

## DEPARTMENT OF TRANSPORTATION

## Federal Motor Carrier Safety Administration

## 49 CFR Part 396

[Docket No. FMCSA–2025–0115]

RIN 2126–AC89

## Electronic Driver Vehicle Inspection Reports

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** FMCSA proposes to clarify the requirement to complete a Daily Vehicle Inspection Report (DVIR), based upon a public comment filed by the National Tank Truck Carriers (NTTC). The DVIR may already be completed electronically, however this NPRM proposes explicit language to make this clear. This will encourage motor carriers and drivers to utilize electronic, cost-saving methods when completing DVIRs.

**DATES:** Comments must be received on or before July 29, 2025.

**ADDRESSES:** You may submit comments identified by Docket Number FMCSA–2025–0115 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov/docket/FMCSA-2025-0115/document>. Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.
- *Fax:* (202) 493–2251.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bill Mahorney, Chief, Enforcement Division, FMCSA, (202) 493–0001, [bill.mahorney@dot.gov](mailto:bill.mahorney@dot.gov). If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366–9826.

**SUPPLEMENTARY INFORMATION:** FMCSA organizes this NPRM as follows:

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## I. Public Participation and Request for Comments

## A. Submitting Comments

If you submit a comment, please include the docket number for this NPRM (FMCSA–2025–0115), indicate the specific section of this document to which your comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2025-0115/document>, click on this NPRM, click “Comment,” and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period.

## Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the NPRM contain

commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the NPRM. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at [brian.g.dahlin@dot.gov](mailto:brian.g.dahlin@dot.gov). At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this rulemaking.

## B. Viewing Comments and Documents

To view any documents mentioned as being available in the docket, go to <https://www.regulations.gov/docket/FMCSA-2025-0115/document> and choose the document to review. To view comments, click this NPRM, then click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

## C. Privacy

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its regulatory process. DOT posts these comments, including any personal information the commenter provides, to [www.regulations.gov](https://www.regulations.gov) as described in the system of records notice DOT/ALL 14 (Federal Docket Management System (FDMS)), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edits and are searchable by the name of the submitter.

## II. Abbreviations

ANPRM Advance notice of proposed rulemaking  
CMV Commercial motor vehicle

DOT Department of Transportation  
 DVIR Driver Vehicle Inspection Report  
 E-SIGN The Electronic Signatures in Global  
 and National Commerce Act  
 FMCSA Federal Motor Carrier Safety  
 Administration  
 FR Federal Register  
 GPEA Government Paperwork Elimination  
 Act  
 OMB Office of Management and Budget  
 PIA Privacy Impact Analysis  
 PTA Privacy Threshold Analysis  
 NPRM Notice of proposed rulemaking  
 NTTC National Tank Truck Carriers  
 UMRA The Unfunded Mandates Reform  
 Act of 1995  
 U.S.C. United States Code

### III. Legal Basis

The Motor Carrier Safety Act of 1984 (Pub. L. 98–554, Title II, 98 Stat. 2832, October 30, 1984), as amended, (the 1984 Act) provides broad authority to regulate drivers, motor carriers, and vehicle equipment. Section 211 of the 1984 Act grants the Secretary broad power, in carrying out motor carrier safety statutes and regulations, to “prescribe recordkeeping and reporting requirements” and to “perform other acts the Secretary considers appropriate” (49 U.S.C. 31133(a)(8) and (10)). The FMCSA Administrator has been delegated authority under 49 CFR 1.87(f) to carry out the functions vested in the Secretary of Transportation by 49 U.S.C. chapter 311, subchapters I and III, relating to commercial motor vehicle (CMV) programs and safety regulation.

Two Federal statutes govern the Agency’s implementation of electronic document and signature requirements. The Government Paperwork Elimination Act (GPEA) (Pub. L. 105–277, Title XVII (Secs. 1701–1710), 112 Stat. 2681–749, 44 U.S.C. 3504 note) was enacted on October 21, 1998, to improve customer service and governmental efficiency through the use of information technology. The Electronic Signatures in Global and National Commerce Act (E-SIGN) (Pub. L. 106–229, 114 Stat. 464, 15 U.S.C. 7001–7031) was signed into law on June 30, 2000. E-SIGN was designed to promote the use of electronic contract formation, signatures, and recordkeeping in private commerce by establishing legal equivalence between traditional paper-based methods and electronic methods. The GPEA defines an *electronic signature* as a method of signing an electronic communication that: (a) Identifies and authenticates a particular person as the source of the electronic communication; and (b) indicates such person’s approval of the information contained in the electronic communication (section 1710(1)). It also requires Federal agencies to provide

individuals and entities the options of: (a) Submitting information to or transacting with the Agency electronically; and (b) using electronic records retention when practicable. The GPEA states that electronic records and their related electronic signatures shall not be denied legal effect, validity, or enforceability merely because they are in electronic form (section 1707). It also encourages agencies to use electronic signature alternatives (section 1704).

For any transaction in or affecting interstate or foreign commerce, E-SIGN supersedes all pre-existing requirements that paper records be kept so long as: (a) Such records are generated in commercial, consumer, and business transactions between private parties; and (b) those parties consent to using electronic methods. Specifically, the statute establishes the legal equivalence for contracts, signatures, and other legally-required documents, whether in traditional paper or electronic form (15 U.S.C. 7001(a)(1)).

### IV. Background

FMCSA has, in recent years, sought to reduce the burdens associated with DVIRs. In 2014, FMCSA revised 49 CFR 396.11 to remove the requirement for DVIRs in non-passenger carrying CMVs, where the driver found no deficiencies (79 FR 75437, Dec. 18, 2014). In 2020, FMCSA extended this allowance to passenger-carrying CMVs (85 FR 50787, Aug. 18, 2020).

Additionally, on April 16, 2018 (83 FR 16210), FMCSA introduced amendments permitting the use of electronic records and signatures. This aligned, in part, with the GPEA and E-SIGN, as it only applies to those documents that FMCSA’s regulations obligate entities or individuals to retain. The amendment also updated references to outdated recordkeeping and reporting methods throughout chapter III of subtitle B of title 49, Code of Federal Regulations (49 CFR parts 300 through 399) to make them technologically neutral.

On May 5, 2025, NTTC submitted a public comment to the docket for “Ensuring Lawful Regulation; Reducing Regulation and Controlling Regulatory Costs (DOT-OST-2025-0026).” In the public comment, NTTC stated that “Federal regulations found in 49 CFR 396.11 and 396.13 require drivers to complete Daily Vehicle Inspection Reports (DVIRs), which have become outdated and unnecessarily burdensome in modern operations.” NTTC went on to note that there are electronic monitoring systems that provide the safety assurances that the DVIR is designed to provide. They state that

“the DVIR process is widely viewed by both drivers and carriers as a compliance-driven ‘paper drill’ rather than a meaningful safety measure” and that “[m]odernizing § 396.11 to reflect current technology and operational realities would reduce administrative burden without compromising safety.”

### V. Discussion of Proposed Rulemaking

FMCSA proposes to add language into §§ 396.11 and 396.13 to explicitly allow for the electronic creation, maintenance, and signature of the DVIRs required by those sections. This language will make it clear that DVIRs need not be on paper and will allow drivers and their employers to incorporate any existing electronic communication means already in use (such as texting or email), thus reducing the burden of creating and maintaining the DVIRs.

### VI. International Impacts

Motor carriers and drivers are subject to the laws and regulations of the countries that they operate in, unless an international agreement states otherwise. Drivers and carriers should be aware of the regulatory differences between nations.

### VII. Section-by-Section Analysis

This section-by-section analysis describes the proposed changes in numerical order.

Section 396.11 is amended to add two identical sub-paragraphs in the existing paragraphs. The new language specifically allows for electronic creation and maintenance of DVIRs, and cross references the existing standards for electronic records in 49 CFR 390.32.

A similar change is being made in § 396.13, to make clear that a driver is permitted to electronically sign a previously created DVIR.

### VIII. Regulatory Analyses

*A. Executive Order (E.O.) 12866 (Regulatory Planning and Review), E.O. 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures*

FMCSA has considered the impact of this NPRM under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, E.O. 13563 (76 FR 3821, Jan. 21, 2011), Improving Regulation and Regulatory Review, and DOT Regulatory Policies and Procedures. The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this NPRM is not a significant regulatory action under section 3(f) of E.O. 12866, as supplemented by E.O. 13563, and does not require an assessment of potential

costs and benefits under section 6(a)(3) of that order. Accordingly, OMB has not reviewed it under that E.O.

This proposed rule would add clarifying language to ensure that drivers and carriers are aware that the DVIR can be created, maintained, and signed electronically. The DVIR may already be completed electronically, however this NPRM proposes explicit language to make this clear. This rulemaking would not increase costs, but it could result in cost savings for those motor carriers that now switch their DVIR process to a more streamlined electronic process.

FMCSA does not anticipate that this rulemaking would impact safety. The clarification provided in this rule would not alter any requirements for the DVIR.

FMCSA requests comment on the number of entities that would change their DVIR creation and maintenance as a result of this rule, and any cost savings associated with such a change.

#### *B. E.O. 14192 (Unleashing Prosperity Through Deregulation)*

E.O. 14192 (90 FR 9065, Jan. 31, 2025), Unleashing Prosperity Through Deregulation, requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”<sup>1</sup>

Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.<sup>2</sup>

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This proposed rulemaking is expected to have total costs less than zero as some motor carriers and drivers might now make use of cost-saving methods for creating, maintaining, and signing DVIRs, and therefore would be considered an E.O. 14192 deregulatory action upon issuance of a final rule. FMCSA is unable to quantify the cost savings of this proposal.

#### *C. Advance Notice of Proposed Rulemaking*

Under 49 U.S.C. 31136(g), FMCSA is required to publish an advance notice of proposed rulemaking (ANPRM) or proceed with a negotiated rulemaking, if

a proposed safety rule “under this part”<sup>3</sup> is likely to lead to the promulgation of a major rule.<sup>4</sup> As this proposed rule is not likely to result in the promulgation of a major rule, the Agency is not required to issue an ANPRM or to proceed with a negotiated rulemaking.

#### *D. Regulatory Flexibility Act*

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,<sup>5</sup> requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. The term *small entities* comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)). Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. No regulatory flexibility analysis is required, however, if the head of an agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This proposed rule could impact motor carriers and drivers that currently use a paper for their DVIR process and chose to switch to electronic, cost-saving methods following the implementation of a final rule. FMCSA anticipates that the majority of motor carriers who wish to use an electronic process are already doing so, and therefore, this rule would not impact a substantial number of small entities.

FMCSA does not have information to estimate the cost savings associated with switching to an electronic process for DVIR creation, maintenance, and signature. FMCSA requests comment and data to develop estimates of cost savings per entity.

Given that this rulemaking is not expected to impact a substantial number of small entities, the Agency is comfortable certifying as such. Consequently, I certify that the proposed action would not have a significant economic impact on a substantial number of small entities.

#### *E. Assistance for Small Entities*

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FMCSA wants to assist small entities in understanding this proposed rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration’s Small Business and Agriculture Regulatory Enforcement Ombudsman (Office of the National Ombudsman, see <https://www.sba.gov/about-sba/oversight-advocacy/office-national-ombudsman>) and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of FMCSA, call 1–888–REG–FAIR (1–888–734–3247). DOT has a policy regarding the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

#### *F. Unfunded Mandates Reform Act of 1995*

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) requires Federal agencies to assess the effects of their discretionary regulatory actions. The Act addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of \$206 million (which is the value equivalent of \$100 million in 1995, adjusted for inflation to 2024 levels) or more in any 1 year. Because this rule would not result in such an expenditure, a written statement is not required.

<sup>3</sup> Part B of Subtitle VI of Title 49, United States Code, *i.e.*, 49 U.S.C. chapters 311–317.

<sup>4</sup> A *major rule* means any rule that the Office of Management and Budget finds has resulted in or is likely to result in (a) an annual effect on the economy of \$100 million or more; (b) a major increase in costs or prices for consumers, individual industries, geographic regions, Federal, State, or local government agencies; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets (5 U.S.C. 804(2)).

<sup>5</sup> Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

<sup>1</sup> Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

<sup>2</sup> Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. March 26, 2025.

### G. Paperwork Reduction Act

This proposed rule contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The burdens associated with DVIRs are already covered in an approved Information Collection, OMB Control No. 2126–0003, Inspection, Repair and Maintenance. Those burdens already account for the option of creating and storing DVIRs electronically. No adjustment is needed at this time.

### H. E.O. 13132 (Federalism)

A rule has implications for federalism under section 1(a) of E.O. 13132 if it has “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.”

FMCSA has determined that this rule would not have substantial direct costs on or for States, nor would it limit the policymaking discretion of States. Nothing in this document preempts any State law or regulation. Therefore, this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Impact Statement.

### I. Privacy

The Consolidated Appropriations Act, 2005,<sup>6</sup> requires the Agency to assess the privacy impact of a regulation that will affect the privacy of individuals. This NPRM would not require the collection of personally identifiable information.

The Privacy Act (5 U.S.C. 552a) applies only to Federal agencies and any non-Federal agency that receives records contained in a system of records from a Federal agency for use in a matching program.

The E-Government Act of 2002,<sup>7</sup> requires Federal agencies to conduct a Privacy Impact Analysis (PIA) for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form. No new or substantially changed technology would collect, maintain, or disseminate information as a result of this rulemaking. Accordingly, FMCSA has not conducted a PIA.

In addition, the Agency will complete a Privacy Threshold Assessment (PTA) to evaluate the risks and effects the proposed rulemaking might have on collecting, storing, and sharing personally identifiable information. The PTA will be submitted to FMCSA's

Privacy Officer for review and preliminary adjudication and to DOT's Privacy Officer for review and final adjudication.

### J. E.O. 13175 (Indian Tribal Governments)

This proposed rule does not have Tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

### K. National Environmental Policy Act of 1969

FMCSA analyzed this proposed rule pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). The Agency believes this proposed rule, if finalized, would not have a reasonably foreseeable significant effect on the quality of the human environment. This action would likely fall under a published categorical exclusion and thus be excluded from further analysis and documentation in an environmental assessment or environmental impact statement under FMCSA Order 5610.1 (69 FR 9680), Appendix 2. Specifically, paragraphs (6)(f)(1), (6)(q), and (6)(aa), which cover regulations pertaining to driver/vehicle inspections, implementing record preservation procedures, and requiring motor carriers, their officers, drivers, agents, representatives, and employees directly in control of CMVs to inspect, repair, and provide maintenance for every CMV used on a public road, respectively. The public is invited to comment on the impact of the proposed Agency action.

### L. Rulemaking Summary

In accordance with 5 U.S.C. 553(b)(4), a summary of this proposed rule may be found at [regulations.gov](https://www.regulations.gov), under the docket number.

### List of Subjects in 49 CFR Part 396

Highway safety, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirements.

Accordingly, FMCSA proposes to amend 49 CFR part 396 to read as follows:

### PART 396—INSPECTION, REPAIR, AND MAINTENANCE

■ 1. The authority citation for part 396 continues to read as follows:

**Authority:** 49 U.S.C. 504, 31133, 31136, 31151, 31502; sec. 32934, Pub. L. 112–141, 126 Stat. 405, 830; sec. 5524, Pub. L. 114–94, 129 Stat. 1312, 1560; and 49 CFR 1.87.

■ 2. In § 396.11, add paragraphs (a)(6) and (b)(5) to read as follows:

#### § 396.11 Driver vehicle inspection report(s).

(a) \* \* \*

(6) *Electronic reporting.* The report required by this paragraph (a) may be created and maintained in electronic format, in accordance with 49 CFR 390.32.

(b) \* \* \*

(5) *Electronic reporting.* The report required by this paragraph (b) may be created and maintained in electronic format, in accordance with 49 CFR 390.32.

■ 3. In § 396.13, add paragraph (d) to read as follows:

#### § 396.13 Driver inspection.

\* \* \* \* \*

(d) The reports required by this section may be created and maintained in electronic format, in accordance with 49 CFR 390.32.

Issued under authority delegated in 49 CFR 1.87.

Sue Lawless,

Assistant Administrator.

[FR Doc. 2025–09717 Filed 5–27–25; 4:15 pm]

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Part 396

[Docket No. FMCSA–2025–0116]

RIN 2126–AC90

#### Driver Vehicle Examination Report Disposition

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** FMCSA proposes to revise the requirement that motor carriers and intermodal equipment providers sign and return a completed roadside inspection form to the issuing State agency. FMCSA is aware that not all issuing State agencies require the return of these reports, and that requiring motor carriers and intermodal equipment providers to submit these reports to a State that does not require, or even request, the return of the form,

<sup>6</sup>Public Law 108–447, 118 Stat. 2809, 3268, note following 5 U.S.C. 552a (Dec. 4, 2014).

<sup>7</sup>Public Law 107–347, sec. 208, 116 Stat. 2899, 2921 (Dec. 17, 2002).