

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

Supporting Statement

“Non-Domiciled Commercial Driver’s License (CDL) Records” ICR
OMB Number 2126-0087

SUMMARY

- The Federal Motor Carrier Administration (FMCSA) is seeking renewal from the Office of Management and Budget (OMB) for the Non-Domiciled Commercial Driver’s License Records, Information Collection Request (ICR) Control Number 2126-0087.
- There is no change in the estimated burden for this ICR. The estimated annual burden for all respondents is 1,500 hours at a cost of \$93,075.

INTRODUCTION

In accordance with the Paperwork Reduction Act (PRA) of 1995, the Federal Motor Carrier Safety Administration (FMCSA) is requesting the Office of Management and Budget (OMB) grant a 3-year renewal for the information collection entitled *Non-Domiciled Commercial Driver’s License Records* (Control Number 2126-0087). On September 29, 2025, FMCSA issued an interim final rule (IFR) titled, “Restoring Integrity to the Issuance of Non-Domiciled Commercial Drivers Licenses” ([90 FR 46509](#)) rule to restore the integrity of the commercial driver’s license (CDL) issuance processes by significantly limiting the authority for SDLAs to issue and renew non-domiciled commercial learner’s permits (CLPs) and CDLs to individuals domiciled in a foreign jurisdiction. That interim final rule included a new collection of information, OMB Control Number: 2126-0087, “Non-Domiciled Commercial Driver’s License Records,” which was approved by OIRA in September 2025 on an emergency basis. That emergency approval expires on February 28, 2026. FMCSA is submitting this information collection request for a full three-year approval.

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

This ICR covers the collection and retention of the documentation provided to a SDLA during the application process for a non-domiciled CLP or CDL. The requirements found in this ICR were promulgated in an IFR, published on September 29, 2025 ([90 FR 46509](#)). FMCSA received approval for the ICR on September 28, 2025, and that approval is set to expire on February 28, 2026. On November 13, 2025, the U.S. Court of Appeals for the District of Columbia Circuit issued a stay pending review of the IFR. (see *Lujan v FMCSA*, 2025 WL 3182504). FMCSA is seeking a full three-year approval of the ICR, despite the stay, in order to ensure that the collection will be able to be enforced as soon as the stay is lifted or, alternately, when FMCSA issues a final rule.

The licensed drivers in the United States deserve reasonable assurances that their fellow motorists are properly qualified to drive the vehicles they operate. Under the Commercial Motor

Vehicle Safety Act of 1986 (CMVSA, [49 U.S.C. 31301 et seq.](#)), as amended, FMCSA established the CDL program and the performance standards with which State CDL programs must comply. The CDL regulations in [49 CFR Part 383](#) prescribe uniform minimum standards for testing and ensuring the fitness of individuals who operate commercial motor vehicles (CMVs), and State compliance with the CDL program is addressed in [Part 384](#). In particular, States that issue non-domiciled CDLs must do so in accordance with 49 CFR §§ 383.71, 383.73 and 384.212.

This collection is intended to ensure that States 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. If States do not retain this documentation, FMCSA is severely hindered in its efforts to ensure compliance with the regulatory requirements because States are unable to accurately determine the number of non-domiciled CLPs and CDLs they have issued, or to prove to FMCSA auditors that such CLPs and CDLs were properly issued.

2. Indicate how, by whom, and for what purpose the information is 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 IFR requires State Driver's Licensing Agencies (SDLAs) to retain copies of passports and Form I-94/94As provided during application for a non-domiciled CLP or CDL, as well as copies of required SAVE queries, and provide those records to FMCSA on request. The records will be used to determine if non-domiciled CLPs and CDLs were properly issued by a State.

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.

The Government Paperwork Elimination Act (GPEA) (enacted on October 21, 1998, Title XVII of Pub L No. 105-277, 112 Stat. 2681), requires that agencies provide for the option of electronic submission of information and the use of electronic signatures, when practicable. Currently, 49 States and the District of Columbia (98 percent of the jurisdictions) have the capability to electronically transmit 100 percent of the information that is required for the CDL program. FMCSA is not mandating that States use a particular database or other method of retaining the required documents but anticipates that most States will store and transmit this information electronically. States are, however, free to determine and use the recordkeeping practices they find most suitable, provided the information is properly retained and can be transmitted to FMCSA within 48 hours of request.

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.

This collection is related to State retention of documents provided by applicants for non-domiciled CLPs and CDLs. The specific information requested is unique to this situation and the

motor carrier industry, and currently is not collected by the Federal government through other means. The information is not publicly available elsewhere.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

Neither the individual applicants for CLPs and CDLs nor the SLDAs qualify as small entities. Nonetheless, this information collection has been designed to minimize the burden on all respondents. SLDAs will retain copies of all documents collected in connection with an application for a non-domiciled CLP or CDL. The data collection will be limited to a small number of documents and will only require them to be maintained for two years. All information needed by FMCSA to conduct auditing and compliance reviews of the States' CDL programs is obtained directly from the States or the Commercial Driver Licensing Information System (CDLIS), so FMCSA does not anticipate that this collection will have an impact on any small businesses or other small entities.

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.

Without approval to require collection of this information FMCSA will not be able to accurately assess State compliance with the regulations governing issuance of CLPs and CDLs. SLDAs need to collect this information on an ongoing basis as applicants seek non-domiciled CLPs and CDLs. FMCSA conducts annual program reviews, but may require states to provide information more frequently in the instance where a potential deficiency is specifically identified.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB guidelines 5 CFR 1320.6.

There are no special circumstances related to this information collection.

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

On September 29, 2025, FMCSA published an interim final rule titled, "Restoring Integrity to the Issuance of Non-Domiciled Commercial Drivers Licenses" (90 FR 46509) with a 60-day comment period announcing its intention to seek OMB review and approval to renew this ICR. 8,010 comments were received on the IFR and 2 comments addressed the information collection.

A joint submission from the Attorneys General of Massachusetts, California, and 17 Other Jurisdictions stated that FMCSA's information collection is not "necessary for the proper performance of the functions of the agency" per the Paperwork Reduction Act (PRA) because

the agency lacks statutory authority over immigration, as even FMCSA admits there is no evidence linking immigration status to CDL driver safety. The joint submission said requiring SDLAs to retain and produce immigration documents and SAVE query results duplicates DHS responsibilities and is unnecessary for the proper performance of FMCSA's functions. In addition, the joint submission said the IFR does not "reduce[] to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency" per the PRA. Rather, it places considerable burden on SDLAs, as it contains no limitation on documents and requires that SDLAs provide documents on a 48-hour turnaround. The joint submission said FMCSA provides no explanation for the new requirement, especially given existing regulations that already mandate APRs and information sharing. An individual asserted that the small entity impacts and PRA impacts are understated. Small Business in Transportation Coalition stated that: (1) the proposed information collection is necessary; (2) they do not contest the accuracy of the estimated burden; (3) they have no suggestions on ways for FMCSA to enhance the quality, usefulness, or clarity of the collected information; and (4) they can offer no information on ways the burden could be minimized without reducing the quality of the collected information.

FMCSA Response

The information collection requirements in the IFR are necessary. FMCSA has extensive authority over the CDL issuance process and the review of State licensing programs. As discussed in the IFR, the APRs highlighted a lack of available information at the State-level regarding non-domiciled CLPs and CDLs that were issued and the documentation that was provided during the application process for those non-domiciled CLPs and CLDs. This led to difficulties for the Agency during the APR process. It became clear during the APR process that the prior information collection and retention requirements were not sufficient to ensure FMCSA has the ability to review non-domiciled CLP and CDL issuance by SDLAs in a reasonable timeframe. The requirement for SDLAs to retain copies of the information relied on during the non-domiciled application process is not only a minor burden, but it also ensures that FMCSA has access to the necessary information during the APR process and other audits in the future. The requirement for producing those copies within 48 hours of a request from FMCSA ensures that the Agency has adequate access to the records. The information collection is neither duplicative nor unlimited. It requires copies to be made of the two specific identification documents used in the application process for a non-domiciled CLP or CDL, both of which must already be inspected by the SDLA, and a copy of the required SAVE query. Commenters do not provide a citation to a specific, currently approved information collection containing a duplicative requirement for retention of these documents.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

FMCSA will not provide payments or gifts.

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

Some information about drivers, which States may access and utilize as part of the CLP or CDL application process, is stored in CDLIS. Under U.S.C. §§ 31309(c) and 31106(e), the Secretary may provide CDLIS driver record information to various parties. The current policy was

published in the Federal Register on January 13, 2005, ([70 FR 2454](#)), titled “Policy on Availability of Information from the Commercial Driver’s License Information System.” This notice of policy allows access to CDLIS driver record information by other Federal agencies that can provide the legal basis and need for the information and execute a Memorandum of Understanding (MOU) with the Department and/or FMCSA. FMCSA has not provided any assurances of confidentiality for documents not maintained in CDLIS.

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.

FMCSA will not ask questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

FMCSA assumes that:

- A non-domiciled CLP or CDL will be valid for a maximum of one year and must be renewed upon expiration. Many current holders will not qualify for renewal under the revised regulations, and future holders may not be granted visa extensions that would allow them to renew.
- 6,000 applicants will apply each year for a new non-domiciled CLP or CDL or a renewal. This number accounts for new applicants, as well as those seeking to renew their credential.
- The recordkeeping activities will be performed by SDLA employees from the 50 States and the District of Columbia (51 respondents).¹
- An SDLA employee equivalent to an office and administrative support employee (Bureau of Labor Statistics [BLS] Occupation Code 43-1011) will perform the recordkeeping activities.
- An SDLA employee will spend approximately 15 minutes (15 minutes ÷ 60 minutes = 0.25 hours) per response performing recordkeeping activities.

The median hourly wage of an office and administrative support worker is \$31.80. The Agency applies an estimate of 74.14 percent in fringe benefits,² and 21 percent in overhead costs³ to the wage rate, leading to a fully loaded wage for a General and Operations Manager of \$62.05 ($\$31.80 + (31.80 \times 74.14\%) + (31.80 \times 21\%) = \62.05).

FMCSA anticipates the total annual burden to SDLAs to be 1,500 hours, and the total annual cost to be \$93,075.

¹ Although not all of the 51 jurisdictions identified as respondents currently issue non-domiciled CLPs and CDLs, FMCSA has determined it is appropriate for all possible jurisdictions be included in this information collection to ensure that it considers the impacts on all possible jurisdictions and allow for the possibility that all jurisdictions choose to issue non-domiciled CLPs and CDLs in the future.

² BLS, “Employer Cost of Employee Compensation December, 2024 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/archives/ecec_03142025.htm (accessed September 15, 2020). The fringe benefit rate is the ratio of hourly wage for average hourly wage for a private industry worker and the associated hourly benefit rate (74.14% = 18.95/\$25.56).

³ For estimating the overhead rates on wages, the Agency uses industry data from the Census Bureau Service Annual Survey by dividing the sum of 7 overhead expense categories (\$13.0 billion) by the \$62 billion gross annual payroll (21% = \$13 billion / \$62 billion). See SAS Table 5. Available at: <https://www.census.gov/programs-surveys/sas/data/tables.html> (accessed Sept. 10, 2025).

Year	Number of Respondents (A)	Number of Responses (B)	Hours per Response (C)	Total Burden Hours (D = B × C)	Loaded Hourly Wage (E)	Total Cost (D × E)
1	51	6,000	0.25 hours	1,500	\$62.05	\$93,075
2	51	6,000	0.25 hours	1,500	\$62.05	\$93,075
3	51	6,000	0.25 hours	1,500	\$62.05	\$93,075
Total	153	18,000	0.25 hours	4,500	\$62.05	\$279,225
Annualized	51	6,000	0.25 hours	1,500	\$62.05	\$93,075

Estimated Total Respondents: 51

Estimated Total Responses: 6,000

Estimated Total Annual Burden Hours: 1,500

Estimated Total Annual Cost: \$93,075

Frequency: Ongoing

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information.

SDLAs that choose to issue non-domiciled CDLs will be required to pause issuance of the credential until their program is aligned to the standards set forth in the IFR. Each SDLA has developed a process that is unique to their State, and as such, will incur different costs to adjust their program. FMCSA anticipates that some States will incur a one-time cost while realigning their recordkeeping procedures to meet the standards of the IFR. FMCSA is not able to estimate this cost due to the variance across SDLAs.

14. Provide estimates of annualized costs to the Federal government. Also, 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.

There are no costs to the Federal Government.

15. Explain the reasons for any program changes or adjustments.

This is a request for a full 3-year approval for a collection that currently has an emergency approval which expires on February 28, 2026. There have been no changes since FMCSA requested emergency approval.

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.

FMCSA is requiring the collection of this information for internal use only and does not intend to publish the information. Collection of this information began once the interim final was

published and effective.⁴ SDLAs will continue to collect the information on an ongoing basis and FMCSA will review the collected data during its auditing process.

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

FMCSA is not seeking such approval and will include all appropriate OMB information in the next Federal Register notice for public comment on the information collection.

18. Explain each exception to the topics of the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

There are no exceptions.

⁴ On November 13, 2025, the U.S. Court of Appeals for the District of Columbia Circuit issued a stay pending review of the IFR. (see Lujan v FMCSA, 2025 WL 3182504). FMCSA is seeking a full three-year approval of the ICR, despite the stay, in order to ensure that the collection will be able to be enforced as soon as the stay is lifted, or alternately as soon as FMCSA issues a final rule.