

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

**SUPPORTING STATEMENT
DRIVER QUALIFICATION FILES**

Summary

- This is a request for the revision of the information collection request (ICR) due to the final rule titled *Record of Violations* and for the renewal of the ICR due to updated information relating to the driver population, turnover rates, and wage rate.
- The final rule eliminated 49 CFR 391.27 and its reporting and recordkeeping requirements in IC-2.1 and IC-2.2, which resulted in 0.12 million fewer burden hours annually and \$3.9 million less in salary costs annually.
- The estimated 3-year average annual burden for this ICR is 14.23 million hours and \$426.16 million in labor costs, which are increases of 1.96 million hours and \$75.52 million when compared to the OMB-approved ICR.
- The changes are described in sections 12, 13, and 15.

Introduction

The Federal Motor Carrier Safety Administration (FMCSA) submits this ICR to the Office of Management and Budget (OMB) to approve revisions to and the renewal of the ICR titled *Driver Qualification Files*, OMB Control Number 2126-0004, which is due to expire on April 30, 2023. The revision is necessitated by the Agency's final rule titled *Record of Violations* (87 FR 13192, March 9, 2022). Updated information relating to the driver population, driver turnover rates, and driver wage rate is submitted to renew the ICR for 3 years.

The final rule eliminated 49 CFR 391.27 and its reporting and recordkeeping requirements. The eliminated provision required that (1) a driver operating a commercial motor vehicle (CMV) complete a certified list of violations and submit the list of violations to the driver's employer on an annual basis (IC-2.1), and (2) motor carriers file and maintain the list of violations in driver qualification files (IC-2.2). These requirements were largely duplicative of the requirement in 49 CFR 391.25 that motor carriers make an annual inquiry to request the motor vehicle record (MVR) from every State in which a driver holds or has held a CMV operator's license or permit for the past year.

This ICR also addresses the impact of amendments in the final rule to 49 CFR 391.25 and 391.23. Previously, 49 CFR 391.25(a) required motor carriers to request MVRs only for those drivers with licenses issued by State driver's licensing agencies (SDLA). The regulation did not require motor carriers to request MVRs for those drivers operating CMVs in the United States who hold licenses issued by Canadian and Mexican licensing authorities. To ensure motor carriers are aware of traffic convictions for a driver who is not licensed by a State, the Agency has amended 49 CFR 391.25 to require that motor carriers annually request the MVR from each driver's licensing authority where a driver holds or has held a CMV operator's license or permit. This requires motor carriers to request MVRs from SDLAs, as well as Canadian and Mexican

licensing authorities. The rule made a conforming change to 49 CFR 391.23 to require motor carriers to request MVRs from all applicable licensing authorities where a driver holds or has held a motor vehicle license or permit during the preceding three years when hiring a driver. For the reasons discussed in sections 12 and 13 below, the Agency finds that its estimates of the burden hours and costs associated with requesting MVRs from Canadian and Mexican licensing authorities have been included in prior OMB-approved ICRs, notwithstanding the absence of a regulatory requirement to do so. Thus, this new regulatory requirement does not create a new information collection or new burden hours and associated costs.

This ICR retains the assumptions in the supporting statement approved by OMB on April 29, 2020¹ for time estimates to complete the information collections and the hourly wage rate for motor carrier administrative personnel. This ICR provides updated information for the driver population, driver turnover rates, and the hourly wage rate for drivers, which have all increased. The 3-year information collection period advances from 2020 through 2022 in the OMB-approved April 29, 2020 supporting statement to 2022 through 2024. This adjustment is made so the burden hours and costs of this ICR coincide with a 2022 effective date of the final rule.

The final rule eliminated 49 CFR 391.27 and its 0.12 million burden hours per year and \$3.9 million in salary costs based on the approved ICR. The estimated reduction is offset by a 1.96 million increase in burden hours for the remaining information collection components of the ICR because of increases in the driver population and turnover rates. Similarly, the number of requests for MVRs increased from 15.44 million to 17.6 million because of driver population growth and increased driver turnover. The total cost of this ICR is \$602.16 million (\$602.16 million = \$426.16 million in labor costs + \$1 million in non-labor costs), which compares to \$505.04 million (\$505.04 = \$350.64 million in labor costs + \$154.40 million in non-labor costs) for the approved ICR. This increase in labor costs is estimated at \$75.52 million.

1. Circumstances that make collection of information necessary.

The Motor Carrier Safety Act of 1984 (Pub. L. 98-554, Title II, 98 Stat. 2832 (October 30, 1984)) (Attachment A) requires that the Secretary of Transportation issue regulations pertaining to CMV safety. A motor carrier is required to maintain specified information in a driver qualification file for each CMV driver it employs. The information documents the driver's qualifications to operate a CMV. FMCSA's authority to require motor carriers to maintain driver qualification files is in 49 U.S.C. 504, 31133, 31136, and 31502; 49 CFR 391.51; and 49 CFR 1.87 (Attachments B, C, D, E, F, and G).

This information collection supports the Department of Transportation (DOT) strategic goal of safety. Motor carriers must ensure each driver's qualifications prior to permitting the driver to operate a CMV (49 CFR 391.11) (Attachment H). The information collected and maintained in the driver qualification file of a driver substantiates these qualifications and aids Federal and State investigators in assessing the qualifications of drivers.

¹ A copy of the supporting statement approved by OMB on April 29, 2020 is available at https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201910-2126-001 and in FMCSA Docket No. FMCSA-2018-2024 at www.regulations.gov.

2. How, by whom, and for what purpose is the information used.

Public interest in highway safety dictates that employers hire drivers who safely operate CMVs amid the various physical and mental demands of truck driving. Driver qualification files assist the motor carrier in assessing the safety risk of hiring an individual to drive a CMV. The driver qualification file documents that a driver: (1) is physically qualified to operate a CMV; (2) has the experience and training to safely operate the type of CMV the driver is assigned to drive; (3) has the appropriate driver's license; (4) has not been disqualified from operating a CMV; and (5) has a history of avoiding high-risk behavior. Without the driver qualification file, it would be difficult for the motor carrier to make this assessment. The driver qualification file also assists Federal and State safety investigators in determining that motor carriers are weighing these factors in deciding who may drive CMVs on their behalf.

3. Extent of automated information collection.

The regulations provide for the transmission and maintenance of records electronically and, in fact, a significant percentage of electronic records are so handled and maintained today. The Agency believes the percentage is increasing each year.

4. Efforts to identify duplication.

FMCSA is the only Federal agency given the authority to regulate the qualification of CMV drivers operating in interstate and international commerce. The general requirements for the content of driver qualification files are set forth in 49 CFR 391.51 and the other provisions of part 391, subpart F. The final rule for which this ICR has been prepared eliminated 49 CFR 391.27 and the related reporting and recordkeeping requirements. They required that a motor carrier request, at least once every 12 months, a certified list of traffic convictions covering the prior 12 months. When a driver did not have any convictions to report, the driver was required to furnish a certification to that effect. The motor carrier was then required to retain the list of convictions or certification of no convictions in the driver's qualification file. FMCSA eliminated 49 CFR 391.27 because it was largely duplicative of the requirements in 49 CFR 391.25 that motor carriers annually request and file MVRs for drivers covering at least the preceding 12 months.

5. Efforts to minimize the burden on small businesses.

The final rule for which this ICR was prepared eliminated the duplicative task of drivers having to provide motor carriers an annual list of convictions pursuant to 49 CFR 391.27. In addition, eliminating 49 CFR 391.27 eliminated the associated paperwork burden and costs for motor carriers.

Some motor carriers employ part-time drivers. These drivers may undertake other part-time employment as a driver. Agency rules permit abbreviation of the contents of driver qualification files to avoid unnecessary duplication and burdensome recordkeeping (49 CFR 391.63 and 391.65) (Attachment I). In some instances, the motor carrier regularly employing the driver simply furnishes a Qualification Certificate to other carriers who employ the same driver. The

Qualification Certificate relieves the second carrier from many of the recordkeeping requirements of the driver qualification file regulations.

Some motor carrier operations are exempt from all recordkeeping requirements related to driver qualification files. These include: (1) farm custom-harvesting operations (49 CFR 391.2(a)); (2) beekeepers (49 CFR 391.2(b)); (3) farmers using non-articulated CMVs to transport farm machinery, farm supplies, or agricultural products within 150 air-miles (49 CFR 391.2(c) and 49 CFR 390.5T); and (4) non-business private motor carriers of passengers (49 CFR 391.68). Farmers using articulated CMVs to transport farm machinery, farm supplies, or agricultural products within a radius of 150 air-miles are exempt from some recordkeeping requirements (49 CFR 391.67). In addition, certain pickup truck operators conducting welding activities in the pipeline industry are exempt from all recordkeeping related to driver qualification files (49 CFR 391.2(e)).

On March 14, 1996, the Federal Highway Administration (FHWA) (the predecessor agency of FMCSA) published a notice of proposed rulemaking (NPRM) titled *Safety Performance History of New Drivers* (61 FR 10548) (Attachment J). The rule proposed to amend the regulations specifying minimum safety information that new and prospective employers would be required to seek from drivers' previous employers when performing background investigations during the hiring process. The Small Business Administration (SBA) asked the Agency to provide details on its estimate of the paperwork burden of the proposal. The SBA and commenters, J.B. Hunt and Mobil Corporation, were also concerned about limits on the ability of a motor carrier to investigate hours-of-service violations that lead to out-of-service orders. FMCSA answered all these concerns in a supplemental notice of proposed rulemaking (SNPRM) dated July 17, 2003, and titled *Safety Performance History of New Drivers* (68 FR 42339) (Attachment K). The final rule, published on March 30, 2004, clarified that previous employers may charge a fee for providing the safety performance history of their former drivers, but may not condition release of the history upon payment of the fee (69 FR 16684) (Attachment L).

6. Impact of less frequent collection of information.

The information on some driver qualification documents is only provided one time, such as that furnished at the time the individual applies for employment as a driver. Other information must be obtained by the motor carrier within 30 days of the date the driver begins to drive a CMV for the employer, such as the driver's MVR for the 3 years preceding the date of employment. Other information, such as the driver's MVR, is updated once a year. FMCSA has limited the collection of information to the time when it is most relevant to evaluate a driver's qualifications to operate a CMV. If this information was collected less frequently, the driver qualification file would not always provide current and accurate information regarding the driver's qualifications to operate a CMV. In the interest of highway safety, less frequent collection of information is not an option. Although rescinding 49 CFR 391.27 eliminates the collection of information submitted by drivers regarding their recent history of traffic convictions, as noted above, motor carriers are still required by 49 CFR 391.25 to obtain the same information via the driver MVRs.

7. Special circumstances.

There are no special circumstances related to this information collection.

8. Compliance with 5 CFR 1320.8.

On December 14, 2020, FMCSA published an NPRM in the *Federal Register* titled *Record of Violations* (85 FR 80745, see Attachment M). The NPRM served as the 60-day notice on the proposed information collection and requested public comment on the proposal to rescind 49 CFR 391.27 and amend 49 CFR 391.25 and 391.23.

On March 9, 2022, FMCSA published the *Record of Violations* final rule that acted as the 30-day notice for the proposed information collection (87 FR 13192, see Attachment N). The final rule again requested public comment on the information collection and summarized the comments received to the NPRM as follows. With respect to the information collections associated with § 391.27, a driver commented that the driver recently filled out the required paperwork and that it took about 1 minute.² FMCSA estimates that it takes drivers 2 minutes to complete a list of convictions or certificate of no convictions. One motor carrier commented that complying with § 391.27 is a “laborious task” and that it takes the better part of a month to receive information from drivers.³ A motor carrier Director of Safety commented that it is costly and time consuming to comply with § 391.27 and estimated the annual administrative burden to be in excess of 100 hours.⁴ Five other commenters stated that complying with § 391.27 is a huge paperwork burden, time or labor intensive, or a significant burden on motor carriers.⁵ FMCSA received no substantive comments in response to the NPRM regarding the paperwork burden relating to §§ 391.21, 391.23, and 391.25. The information collection is discussed in section XI.F of the final rule.

9. Payments or gifts to respondents.

FMCSA does not provide respondents with any payment or gift for providing this information.

10. Assurance of confidentiality.

The information collected by motor carriers pursuant to the Agency’s driver qualification file regulations must be protected to the extent permitted by law. Agency regulations require motor carriers to obtain certain information about a driver they are considering hiring from certain past employers of the driver. This information includes the driver’s traffic accident history and the driver’s drug and alcohol history. Motor carriers are required to ensure that certain sensitive information, such as drug and alcohol records, is maintained in a secure location with controlled

² See Ben Hooser comment available at <https://www.regulations.gov/comment/FMCSA-2018-0224-0024>.

³ See anonymous comment available at <https://www.regulations.gov/comment/FMCSA-2018-0224-0072>.

⁴ See Adrian O’Hara comment available at <https://www.regulations.gov/comment/FMCSA-2018-0224-0073>.

⁵ See Portland General Electric comment available at <https://www.regulations.gov/comment/FMCSA-2018-0224-0082>, anonymous comment available at <https://www.regulations.gov/comment/FMCSA-2018-0224-0087>, anonymous comment available at <https://www.regulations.gov/comment/FMCSA-2018-0224-0090>, TCA comment available at <https://www.regulations.gov/comment/FMCSA-2018-0224-0097>, and Heritage-Crystal Clean, LLC comment available at <https://www.regulations.gov/comment/FMCSA-2018-0224-0101>.

access (49 CFR 391.53(a)(1)). FMCSA believes that as a practical matter most motor carriers control access to the entire driver qualification file, as if it all is sensitive.

11. Justification for collection of sensitive information.

This information collection involves sensitive data necessary to ensure that motor carriers are informed of the qualifications of their drivers. As explained in section 10, Agency regulations require motor carriers to limit access to driver qualification data.

12. Estimate of burden hours for information requested.

Some drivers operate CMVs that require a commercial driver's license (CDL). These include CMVs with a gross vehicle weight rating more than 26,000 pounds, passenger vehicles designed or used to transport 16 or more passengers (including the driver), and motor vehicles transporting hazardous materials that require the vehicle to be placarded. The driver qualification files of these CDL drivers must contain more information than is required in the driver qualification files of non-CDL drivers. For example, the driver qualification file of a CDL driver must contain information obtained from previous employers concerning the testing of the driver for the presence of drugs and alcohol. This testing is required for CDL drivers, but not for non-CDL drivers. The *additional* burden associated with information collected only from CDL drivers is not estimated in this information collection but is accounted for in the Agency's information collection titled *Commercial Driver Licensing Testing and Standards*, OMB Control No. 2126-0011.

As noted above, the final rule amended 49 CFR 391.23 and 391.25 to require motor carriers, either annually or as part of the employment process, to request a driver's MVR from each licensing authority that issued the driver a license. These changes would require motor carriers to request the MVR from Canadian and Mexican licensing authorities. Although the rule instituted new requirements for motor carriers to request MVRs for their drivers operating in the United States who are not licensed by a State, the current OMB-approved information collections for 49 CFR 391.23 and 391.25 already include reporting and recordkeeping costs incurred by motor carriers to request MVRs for such drivers.

All motor carriers authorized to operate in the United States are required to file Form MCS-150 (Motor Carrier Identification Report), Form MCS-150B (Motor Carrier Identification Report and Hazardous Material Permit Application), or Form MCSA-1 (the online application) with FMCSA. These registration forms require motor carriers to report the number of drivers they employ and are the source of driver counts in the Motor Carrier Management Information System (MCMIS). MCMIS counts the total number of drivers reported by both domestic and foreign motor carriers. In turn, FMCSA uses the MCMIS driver population data published in FMCSA's annual *Pocket Guide to Large Truck and Bus Statistics*, which includes drivers employed by Canadian and Mexican motor carriers, to calculate the burden associated with information collections and paperwork. Thus, requests for MVRs for drivers holding licenses issued by Canadian or Mexican licensing authorities already have been included in this information collection.

The burden associated with this information collection is organized in four categories described below.

IC-1 Driver Hiring Process

IC-1 consists of five reporting and recordkeeping tasks performed by drivers, hiring motor carriers, and drivers' previous employers. The five tasks are:

- IC-1.1: Driver prepares and submits employment application (49 CFR 391.21).
- IC-1.2: Hiring motor carrier files employment application in driver qualification file (49 CFR 391.51(b)(1)).
- IC-1.3: Hiring motor carrier requests MVR for three years preceding application and files it in the driver qualification file (49 CFR 391.23(a)(1) and (b)).
- IC-1.4: Hiring motor carrier requests safety performance history for three preceding years from applicant's previous employers and files documents received in investigation history file (49 CFR 391.23(a)(2) and (c)(1)).
- IC-1.5: Previous FMCSA-regulated employer responses to hiring carrier's request for a driver's safety performance history and filing of each request and response for one year (49 CFR 391.23(g)(1) and (4)).

IC-2 Annual Review of Driver Qualifications

IC-2 in the approved ICR supporting statement consists of three tasks. However, the *Record of Violations* final rule eliminates 49 CFR 391.27 and its reporting and recordkeeping requirements. They required that (1) a driver operating a CMV complete a certified list of violations and submit the list of violations to the driver's employer on an annual basis (previously IC-2.1), and (2) motor carriers file and maintain the list of violations in driver qualification files (previously IC-2.2). Accordingly, the burden hours and costs of these reporting and recordkeeping requirements are eliminated from this supporting statement. The remaining task, which is motor carriers' annual requirement to request drivers' MVRs from each licensing authority that issued the driver a license pursuant to 49 CFR 391.25(a) and to file the response in the driver qualification file pursuant to 49 CFR 391.51(b)(4), is now IC-2.

IC-3 Limited Exemptions from Driver Qualification Documentation

IC-3 consists of four reporting and recordkeeping tasks required to document qualifications of multiple-employer drivers, and drivers furnished to another motor carrier by their regular employer. The purpose of the limited exemptions is to minimize duplication of driver qualification reporting and recordkeeping requirements for drivers operating CMVs for more than one motor carrier. The four tasks associated with IC-3 are:

- IC-3.1: Multiple-employer driver provides the hiring carrier with license data, personal information, medical examiner's certificate, and certificate of road test or equivalent (49 CFR 391.63(a)).
- IC-3.2: Motor carrier files and retains license data, personal information, medical examiner's certificate, and certificate of road test or equivalent (49 CFR 391.63(b)).

- IC-3.3: Primary motor carrier providing certificate of qualification for a driver furnished to another motor carrier (49 CFR 391.65(a)(2)).
- IC-3.4: A motor carrier obtaining a certificate of qualification for a driver furnished by another motor carrier verifies the validity of the certificate with the sending motor carrier, and files and retains a copy of the certificate (49 CFR 391.65(b)).

IC-4 Driver Review and Rebuttal of Safety Performance History

Motor carriers are required to notify driver-applicants that their safety performance histories will be investigated and describe the remedies available to them if they wish to contest their former employer's representation of their safety record. Some drivers will exercise their right to obtain a copy of the safety performance histories provided by their previous employer to the hiring motor carrier. Additionally, some will take advantage of their right to submit a written rebuttal of the information supplied by their former employers. Thus, IC-4 accounts for three tasks involving motor carriers and drivers:

- IC-4.1: Hiring carrier notifies driver of right to review safety performance history (49 CFR 391.23(i)(1)).
- IC-4.2: Hiring carrier provides prior employer safety performance history to driver (49 CFR 391.23(i)(2)).
- IC-4.3: Driver prepares and submits rebuttal to previous employer (49 CFR 391.23(j)(3)).

Estimated Driver Population and Job Openings

The burden hours and costs in this ICR are based on a 6.8 million driver population of interstate and intrastate CDL and non-CDL CMV drivers that is reported in FMCSA's *2020 Pocket Guide to Large Truck and Bus Statistics*.⁶ The number of CMV drivers at any given time fluctuates due to factors including, but not limited to, enforcement actions, driver turnover, and licensing issues. The interstate and intrastate driver counts are based on motor carrier registration data in MCMIS. The intrastate driver counts for States that do not require intrastate carriers to register with FMCSA are estimated by an extrapolation of State data. The driver population on December 27, 2019, is the base year from which the population is estimated for the 3-year period covered by this ICR.

Several of the driver qualification file reporting and recordkeeping tasks are performed by drivers and motor carriers during the hiring process. Truck driver employment is historically characterized by high turnover rates. The turnover rate is the primary contributor to the annual number of job applications that motor carriers must investigate and document in driver qualification files. The turnover rate in the third quarter of 2020 rose to an annualized rate of 92 percent⁷ for large truck load carriers. Other segments of the CMV-driver industry have less substantial turnover rates. Given the focus of the driver qualification file reporting and recordkeeping requirements on the hiring process, FMCSA must estimate the number of annual job openings.

⁶ Available at <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2020-10/FMCSA%20Pocket%20Guide%202020-v8-FINAL-10-29-2020.pdf> (last accessed Oct. 7, 2021).

⁷ American Trucking Associations Press Release *Truckload turnover rises third quarter*. Available at <https://www.trucking.org/news-insights/truckload-turnover-rises-third-quarter> (last accessed Sept. 13, 2021).

FMCSA has no internal data that reflects the frequency of driver hiring. In addition, many independent data sources do not capture the precise population of CMV drivers that the Agency regulates. The United States Department of Labor (DOL), Bureau of Labor Statistics (BLS) Occupational Employment Statistics (OES) compiles data on CMV drivers under the Transportation and Moving Materials major occupational group. The OES data captures many, but not all, CMV drivers subject to the Agency's regulations. For example, drivers of delivery vehicles and drivers of construction equipment that may move only a few times a year – like heavy-duty, wheel-mounted construction cranes – may not be accurately reflected in the OES data. These drivers are generally subject to the FMCSA's regulations. In addition, OES data on the employment of heavy truck and tractor-trailer drivers is limited to drivers operating CMVs with a capacity of at least 26,000 pounds gross vehicle weight.

To estimate the population of both interstate and intrastate CMV drivers, FMCSA distributed the 6.8 million driver population reported in the *2020 Pocket Guide to Large Truck and Bus Statistics* among three categories: over-the-road (OTR), truckload (TL), and less-than-truckload (LTL). The OTR category is made up predominantly of CMV drivers transporting general freight on behalf of for-hire motor carriers. The TL category is made up predominantly of CMV drivers transporting specialized freight on behalf of for-hire motor carriers. The LTL category is made up of CMV drivers transporting the property of their motor carrier and drivers engaged in specialized operations analogous to LTL operations. The distribution of the driver population used in this analysis is 67 percent for OTR drivers, 18 percent for TL drivers, and 15 percent for LTL drivers.⁸ The Agency used these percentages to estimate a weighted average turnover rate. The turnover rate is applied to the total driver population to estimate annual job openings. The American Trucking Associations' turnover rates for the three categories in the second quarter of 2020 were 92 percent for OTR carriers, 74 percent for TL carriers, and 14 percent for LTL carriers.⁹ The weighted average turnover rate is 77.1 percent.¹⁰

In this supporting statement, the 77.1 percent turnover rate is applied to the 3-year average of the projected driver population for the information collection period ending in 2024. The projected driver population is based on a 0.448 percent annual growth rate. The growth rate is a weighted average of annual compound growth rates estimated from BLS point estimates of driver employment in 2019 and 2029 projections for four commercial driver occupations reported by BLS Employment Projections Program.¹¹ Table 1 shows the calculation of the weighted average compound growth rate.

⁸ American Transportation Research Institute, *ATRI Analysis of the Operational Cost of Trucking: 2020 Update*. Available at <https://truckingresearch.org/2020/11/24/an-analysis-of-the-operational-costs-of-trucking-2020-update/> (last accessed Dec. 17, 2020).

⁹ American Trucking Associations Press Release: *Truckload turnover rises third quarter*. Available at <https://www.trucking.org/news-insights/truckload-turnover-rises-third-quarter> (last accessed Sept. 13, 2021).

¹⁰ Calculated as: $77.1\% = (67\% \text{ proportion of OTR drivers} \times 92\% \text{ turnover of OTR drivers}) + (18\% \text{ proportion of TL drivers} \times 74\% \text{ turnover of TL drivers}) + (15\% \text{ proportion of LTL drivers} \times 14\% \text{ turnover of LTL drivers})$.

¹¹ DOL, BLS. Employment Projections, Table 1.2. Available at <https://web.archive.org/web/20201023134626/https://www.bls.gov/emp/tables/emp-by-detailed-occupation.htm> (last accessed Sept. 13, 2021).

Table 1. Population Growth Rate

BLS Standard Occupation Code (SOC)	2019 Total Employment (thousands)	2019 Employment Percentage of Total	2029 Projected Total Employment (thousands)	Compound Annual Growth Rate in Employment (2019-2029)	Weighted Average Compound Growth Rate
	A	$B = A \div \text{Sum of Column A}$	C	$D = ((C \div A) ^{(1 \div 10)}) - 1$	$E = B \times D$
Heavy and tractor-trailer truck drivers (53-3032)	2,030	52.2%	2,061	0.150%	0.078%
Light truck or delivery services drivers (53-3033)	1,019	26.2%	1,079	0.579%	0.15%
Passenger vehicle drivers, except bus drivers, transit and intercity* (53-3058)	614	15.8%	682	1.056%	0.17%
Bus drivers, transit and intercity (53-3052)**	223	5.7%	244	0.894%	0.05%
Weighted Average Growth Rate					0.448%

Note: The 0.448 percent weighted average growth rate does not equal the sum of the components due to rounding.

* BLS SOC 53-3058 was newly introduced in 2019. Data for prior years are the sum of two now discontinued SOCs, 53-3022 (Bus drivers, school or special client) and 53-3041 (Taxi Drivers and Chauffeurs). Values for SOC 53-3058 in Table 1 were calculated using the BLS population estimates for 53-3058 multiplied by 0.72 to impute the school bus driver population and exclude taxi driver and chauffeur populations.

** SOC 53-3021 changed to SOC 53-3052.

Table 2 shows the projected 3-year (2022-2024) average driver population estimated at 6.92 million with a projected growth rate of 0.448 percent. The 3-year average number of job openings is estimated at 5.34 million (5.34 million job openings = 6.92 million drivers × 77.1% turnover rate).

Table 2. Projected Driver Population and Job Openings (in millions)

Year	Total Driver Population	Job Openings
	$A = A_{-1} \times (1 + 0.448\%)$	$B = A \times 77.1\% \text{ turnover rate}$
2022	6.89	5.31
2023	6.92	5.34
2024	6.95	5.36
3-year Average 2022-2024	6.92	5.34

Monetized value of drivers' and motor carriers' time to comply with driver qualification file reporting and recordkeeping requirements

The Agency monetizes driver and motor carrier burden hours in this ICR using BLS 2021 median hourly wage data for the four driver occupations listed in Table 1 above.¹² Table 3 summarizes the estimation of a weighted average hourly wage of \$36.52 for drivers. The median hourly wages for each of the four driver occupations are increased to account for fringe benefits and motor carrier overhead, as shown in Table 3.

¹² DOL, BLS. *Occupational Employment Statistics (OES)*, May 2021 Occupational Profiles. Available at https://www.bls.gov/oes/current/oes_nat.htm (last accessed June 1, 2021).

Table 3. Driver Hourly Wage Including Fringe Benefits and Motor Carrier Overhead

Standard Occupation Title and Code	Total Drivers	% of Total Drivers	Median Hourly Base Wage	Weighted Hourly Wage	Fringe Benefits Rate	Overhead Rate	Weighted Average Hourly Cost
	<i>A = from BLS OES Data</i>	<i>B = A ÷ Sum of Column A</i>	<i>C = from BLS OES Data</i>	<i>D = B × C</i>	<i>E = from BLS ECEC Data</i>	<i>F</i>	<i>G = D + (D × 0.521) + (D × 0.274)</i>
Heavy and tractor-trailer truck drivers (53-3032)	1,797,710	54.1%	\$22.66	\$12.26	52.1%	27.4%	\$22.01
Light truck or delivery service drivers (53-3033)	929,470	28.0%	\$17.81	\$4.98	52.1%	27.4%	\$8.94
Bus drivers, transit and intercity (53-3052)	162,850	4.9%	\$22.07	\$1.08	52.1%	27.4%	\$1.94
Passenger vehicle drivers, except bus drivers, transit and intercity (53-3058)	431,986	13.0%	\$15.54	\$2.02	52.1%	27.4%	\$3.63
Weighted Average Driver Wage							\$36.52

Notes:

- (a) The number of drivers is the number of respondents by SOC included in the BLS survey. BLS discontinued the publication of SOC 53-3022, instead it is now included in SOC 53-3058. FMCSA derived the total employees for the original SOC 53-3022 by multiplying it by 0.72.
- (b) The \$36.52 hourly weighted average wage rate does not equal the sum of the components due to rounding.

BLS does not publish fringe benefit data by specific occupations. Therefore, the fringe rate used in this analysis is estimated from BLS data for the “transportation and warehousing” industry reported in BLS *Employer Costs for Employee Compensation* (ECEC) quarterly news releases. The ECEC reports an average hourly wage of \$26.45 and \$13.78 hourly fringe benefits expense for the “transportation and warehousing” industry. The ratio of hourly fringe benefits and the hourly wage rate results in a 52.1 percent fringe benefit rate ($52.1\% = \$13.78 \div \26.45) that is applied to the median hourly wages for the driver occupations shown in Table 3.¹³ The resultant hourly wage with fringe benefits is increased by an additional 27.4 percent to account for motor carrier overhead. The overhead rate comes from a study prepared by the North Dakota State

¹³ DOL, BLS. “Employer Cost of Employee Compensation December 2020 News Release,” Table 4: Employer Costs for Employee Compensation for private industry workers by occupational and industry group. Available at <https://www.bls.gov/news.release/pdf/ecec.pdf> (last accessed Dec. 29, 2020). The fringe benefit rate is the ratio of hourly wage for a private industry worker and the associated hourly benefit rate ($52\% = 13.78 \div 26.45$).

University Upper Great Plains Transportation Institute.¹⁴ The \$36.52 hourly wage, rounded to \$37, is used to monetize driver burden hours.

Motor carrier labor costs are based on a \$16.39 median wage for a file clerk (BLS SOC 43-4071) reported in the BLS 2021 OES. When adjusted for fringe benefits and motor carrier overhead, the hourly rate used to estimate motor carrier salary expense is \$29.42.

IC-1 Driver Hiring Process Burden Hours and Cost

Table 4 summarizes IC-1.1, the estimate of drivers' burden hours and cost to prepare employment applications. The average number of job openings is estimated at 5.34 million. It is equal to the difference between the total number of CMV drivers projected at a 0.448 percent annual growth rate and the estimated number of job openings created by a 77.1 percent turnover rate (5.34 million job openings = 6.92 million drivers × 77.1%). It is estimated that five applications are submitted for each job opening, with the average annual number of job applications estimated to be 26.69 million (26.69 million applications = 5.34 million job openings × 5 applications). The Agency estimates that it takes a driver applicant 15 minutes to complete the application. This results in an estimated 6.67 million average annual burden hours (6.67 million burden hours = 26.69 million job applications × 15 minutes ÷ 60 minutes). The driver's time is monetized at \$31 per hour.¹⁵ The average estimated cost to drivers is \$206.83 million (\$206.83 million = 6.67 million hours × \$31).

Table 4. IC-1.1 Driver Cost to Prepare Employment Application (in Millions)

Year	Driver Population	Job Openings	Job Applications	Driver Burden Hours	Driver Salary Expense
	<i>A = From Table 2 Col. A</i>	<i>B = A × 77.1%</i>	<i>C = B × 5</i>	<i>D = C × (15 min ÷ 60 min)</i>	<i>E = D × \$31</i>
2022	6.89	5.31	26.57	6.64	\$205.90
2023	6.92	5.34	26.69	6.67	\$206.83
2024	6.95	5.36	26.81	6.70	\$207.75
Average	6.92	5.34	26.69	6.67	\$206.83

Note: Annual and average values may not match due to rounding.

Table 5 summarizes IC-1.2, which is the estimated burden hours and cost incurred by motor carriers to file employment applications. The Agency assumes that motor carriers will receive

¹⁴ To estimate the overhead rates on wages, the Agency used industry data gathered for the Truck Costing Model developed by the Upper Great Plains Transportation Institute, North Dakota State University (Berwick, Farooq. Truck Costing Model for Transportation Managers. North Dakota State University. Upper Great Plains Transportation Institute. August 2003. Appendix A, pp. 42-47. Available at: <http://www.mountain-plains.org/pubs/pdf/MPC03-152.pdf> (last accessed Aug. 20, 2021)). Research conducted for this model found an average cost of \$0.107 per mile of CMV operation for management and overhead, and \$0.39 per mile for labor, indicating an overhead rate of 27 percent (27% = \$0.107 ÷ \$0.39 (rounded to the nearest whole percent)).

¹⁵ The driver's time is monetized at \$31 per hour for IC-1.1. This is because drivers seeking to change jobs and new entrants would be doing so on their own time. Hence, motor carrier overhead is not applicable to monetizing the burden hours associated with this task.

five applications for each job opening. This results in a 3-year average of 26.69 million applications. It takes 1 minute for a motor carrier file clerk to file each application for an average of 0.44 million burden hours (0.44 million burden hours = 26.69 million applications × 1 minute ÷ 60 minutes). At an average hourly wage of \$29, motor carriers will incur an average annual salary expense of \$12.90 million.

Table 5. IC-1.2 Motor Carrier Files Employment Application in Driver Qualifications File (in Millions)

Year	Job Applications	Hiring Motor Carrier Burden Hours	Hiring Motor Carrier Salary Expense
	<i>A = Table 4 Col. C</i>	<i>B = A × (1 min ÷ 60 min)</i>	<i>C = B × \$29</i>
2022	26.57	0.44	\$12.84
2023	26.69	0.44	\$12.90
2024	26.81	0.45	\$12.96
Average	26.69	0.44	\$12.90

Note: Annual and average values may not match due to rounding.

Table 6 summarizes IC-1.3, which is the estimate of the burden hours and cost incurred by motor carriers to request MVRs from licensing authorities for the preceding three years for drivers who motor carriers select for background investigations. The Agency estimates motor carriers will conduct a background investigation for three out of five applicants for each job opening. Therefore, motor carriers will request on average 16.01 million MVRs from licensing authorities (16.01 million MVR requests = 5.34 million job openings × 3 applications). The Agency expects that it will take 5 minutes to request and file MVR responses, which results in an average of 1.33 million burden hours per year (1.33 million burden hours = 16.01 million MVR requests × 5 minutes ÷ 60 minutes). At an average wage of \$29 per hour, the average annual salary expense for this task is estimated at \$38.70 million (\$38.70 million = \$29 × 1.33 million burden hours).

The supporting statement does not include an estimate of burden hours and associated costs incurred by licensing authorities to provide MVRs in response to motor carrier requests. Providing MVRs to non-commercial and commercial drivers, as well as third parties, is a routine business process performed by licensing authorities for a multitude of entities, not solely for motor carriers to meet FMCSA regulatory requirements. Other entities that use MVRs include insurance companies; law enforcement agencies; private investigative agencies; Federal, State, and local courts; and vendors providing batch retrieval services to authorized third parties.¹⁶ The Agency provides an estimate of the fees motor carriers pay licensing authorities for retrieval of MVRs to meet FMCSA regulatory requirements in section 13.

¹⁶ See for example, Utah Department of Public Safety, Driver Privacy Protection Act Permissible Uses. Available at <https://site.utah.gov/dps-driver/wp-content/uploads/sites/17/2015/01/Permissible-Uses.pdf> (last accessed Oct. 7, 2021).

Table 6. IC-1.3 Hiring Motor Carrier Requesting MVR from Licensing Authorities and Filing in Driver Qualifications File (in Millions)

Year	Job Openings	Number of Driver Records Requested	Hiring Carrier Burden Hours	Hiring Carrier Salary Expense
	<i>A = Table 4 Col. B</i>	<i>B = A × 3</i>	<i>C = B × (5 min ÷ 60 min)</i>	<i>D = C × \$29</i>
2022	5.31	15.94	1.33	\$38.52
2023	5.34	16.01	1.33	\$38.70
2024	5.36	16.08	1.34	\$38.87
Average	5.34	16.01	1.33	\$38.70

Note: Annual and average values may not match due to rounding.

Table 7 summarizes IC-1.4, which is the estimate of the burden hours and cost incurred by hiring motor carriers to obtain the safety performance history for those applicants who have previously been employed by a DOT-regulated motor carrier. The safety performance history is to cover at least three years preceding the date of the application. The Agency estimates 80 percent of applications investigated will require motor carriers to obtain safety performance histories from DOT-regulated carriers, resulting in an average 12.81 million safety performance histories annually (12.81 million requests = 16.01 million application investigations × 80%). This task is estimated to take 20 minutes for each investigation, which results in an average annual burden of 4.27 million hours (4.27 million burden hours = 12.81 million requests × 20 minutes ÷ 60 minutes). At a \$29 per hour wage rate for a file clerk, hiring motor carriers are estimated to incur an average annual salary expense of \$123.83 million (\$123.83 million = 4.27 million burden hours × \$29).

Table 7. IC-1.4 Burden Hours and Cost for Hiring Carrier to Obtain Applicants' Safety Performance History from Previous DOT Employer(s) (in Millions)

Year	Number of Applications Investigated	Number of Safety Performance History Requests	Hiring Carrier Burden Hours	Hiring Carrier Salary Expense
	<i>A = Table 6 Col. B</i>	<i>B = A × 80%</i>	<i>C = B × (20 min ÷ 60 min)</i>	<i>D = C × \$29</i>
2022	15.94	12.75	4.25	\$123.28
2023	16.01	12.81	4.27	\$123.83
2024	16.08	12.87	4.29	\$124.38
Average	16.01	12.81	4.27	\$123.83

Note: Annual and average values may not match due to rounding.

Table 8 summarizes IC-1.5, which is the estimate of the burden hours and cost incurred by DOT-regulated motor carriers to respond to hiring motor carriers' requests for the safety performance histories of former drivers. FMCSA estimates that it takes motor carriers 5 minutes to respond to each request (i.e., retrieve the data, prepare the response, and transmit to the hiring motor carrier). The estimated average burden hours for this task are 1.07 million hours (1.07 million

hours = 16.01 million safety performance history requests × 80% × 5 minutes ÷ 60 minutes). At an average hourly wage of \$29, the estimated average cost to motor carriers is \$30.96 million (\$30.96 million = 1.07 million hours × \$29).

Table 8. IC-1.5 Burden Hours and Cost for DOT-Regulated Employers to Supply Safety Performance History to Hiring Carrier (in Millions)

	Number of Applications Investigated	Number of Safety Performance History Requests	DOT-Regulated Carrier Burden Hours	FMCSA-Regulated Carrier Salary Expense
Year	<i>A = Table 6 Col. B</i>	<i>B = A × 80%</i>	<i>C = B × (5 min ÷ 60 min)</i>	<i>D = C × \$29</i>
2022	15.94	12.75	1.06	\$30.82
2023	16.01	12.81	1.07	\$30.96
2024	16.08	12.87	1.07	\$31.10
Average	16.01	12.81	1.07	\$30.96

Note: Annual and average values may not match due to rounding.

IC-2 Annual Review of Driver Qualifications Burden Hours and Costs

This supporting statement reflects the elimination of 49 CFR 391.27 due to the *Record of Violations* final rule and of the related driver and motor carrier reporting and recordkeeping costs in IC-2.1 and IC-2.2. In the approved ICR, those annual average burden hours and costs were estimated at 0.12 million burden hours and \$3.9 million. IC-2.3 (Motor Carrier Requests for MVRs per 49 CFR 391.25) is redesignated as IC-2.

Table 9 summarizes the estimate of IC-2, which is the average annual burden hours and cost incurred by motor carriers to submit requests to licensing authorities for the MVRs of drivers who they have employed for the preceding 12 months and to file the response in the driver qualification file. The number of requests is equal to the difference between the total driver population and the number of job openings created by annual turnover. The Agency estimates that motor carriers will request licensing authorities furnish an average of 1.59 million MVRs (1.59 million requests = 6.92 million drivers × (1 – 77.1% turnover rate)). The Agency estimates that it takes a motor carrier file clerk 2 minutes to perform this task, which results in an estimated average burden of 0.05 million hours (0.05 million hours = 1.59 million requests × 2 minutes ÷ 60 minutes). The wage rate for this task is \$29 per hour. The average annual salary expense to motor carriers is estimated at \$1.53 million.

Table 9. IC-2 Employer Annual MVR Request to Licensing Authorities and Filing MVR in Driver Qualifications File (in Millions)

Year	Driver Population	Number of Drivers Subject to Annual MVR Review	Motor Carrier Burden Hours for Requesting and Filing MVRs from Licensing Authorities	Motor Carrier Salary Expense
	$A = \text{Table 2 Col. A}$	$B = A \times (1 - 77.1\%)$	$C = B \times (2 \text{ min} \div 60 \text{ min})$	$D = C \times \$29$
2022	6.89	1.58	0.05	\$1.53
2023	6.92	1.59	0.05	\$1.53
2024	6.95	1.59	0.05	\$1.54
Average	6.92	1.59	0.05	\$1.53

Note: Annual and average values may not match due to rounding.

IC-3 Limited Exemptions from Driver Qualification Documentation Burden Hours and Costs

IC-3 accounts for the reporting and recordkeeping requirements of driver qualification documentation pertaining to multiple-employer drivers (49 CFR 391.63) and for drivers furnished to another motor carrier by the drivers' regular employers (49 CFR 391.65). Table 10 shows the estimate of the average burden hours and cost associated with IC-3.1 and IC-3.2. IC-3.1 accounts for the reporting requirement of 49 CFR 391.63(a) that drivers provide license data and personal information to the motor carrier. FMCSA assumes that 10 percent or 0.69 million drivers are multiple-employer drivers (0.69 million drivers = 6.92 million driver population \times 10%). FMCSA estimates it takes drivers on average 1 minute to supply the data to secondary motor carriers, which results in an average of 0.012 million burden hours (0.012 million burden hours = 0.69 million drivers \times 1 minute \div 60 minutes). At a \$37 hourly wage, the average annual cost of this task is estimated at \$0.427 million (\$0.427 million = 0.012 burden hours \times \$37).¹⁷ IC-3.2 accounts for secondary motor carriers' reporting and recordkeeping requirements prescribed by 49 CFR 391.63(b). FMCSA also estimates it takes secondary motor carriers 1 minute to file drivers' personal information and license data. Thus, the secondary motor carriers' burden hours for this task are the same as those incurred by drivers. Motor carrier costs are monetized at \$29 per hour for a total of \$0.335 million.

¹⁷ The driver wage rate used in this estimate includes motor carrier overhead because it is assumed that the driver is providing the information required by the rule while the driver is on duty.

Table 10. IC-3.1 and IC-3.2 Reporting and Recordkeeping for Multiple Employer Drivers Information (in Millions)

Year	Driver Population	Number of Multiple-Employer Drivers	IC-3.1 Driver Burden Hours	IC-3.1 Driver Salary Expense	IC-3.2 Motor Carrier Burden Hours	IC-3.2 Motor Carriers Salary Expense
	<i>A = Table 2 Col. A</i>	<i>B = A × 10%</i>	<i>C = B × (1 min ÷ 60 min)</i>	<i>D = C × \$37</i>	<i>E = B × (1 min ÷ 60 min)</i>	<i>F = E × \$29</i>
2022	6.89	0.69	0.011	\$0.425	0.011	\$0.333
2023	6.92	0.69	0.012	\$0.427	0.012	\$0.335
2024	6.95	0.70	0.012	\$0.429	0.012	\$0.336
Average	6.92	0.69	0.012	\$0.427	0.012	\$0.335

Note: Annual and average values may not match due to rounding.

Table 11 summarizes the burden hours and cost to motor carriers furnishing drivers to a second carrier. A motor carrier using a driver who it does not regularly employ does not have to establish and maintain a complete driver qualification file for that driver if the motor carrier obtains a “Qualification Certificate” from the motor carrier that regularly employs the driver (49 CFR 391.65(a)). IC-3.3 accounts for the burden hours and cost for compliance with this regulation. FMCSA estimates that 20 percent of drivers work for a second motor carrier on a temporary basis. This equates to 1.38 million drivers (1.38 million furnished drivers = 6.92 million driver population × 20%). FMCSA estimates that drivers’ regular motor carriers require 2 minutes to complete the Qualification Certificate. This results in an average annual burden of 0.046 million hours (0.046 million hours = 1.38 million drivers × 2 minutes ÷ 60 minutes). Based on a \$29 hourly wage for a file clerk, regular motor carriers are estimated to incur a \$1.34 million average annual salary expense to perform this task. Motor carriers that temporarily employ drivers must contact the drivers’ regular employers to validate the certificate, and then file it in accordance with 49 CFR 391.65(b). IC-3.4 accounts for this task. The Agency estimates it takes the temporary employer 3 minutes to contact drivers’ regular employers and to file a Qualification Certificate for each driver. This results in an average annual burden of 0.069 million hours (0.069 hours = 1.38 million furnished drivers × 3 minutes ÷ 60 minutes). At the \$29 hourly wage for a file clerk, temporary motor carriers are estimated to incur a \$2.01 million average annual salary expense.

**Table 11. IC-3.3 and IC-3.4 Reporting and Recordkeeping for Drivers
Furnished by Another Carrier (in Millions)**

Year	Driver Population (millions)	Drivers Furnished to Another Motor Carrier	IC-3.3 Regular Motor Carrier Burden Hours	IC-3.3 Regular Employer Salary Expense	IC-3.4 Temporary Motor Carrier Burden Hours	IC-3.4 Temporary Motor Carrier Salary Expense
	$A = \text{Table 2 Col. A.}$	$B = A \times 20\%$	$C = B \times (2 \text{ min} \div 60 \text{ min})$	$D = C \times \$29$	$E = B \times (3 \text{ min} \div 60 \text{ min})$	$F = E \times \$29$
2022	6.89	1.38	0.046	\$1.33	0.069	\$2.00
2023	6.92	1.38	0.046	\$1.34	0.069	\$2.01
2024	6.95	1.39	0.046	\$1.34	0.070	\$2.02
Average	6.92	1.38	0.046	\$1.34	0.069	\$2.01

Note: Annual and average values may not match due to rounding.

IC-4 Driver’s Review and Rebuttal of Safety Performance History Burden Hours and Cost

IC-4.1 accounts for the requirement that motor carriers notify drivers of their right to review safety performance histories provided by previous employers regulated by FMCSA to hiring motor carriers (49 CFR 391.23(i)(1)). The estimates of the burden hours and cost of this requirement are summarized in Table 12. The number of motor carrier notices to drivers equals the number of motor carrier requests for safety performance histories, which is estimated at 12.81 million requests. FMCSA estimates that motor carriers require an average of 1 minute to provide this notice. The estimated average annual burden to notify driver-applicants is 0.213 million hours (0.213 million hours = 12.81 million driver history requests × 1 minute ÷ 60 minutes). At a \$29 hourly wage for a file clerk, the average annual expense to hiring motor carriers is estimated at \$6.19 million.

**Table 12. IC-4.1 Motor Carrier Notification to Driver of
Right to Review Safety Performance History (in Millions)**

Year	Number of Driver-Applicant Notices of Rights to Review Safety Performance History	Motor Carrier Burden Hours to Provide Notification	Motor Carrier Salary Expense to Provide Notification
	$A = \text{Table 7 Col. B}$	$B = A \times (1 \text{ min} \div 60 \text{ min})$	$C = B \times \$29/\text{hour}$
2022	12.75	0.213	\$6.16
2023	12.81	0.213	\$6.19
2024	12.87	0.214	\$6.22
Average	12.81	0.213	\$6.19

Note: Annual and average values may not match due to rounding.

IC-4.2 pertains to hiring motor carriers furnishing, upon driver request, copies of the drivers’ safety performance histories provided to the hiring motor carrier by previous employers. Drivers have the right to request a copy of their safety performance history from the hiring motor carrier. The Agency estimates that hiring motor carriers will, on average, investigate the safety performance history of three applicants for each driver opening; thus, approximately

12.81 million safety history investigations are conducted annually. The 5.34 million applicants selected for driver positions generally have no reason to request their safety history. Of the remaining 7.47 million driver-applicants (7.47 million applicants = 12.81 million applicant investigations – 5.34 million hired drivers), the Agency estimates 5 percent, or 0.374 million applicants, request their safety performance histories from the hiring motor carrier (0.374 applicant requests = (12.81 million investigations – 5.34 million job openings) × 5%). FMCSA estimates that it takes 3 minutes for hiring motor carriers to provide each requesting driver-applicant with a copy of his or her safety performance history. It takes 0.019 million burden hours to perform this task (0.019 million hours = 0.374 million applicant requests for safety performance history × 3 minutes ÷ 60 minutes). Based on a \$29 per hour rate, hiring motor carriers’ average annual expense for performing this task is estimated at \$0.542 million. Table 13 summarizes the estimate of average annual burden hours and cost.

Table 13. IC-4.2 Motor Carrier Providing Drivers with Safety Performance Histories (in Millions)

Year	Number of Safety Performance History Investigations	Number of Job Openings Filled	Number of Drivers Requesting Safety Performance History	Motor Carrier Burden Hours to Provide Safety Performance History to Hiring Carrier	Motor Carrier Salary Expense
	<i>A = Table 12 Col. A</i>	<i>B = Table 2 Col. B</i>	<i>C = (A – B) × 5%</i>	<i>D = C × (3 min ÷ 60 min)</i>	<i>E = D × \$29</i>
2022	12.75	5.31	0.372	0.019	\$0.539
2023	12.81	5.34	0.374	0.019	\$0.542
2024	12.87	5.36	0.375	0.019	\$0.544
Average	12.81	5.34	0.374	0.019	\$0.542

Note: Annual and average values may not match due to rounding.

IC-4.3 accounts for the time and expense incurred by driver-applicants if they choose to rebut in writing a safety performance history provided to the hiring motor carrier. The estimate of the annual burden hours and cost associated with this task is summarized in Table 14. The applicant must forward the rebuttal to former employers and ask that the history be amended. The Agency assumes that of the 0.374 million applicants who receive their safety performance histories from hiring motor carriers, 10 percent, or 0.037 million, will submit a rebuttal to their prior employers. FMCSA estimates that drivers will require 30 minutes to draft a rebuttal and provide it to their past employer(s). The annual burden associated with submitting a rebuttal is estimated to be 0.019 million hours (0.019 million = 0.037 million rebuttals × 30 minutes ÷ 60 minutes). The cost of this task is estimated at \$0.579 million based on a \$31 per hour driver wage. Motor carrier overhead is excluded from the driver wage because it is assumed that the applicant is preparing the rebuttal on his or her own time.

Table 14. IC-4.3 Driver Rebuttal of Safety Performance History (in Millions)

Year	Drivers Requesting Safety Performance History	Drivers Submitting Rebuttal	Driver Burden Hours	Driver Salary Expense
	<i>A = Table 13 Col. C</i>	<i>B = A × 10%</i>	<i>C = (B × 30 min ÷ 60 min)</i>	<i>D = C × \$31</i>
2022	0.372	0.037	0.019	\$0.577
2023	0.374	0.037	0.019	\$0.579
2024	0.375	0.038	0.019	\$0.582
Average	0.374	0.037	0.019	\$0.579

Note: Annual and average values may not match due to rounding.

Table 15 summarizes the burden hours and costs incurred by drivers and motor carriers to comply with driver qualifications reporting and recordkeeping requirements.

Table 15. Estimated Burden Hours and Cost of Driver Qualifications Reporting and Recordkeeping Requirements

Information Collection	Number of Responses (millions)	Minutes per Response	Burden Hours (millions)	Cost (\$ millions)
IC-1 Driver Hiring Process				
IC-1.1 Driver prepares and submits employment application [49 CFR 391.21]	26.69	15	6.67	\$206.83
IC-1.2 Hiring motor carrier files application in driver qualification file [49 CFR 391.51(b)(1)]	26.69	1	0.44	\$12.90
IC-1.3 Hiring carrier requests applicant's MVR for 3 preceding years and files in driver qualification file [49 CFR 391.23(a)(1) and (b)]	16.01	5	1.33	\$38.70
IC-1.4 Hiring motor carrier requests safety performance history from applicant's prior FMCSA-regulated employers and files in investigation history file [49 CFR 391.23(a)(2) and (c)(1)]	12.81	20	4.27	\$123.83
IC-1.5 Prior FMCSA-regulated carrier response to request for safety performance history [49 CFR 391.23(g)(1) and (4)]	12.81	5	1.07	\$30.96
Total IC-1	95.01		13.79	\$413.21
IC-2: Annual Review of Driver Qualifications				
IC-2 Employer annual request for MVR [49 CFR 391.25 and 391.51(b)(4)]	1.59	2	0.05	\$1.53
IC-3 Limited Exemptions from Driver Qualification Documentation				
IC-3.1 Multiple-employer driver provides license data and personal information [49 CFR 391.63(a)]	0.69	1	0.01	\$0.43
IC-3.2 Motor carrier files driver license data and personal information [49 CFR 391.63(b)]	0.69	1	0.01	\$0.33
IC-3.3 Regular employer provides certification of driver qualifications [49 CFR 391.65(a)(2)]	1.38	2	0.05	\$1.34
IC-3.4 Second employer requests certification of driver qualifications and files certificate [49 CFR 391.65(b)]	1.38	3	0.07	\$2.01
Total IC-3	4.15		0.14	\$4.11
IC-4: Driver Review and Rebuttal of Safety Performance History				
IC-4.1 Hiring carrier provides notification to drivers of right to review safety performance history [49 CFR 391.23(i)(1)]	12.81	1	0.21	\$6.19
IC-4.2 Hiring carrier provides prior employer safety history to applicant [49 CFR 391.23(i)(2)]	0.37	3	0.02	\$0.54
IC-4.3 Driver prepares and submits rebuttal to previous employer [49 CFR 391.23(j)(3)]	0.04	30	0.02	\$0.58
TOTAL IC-4	13.22		0.25	\$7.31
TOTAL	113.97		14.23	\$426.16

Differences due to rounding.

Summary Statistics

Estimated annual burden hours: 14.23 million hours.

Estimated annual number of respondents: 7.52 million respondents (6.92 million drivers + 0.60 million motor carriers).

Estimated annual number of responses and recordkeeping tasks: 113.97 million.

13. Estimate of total annual costs to respondents or recordkeepers.

The known non-labor costs associated with this information collection are fees motor carriers pay to request MVRs. The Agency does not estimate burden hours and costs incurred by licensing authorities to provide motor carriers with MVRs they are required to request pursuant to 49 CFR 391.25 and 391.23. The Agency finds this function is a routine business practice for licensing authorities.

The approved ICR reflects that motor carriers are assessed a \$10 fee to obtain MVRs from SDLAs, which consists of a \$9 median fee charged by all 51 SDLAs plus a \$1 third-party processing fee. The Agency assumes that third-party vendors provide batch processing of requests for MVRs on behalf of motor carriers. Thus, a \$1 fee for vendors retrieving MVRs is added to the median fee charged by SDLAs. A LexisNexis survey of SDLA requirements for ordering MVRs indicates that SDLAs have developed systems to accommodate small and large requests electronically.¹⁸ Forty-nine SDLAs responded that they provide both interactive requests for MVRs as well as batch processing. The remaining SDLAs provide only batch processing.

In accordance with the *Record of Violations* final rule, this supporting statement updates the median fee motor carriers would pay to request MVRs from Canadian and Mexican licensing authorities. Including the fees of Canadian Provincial and Territorial licensing authorities in the updated median fee for MVRs provides a more accurate accounting of costs to obtain MVRs for drivers holding licenses issued by Canadian licensing authorities. FMCSA has surveyed fees charged by Canadian licensing authorities and third-party processing companies. FMCSA has determined that the median fee charged for an MVR in Canada is also \$9, when converted to United States dollars, and that third-party processing fees are consistent as well. Thus, the \$10 median fee would not change with the addition of the fees charged by Canadian Provincial and Territorial licensing authorities. Although there is no fee to request MVRs from Mexican licensing authorities, FMCSA assumes a fee of \$10 to treat all motor carriers consistently and for administrative convenience.

Pursuant to the final rule, motor carriers are required to request MVRs annually from licensing authorities covering at least the 12 preceding months for drivers they have employed for that time period. The Agency estimates that motor carriers would request licensing authorities provide 1.59 million MVRs to comply with 49 CFR 391.25. Motor carriers are also required

¹⁸ LexisNexis MVR Order Requirements by State, July 2015. Available at https://insurancesolutions.custhelp.com/ci/fattach/get/2901530/0/filename/MVR+Order+Requirements_2015-07-09.pdf (last accessed May 19, 2019).

during the hiring process to request licensing authorities to provide MVRs for applicants for the preceding 3 years. The Agency estimates that motor carriers would make 16.01 million requests for MVRs as part of the hiring process to comply with 49 CFR 391.23. Therefore, on average, motor carriers are estimated to request 17.6 million (16.01 + 1.59) MVRs from licensing authorities at a cost of \$176 million (\$176 million = \$10 × 17.6 million).

14. Estimate of cost to the Federal government.

The Federal government incurs no costs associated with part 391 information and recordkeeping requirements. Motor carriers collect and maintain part 391 information, and FMCSA does not require that information be submitted to the Agency. A motor carrier must make the part 391 information available when an FMCSA or State investigator conducts an on-site review at the motor carrier’s place of business or terminal.

15. Explanation of program changes or adjustments.

Regulatory Change – IC-2 in the approved ICR supporting statement consists of three tasks. However, the *Record of Violations* final rule eliminated 49 CFR 391.27 and its reporting and recordkeeping requirements in IC-2.1 and IC-2.2, which resulted in 0.12 million less burden hours annually and \$3.9 million less in salary costs annually. Because the final rule is effective in 2022, the 3-year period covered by this ICR is 2022 to 2024.

Adjustments – Table 16 shows the updated information for driver population, the driver turnover rate, and driver wage rate. The response times for each information collection used to estimate burden hours and motor carrier administrative personnel wage rate (\$29 per hour) used in the approved ICR are continued in this supporting statement.

Table 16. Adjustments

	OMB Approved	New
CMV Driver Population	6.35 million	6.92 million
Driver Turnover Rate	71.8%	77.1%
Driver Wage Rate	\$36	\$37

Changes in Total Burden Hours and Costs –The total cost of this ICR is estimated at \$602.16 million, which consists of \$426.16 million of labor costs and \$176 million in fees to request MVRs from licensing authorities. The approved ICR cost was estimated at \$505.04 million, which consists of \$350.64 million of labor costs and \$154.40 million of fees for requests for MVRs. Rescinding 49 CFR 391.27 eliminates 0.12 million burden hours that is offset by a 12.54 million increase in burden hours due to driver population growth and increased driver turnover rates, which affects the other information collection components of this ICR. The increase in labor-related costs is estimated at \$75.52 million. As described above, the median fee used in the approved ICR and this ICR is \$9, plus a \$1 fee paid to third-party service providers. Therefore, this increase in the cost to motor carriers is caused by driver population growth and increased driver turnover rates.

Table 17. Changes in Burden Hours and Cost (in Millions)

Information Collection	Number of Responses or Recordkeeping Tasks	Burden Hours	Cost	MVR Fees
New	113.97	14.23	\$426.16	\$176.00
OMB approved	101.43	12.27	\$350.64	\$154.40
Increase	12.54	1.96	\$75.52	\$21.60

16. Publication of results of data collection:

This information collection requires recordkeeping by motor carriers and drivers. As such, there will be no related publication of such data.

17. Approval for not displaying the expiration date for OMB approval.

FMCSA is not seeking this approval.

18. Exceptions to certification statement.

FMCSA is claiming no exception to any element of the certification statement.

Attachments

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- A. The Motor Carrier Safety Act of 1984, Pub. L. 98-554, Title II, 98 Stat. 2832, Oct. 30, 1984.
- B. 49 U.S.C. 504 titled, "Reports and records."
- C. 49 U.S.C. 31133 titled, "General Powers of the Secretary of Transportation."
- D. 49 U.S.C. 31136 titled, "United States Government regulations."
- E. 49 U.S.C. 31502 titled, "Requirements for qualification, hours of service, safety, and equipment standards."
- F. 49 CFR 391.51 titled, "General requirements for driver qualification files."
- G. 49 CFR 1.87 titled, "Delegations to the Federal Motor Carrier Safety Administration Administrator."
- H. 49 CFR 391.11 titled, "General qualifications of drivers."
- I. 49 CFR 391.63 titled, "Multiple-employer drivers," and 391.65 titled, "Drivers furnished by other motor carriers."
- J. NPRM titled, "*Safety Performance History of New Drivers*" (61 FR 10548, Mar. 14, 1996).
- K. SNPRM titled, "*Safety Performance History of New Drivers*" (68 FR 42339, July 17, 2003).
- L. Final rule titled, "*Safety Performance History of New Drivers*" (69 FR 16684, Mar. 30, 2004).
- M. NPRM titled, "*Record of Violations*" (85 FR 80745, Dec. 14, 2020).
- N. Final rule title, "*Record of Violations*" (87 FR 13192, March 9, 2022).