

DEPARTMENT OF TRANSPORTATION

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INFORMATION COLLECTION REQUEST SUPPORTING STATEMENT: PART A

TITLE OF COLLECTION: National Driver Register (NDR)

OMB CONTROL NUMBER: 2127-0001

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**Abstract:**<sup>1</sup>

**This is to request approval from the Office of Management and Budget (OMB) for three-year extension of a currently approved information collection request for the information collection titled, “National Driver Register (NDR).”**

The National Driver Register Act of 1982, Title 49 U.S.C., Subtitle VI, Part A, Chapter 303 (as amended) requires the chief driver licensing official of a participating State to report to the National Driver Register (NDR), identification information regarding any individual who is denied a motor vehicle operator’s license for cause, whose motor vehicle operator’s license is withdrawn for cause, or who is convicted of certain serious motor vehicle related offenses (specified in the Act) or comparable offenses. Participating States also are required to submit an inquiry to the NDR on all applicants for driver’s licenses. In addition, when requested by other authorized users (e.g., the Federal Aviation Administration), participating States are required to submit inquiries to the NDR and provide responses to the other authorized users of the NDR for transportation safety purposes. There are 51 respondents to this collection annually; all 50 States and the District of Columbia participate in the NDR.

The NDR maintains the computerized database known as the Problem Driver Pointer System (PDPS) which contains information on individuals whose privilege to operate a motor vehicle has been revoked, suspended, canceled or denied, or who have been convicted of serious traffic-related offenses. The records maintained at the NDR consist of identification information (including name, date of birth, sex, driver license number, and reporting State), which is collected on a daily basis.

States use interactive communication for their routine transactions with the NDR which allows them to submit the required information automatically at the same time the individual’s information is entered into the State’s system. Specifically, when an individual

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<sup>1</sup> The Abstract must include the following information: (1) whether responding to the collection is mandatory, voluntary, or required to obtain or retain a benefit; (2) a description of the entities who must respond; (3) whether the collection is reporting (indicate if a survey), recordkeeping, and/or disclosure; (4) the frequency of the collection (e.g., bi-annual, annual, monthly, weekly, as needed); (5) a description of the information that would be reported, maintained in records, or disclosed; (6) a description of who would receive the information; (7) if the information collection involves approval by an institutional review board, include a statement to that effect; (8) the purpose of the collection; and (9) if a revision, a description of the revision and the change in burden.

applies for a driver's license, an inquiry is automatically transmitted to the NDR when the driver's application is entered into the State's system. Likewise, when a State records license actions that have been taken against an individual that require reporting to the NDR, a transaction submitting the individual's identification information is automatically generated and transmitted to the NDR.

The purpose of the information collection is to improve traffic and transportation safety by providing a nationwide clearinghouse of problem drivers. The information collected is used by State driver licensing agencies to identify problem drivers prior to issuing a driver's license and to develop and implement driver improvement programs. The following groups are also authorized to receive information for transportation safety purposes:

- a. Employers of motor vehicle operators,
- b. Employers of locomotive operators,
- c. Federal Aviation Administration regarding applications for or holders of airman's certificates,
- d. U.S. Coast Guard regarding applicants for or holders of licenses, certificates of registry, or merchant mariner's documents, and for Coast Guard crew members,
- e. National Transportation Safety Board and Federal Motor Carrier Safety Administration in connection with accident investigations,
- f. Air carriers regarding individuals seeking employment as pilots, and
- g. Individuals who have or are seeking access to national security information for purposes under EO 12968 or who are being investigated for Federal employment.

The annual burden has increased from 1,742 to 13,739 hours (an increase of 11,997 hours). The estimate for burden hours and cost has increased due to an adjustment to the method NDR used for the estimation. The burden hours and cost for maintenance and infrastructure were not previously included.

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### **Part A. Justification**

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1. *Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.*

The National Driver Register Act of 1982, Title 49 U.S.C., Subtitle VI, Part A, Chapter 303 (as amended) requires the Secretary of Transportation (NHTSA by delegation) to maintain a National Driver Register to assist State chief driver licensing officials in the exchange of information about motor vehicle driving records of individuals. The chief driver licensing official of a participating State must report to the NDR identification information regarding any individual who is denied a motor vehicle operator's license for cause, whose motor vehicle operator's license is withdrawn for cause, or who is convicted of certain serious motor vehicle related offenses or comparable offenses (23 U.S.C. 30304(a); 23 CFR 1327, Appendix A). States are required to submit an inquiry to the NDR on all applicants for driver's licenses before issuing a license to the applicant. In addition, when requested by

other authorized users, States are required to submit inquiries to the NDR and provide responses to other authorized users of the NDR for transportation safety purposes. 23 CFR Chapter 1327 contains the procedures for participating in and receiving information from the National Driver Register.

This collection of information supports the Department of Transportation's strategic goal of safety, which is to promote the public health and safety by working to reduce transportation-related deaths and injuries and reducing the economic and personal toll of traffic crashes to society. NDR provides a nationwide clearinghouse of information on individuals whose privilege to drive has been revoked, suspended, canceled, or denied or who have been convicted of serious traffic-related offenses for State driver licensing officials to identify problem drivers prior to issuing a driver's license and to develop and implement driver improvement programs. The information collected is also used by authorized employers and Federal agencies in making hiring and certification decisions.

2. *Indicate how, by whom, and for what purpose is the information it to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.*

The purpose of the information collection is to improve traffic and transportation safety by providing a nationwide clearinghouse of problem drivers. The information collected is used by State driver licensing agencies to identify problem drivers prior to issuing a driver's license and to develop and implement driver improvement programs. The information collected is also used by authorized employers and Federal agencies in making hiring and certification decisions. The following groups are also authorized to receive information for transportation safety purposes:

- a. Employers of motor vehicle operators
- b. Employers of locomotive operators
- c. Federal Aviation Administration regarding applications for or holders of airman's certificates
- d. U.S. Coast Guard regarding applicants for or holders of licenses, certificates of registry, or merchant mariner's documents, and for Coast Guard crew members
- e. National Transportation Safety Board and Federal Motor Carrier Safety Administration in connection with accident investigations
- f. Air carriers regarding individuals seeking employment as pilots, and
- g. Individuals who have or are seeking access to national security information for purposes under EO 12968 or who are being investigated for Federal employment.

Under the provisions of the Privacy Act of 1974, individuals may request a copy of any information pertaining to themselves that may be in the NDR database.

The information collected from the participating States regarding an individual whose privilege to drive has been revoked, suspended, canceled, or denied or who has been convicted of a serious traffic-related offense includes: (i) the legal name, date of birth (including day, month, and year), sex, and (if the State collects such data) height, weight, and

color of eyes; (ii) the name of the State transmitting such information; and (iii) the social security account number (SSN) (if used by the reporting State for driver records or motor vehicle license purposes), and the motor vehicle operator's license number of the individual (if that number is different from the operator's SSN).

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.*

The NDR Act of 1982 required 100% electronic data exchange between NDR and the States. Electronic data exchange was implemented in 1990. The Problem Driver Pointer System (PDPS) utilizes a server-based environment consisting of multiple CPU configurations to meet demand and allows authorized users to electronically submit and retrieve data efficiently, effectively, and economically. States use interactive communication for their routine transactions with the NDR, which allows them to submit the required information automatically at the same time the individual's information is entered into the State's system. Specifically, when an individual applies for a driver's license, an inquiry is automatically transmitted to the NDR when the driver's application is entered into the State's system. Likewise, when a State records license actions that have been taken against an individual that require reporting to the NDR, a transaction is automatically generated and transmitted to the NDR, submitting the individual's identification information. Secure File Transfer Protocol (SFTP) is used for batch transmission of data. To ensure that the information contained in the NDR is accurate, States sometimes submit a "clean file" which is a confirmation of all drivers of that State who should be listed in the NDR file. States use SFTP to submit this information, and a small amount of effort is required to prepare and run the data.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.*

The NDR is the only nationwide repository of "problem drivers;" that is, those individuals whose driving privileges have been withdrawn for cause or who have been convicted for certain serious traffic violations. It, therefore, does not duplicate any other system, and the information contained in the NDR is not available elsewhere in a central database. The only other means for authorized users of the NDR to determine if an individual has a problem driving record would be to query all 50 State licensing jurisdictions and the District of Columbia. Congress established the NDR to serve as the central repository of information on "problem drivers" to promote information sharing among States, eliminating the need for States to contact each of the other 50 jurisdictions and the District of Columbia individually.

- 5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.*

The collection of information does not involve small businesses. It only involves the entity which effects official driver licensing actions against individuals. This entity is the State driver licensing agency.

6. *Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.*

The primary objective of the NDR is to assist States in keeping problem drivers off the nation's highways, thus improving traffic safety. If this collection of data, which is required by statute, is not conducted or is conducted less frequently, problem drivers may go undetected, obtain a driver's license from a different State's licensing authority, and impose a danger on the roads.

7. *Explain any special circumstances that would cause an information collection to be conducted in a manner:*
  - *Requiring respondents to report information to the agency more often than quarterly;*
  - *Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;*
  - *Requiring respondents to submit more than an original and two copies of any document;*
  - *Requiring respondents to retain records, other than health, medical government contract, grant-in-aid, or tax records for more than three years;*
  - *In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;*
  - *Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;*
  - *That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or*
  - *Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.*

Respondents are required to report problem driver information to the agency on a daily basis and, when an individual applies for a driver's license, to check the NDR for problem drivers. The information is collected automatically with no additional effort when the driver's application is entered into the State's system.

This collection does not require written responses. The information on problem drivers is collected electronically and consists of name, date of birth, sex, driver's license number, and reporting State.

8. *If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to that notice and describe actions taken by the agency in response to the comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside the agency to obtain their view.*

NHTSA published a 60-day notice on (March 28, 2022) requesting comment on NHTSA's intention to submit this ICR to OMB for approval (87 FR 17408). NHTSA received no comments.

NHTSA published a 30-day notice on July 11, 2022 requesting comment on NHTSA's intention to submit this ICR to OMB for approval (87 FR Doc. 2022-14725, Volume 87, Number 131, Pages 41177-41179).

9. *Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.*

No payment or gift will be provided to any respondent in connection with this information collection.

10. *Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.*

In accordance with Title 49 of U.S. Code, Chapter 303 (National Driver Register), the National Highway Traffic Safety Administration, within the Department of Transportation, has the responsibility to establish and maintain a system that allows the chief driver licensing officials of States to exchange information about the motor vehicle driving records of problem drivers. NHTSA's NDR office fulfills these statutory responsibilities by operating the Problem Driver Pointer System. The PDPS contains information about individuals who have had their driver licenses revoked, suspended, or otherwise denied for cause, or who have been convicted of certain traffic violations. The PDPS serves as a central repository for information that identifies problem drivers and contains limited information to identify a problem driver, including (as set by Federal law): the individual's full name, date of birth, sex, driver's license number, and the name of the State providing the record. (The system does not contain the content of the driver record itself.) Reporting jurisdictions also send to the PDPS additional identifying information such as aliases, SSN (if used for driver record or motor vehicle license purposes), height, weight, and eye color. States enter information into the PDPS via SFTP/FTP connection over the American Association of Motor Vehicle Administrators' (AAMVA) secure network. States do not directly access the system.

Only NHTSA employees within NDR and the application support vendor, managed by NDR, have direct access to the system through Managed Trusted Internet Protocol Service (MTIPS) via a Graphic User Interface (GUI). The PDPS also services other authorized users as identified in the Federal statute (49 U.S.C. 30305). These authorized users include: employers of motor vehicle or locomotive operators; the Federal Aviation Administration (FAA) for airman's medical certificates; the United States Coast Guard (USCG) for merchant mariners and servicemen; air carriers reviewing pilot applicants; and the National Transportation Safety Board (NTSB) and the Federal Motor Carrier Safety Administration (FMCSA) for accident investigation purposes. The Privacy Act gives individuals the right to request their own PDPS data. To do so, individuals must submit a written, notarized request directly to the NDR or initiate a request electronically at [www.nhtsa.gov/content/ndr](http://www.nhtsa.gov/content/ndr). All 50 States and the District of Columbia participate in the NDR's PDPS.

*11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.*

Not applicable. There are no questions of this nature in the NDR collection of data. NDR collects data for driver control and transportation safety purposes, as mandated by the enabling legislation. Only identification data is collected on problem drivers such as name, date of birth, sex, driver license number, and reporting State. The substantive data concerning the specific traffic violations is kept by the State, and when there is a match with an individual listed in the NDR, the NDR "points" to the State that holds the substantive data. The inquirer may then obtain the details of the traffic violations directly from the State of record.

*12. Provide estimates of the hour burden of the collection of information on the respondents and estimates of the annualized labor cost to respondents associated with that hour burden.*

States use routine electronic interactive communication for transactions with the NDR, which allows the States to submit the required information automatically at the same time the information is entered into the State's own system. Although States are required to report and check for a problem driver when issuing a driver's license, no burden hours are incurred for these queries for this information collection because the State's computer systems automatically transmit the information that is entered as a part of normal business practice. Therefore, the estimated hour burden is based on the States' PDPS IT infrastructure maintenance and States' participation in the optional Clean File process.

To estimate the annual maintenance and infrastructure burden to report and check for problem drivers, NDR asked a small sample of States for information about their annual burden. NDR received formatted estimates from two States which included the maintenance

and infrastructure labor hours and cost used to send and maintain information to PDPS. Together, the burden from these two States was 530 hours and the associated labor cost was \$17,400. Using these estimates, NHTSA calculates an average of 265 hours per State, with an annual labor cost of \$8,700. There are 51 respondents per year (the 50 States and the District of Columbia). Therefore, total annual burden hours for maintenance and infrastructure is estimated to be 13,515 hours (51 respondents × 265 hours). The total annual maintenance and infrastructure labor cost per year is estimated to be \$443,700 (\$8,700 × 51).

To ensure that the information contained in the NDR is accurate, States sometimes submit a “clean file” which is a confirmation of all drivers of that State who should be listed in the NDR file. NHTSA estimates that an average of 28 clean files will be submitted annually by States. States use SFTP to submit this information, and NHTSA estimates it takes an IT specialist 8 hours to prepare and run the data. NHTSA estimates the cost for IT personnel burden hours using the Bureau of Labor Statistics’ mean wage estimate for Software and Web Developers, Programmers, and Testers (Standard Occupational Classification #15-1250, May 2020) of \$52.86<sup>2</sup>. The Bureau of Labor Statistics estimates that for State and local government workers, wages represent 61.9% of total compensation<sup>3</sup>. Therefore, the total hourly cost associated with the IT burden hours is estimated to be \$85.40 (\$52.86 ÷ 61.9%) per hour. The total annual burden hours to prepare and submit clean files is 224 hours (8 × 28). The total annual clean file labor cost per year is estimated to be \$19,130 (\$85.40 × 224).

| Submission Type                | Annual Submissions | Estimated Burden Per Submission | Average Hourly Labor Cost | Labor Cost Per Submission | Total Burden Hours | Total Labor Costs |
|--------------------------------|--------------------|---------------------------------|---------------------------|---------------------------|--------------------|-------------------|
| Maintenance and Infrastructure | 51                 | 265                             | N/A                       | \$8,700                   | 13,515             | \$443,700         |
| Clean files                    | 28                 | 8                               | \$85.40                   | \$683.20                  | 224                | \$19,130          |
| <b>Total</b>                   | <b>51</b>          |                                 |                           |                           | <b>13,739</b>      | <b>\$462,830</b>  |

13. Provide an estimate of the total annual cost burden to respondents or record keepers from the collection of information. Do not include the cost of any hour burden already reflected in the response provided in question 12.

Because all 50 States and the District of Columbia have been participating in the NDR for many years, the IT infrastructure is in place and there are no start-up costs associated with this collection of information. There is no other annual cost burden to the respondents as a result of this information collection requirement.

<sup>2</sup> May 2020 National Occupational Employment and Wage Estimates United States, Occupational Employment Statistics, Bureau of Labor Statistics, U.S. Department of Labor, [https://www.bls.gov/oes/current/oes\\_nat.htm#15-0000](https://www.bls.gov/oes/current/oes_nat.htm#15-0000), last accessed July 23, 2021.

<sup>3</sup> Employer Costs for Employee Compensation by ownership (Dec. 2020), available at <https://www.bls.gov/news.release/ecec.t01.htm> (accessed July 23, 2021).



14. *Provide estimates of annualized cost to the federal government. Provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.*

The purpose of the NDR is to maintain a repository of the information on problem drivers submitted by the States and to process inquiries submitted by the States to obtain information on those drivers.

The funding level for FY2020 and FY2021 is \$5.5 million which includes supporting IT programs and NDR salary. In FY2022, we are expecting an increase to \$6.8 million.

15. *Explain the reasons for any program changes or adjustments reported on the burden worksheet. If this is a new collection, the program change will be entire burden cost and number of burden hours reported in response to questions 12 and 13. If this is a renewal or rein Statement, the change is the difference between the new burden estimates and the burden estimates from the last OMB approval.*

The estimate for burden hours and cost has increased due to an adjustment to the method NDR used for the estimation. The burden hours and cost for maintenance and infrastructure were not previously included. Therefore, NHTSA's revised estimate increases the burden hours from 1,742 to 13,739. NHTSA believes the revised estimates more accurately reflect the burden to the States.

16. *For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions as applicable.*

Not applicable. Results of this information collection are not published.

17. *If seeking approval to not display the expiration date for the OMB approval of the information collection, explain the reasons that display would be inappropriate.*

NHTSA is seeking approval to not display the expiration date. NDR does not display the expiration date of the OMB approval because States submit their inquiries electronically and therefore, there are no forms on which to display this information. Additionally, the information collection is in a regulation and if the expiration date were displayed, it would require the regulation to be regularly updated.

18. *Explain each exception to the certification Statement "Certification for Paperwork Reduction Act Submissions." The required certifications can be found at 5 CFR 1320.9.<sup>4</sup>*

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<sup>4</sup> Specifically explain how the agency display the OMB control number and expiration date and will inform potential respondents of the information required under 5 CFR 1320.8(b)(3): the reasons the information is planned to be and/or has been collected; the way such information is planned to be and/or has been used to further the proper performance of the functions of the agency; an estimate, to the extent practicable, of the average burden of the

No exceptions to the certification Statement are made.

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collection (together with a request that the public direct to the agency any comments concerning the accuracy of this burden estimate and any suggestions for reducing this burden); whether responses to the collection of information are voluntary, required to obtain or retain a benefit (citing authority), or mandatory (citing authority); the nature and extent of confidentiality to be provided, if any (citing authority); and the fact that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.