

**Justification Statement for Emergency Review Request
for the “Non-Domiciled Commercial Driver’s License Records” ICR**

FMCSA’s primary mission is to ensure the safety of the Nation’s roadways. Having recently become aware of the confusion in some States about the standards for issuing non-domiciled CDLs, as well as the recent incidences of crashes involving non-domiciled drivers, FMCSA must act expeditiously to ensure that States do not continue to license such drivers and begin taking steps to properly vet the existing holders of non-domiciled CDLs. These actions are expected to significantly improve the safety of commercial drivers in the United States.

FMCSA cannot reasonably comply with normal clearance procedures for this collection because revisions to the regulations are being issued as an interim final rule that will take effect upon publication. The interim final rule contains revisions to certain collection requirements, so FMCSA must obtain clearance for those requirements immediately. Pursuant to the Paperwork Reduction Act’s emergency processing requirements as described in 5 CFR 1320.13, FMCSA has determined that the collection is 1) needed prior to the expiration of the time periods under start PRA processing and 2) the collection is essential to the mission of the agency. Further, FMCSA has determined that the agency cannot comply with the normal clearance procedures because public harm is reasonably likely to result if the normal clearance procedures are followed (see 5 cfr 1320.13(a)(2)(i)). Additionally, FMCSA is unable to consult with interested agencies and members of the public in order to minimize the burden of the collection of information at this time due to the expeditious nature of the interim final rule to address the risk of public harm.

As the recent, high-profile crashes caused by non-domiciled CDL drivers have shown, public harm is likely to result if normal clearance procedures are followed. These crashes resulted in the deaths of 12 people, with many more being injured. FMCSA was not previously aware of the extent of the dangers posed by non-domiciled drivers, nor was FMCSA aware until the recent annual audits of SDLAs that many were either not following the regulatory processes or that the existing regulations were insufficient to keep dangerous drivers off the Nation’s roadways. Use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information because SDLAs will now be required to retain all documents involved in the licensing process for non-domiciled CLP and CDL holders for a period of no less than 2 years from the date of issuance (which includes amending, correcting, reprinting, or otherwise duplicating a previously issued CLP or CDL), transferring, renewing, or upgrading a non-domiciled CLP or CDL. FMCSA cannot require this unless an approved collection is in place.

It is imperative that FMCSA begin collecting this information as soon as the interim final rule is effective. FMCSA will continue to require SDLAs to collect the information on an ongoing basis until the end of the emergency approval period.

In addition to the emergency clearance, FMCSA will also complete the normal OMB review process by including the 60-Day Federal Register Notice in the relevant Interim Final Rule, followed by publication of a 30-Day Federal Register Notice either as part of a Final Rule or in a separate Federal Register Notice.