was due to the methodology change and a change in a labor category from a motor carrier clerk to a motor carrier compliance officer, which more accurately represents respondents responsible to store documents.

#### **16. PUBLICATION OF RESULTS OF DATA COLLECTION**

N/A. This information will not be published.

#### **17. APPROVAL FOR NOT DISPLAYING THE EXPIRATION DATE OF OMB APPROVAL**

FMCSA is requesting OMB's approval to remove the expiration date from this information collection, based on the reasons provided by a commenter, as summarized in section (8).

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

None.

#### **ATTACHMENTS:**

- A. 49 U.S.C. § 31139.
- B. 49 U.S.C. § 31138.
- C. Form MCS-90, Endorsement for Motor Carrier Policies of Insurance for Public Liability under Sections 29 and 30 of the Motor Carrier Act of 1980.
- D. Form MCS-90B, Endorsement for Motor Carrier Policies of Insurance for Public Liability under Section 18 of the Bus Regulatory Act of 1982.
- E. Form MCS-82, Motor Carrier Public Liability Surety Bond under Sections 29 and 30 of the Motor Carrier Act of 1980.
- F. Form MCS-82B, Motor Carrier Public Liability Surety Bond under Section 18 of the Bus Regulatory Act of 1982.
- G. 49 CFR Section 387.9 (Motor Carriers of Property) and 49 Part 387.33T (Motor Carriers of Passengers)