



DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 396

[Docket No. FMCSA-2025-0116]

RIN 2126-AC90

Completed Inspection Report Disposition

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

ACTION: Final rule.

SUMMARY: FMCSA amends the regulations 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 creates an unnecessary burden. Through this change, completed forms will only be returned to those States that request them. This action is in response to a petition for rulemaking from the Commercial Vehicle Safety Alliance (CVSA).

DATES: Effective [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Petitions for reconsideration of this final rule must be submitted to the FMCSA Administrator no later than [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Mr. Bill Mahorney, Chief, Enforcement Division, FMCSA, (202) 493-0001, bill.mahorney@dot.gov. If you have

questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366-9826.

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I. Availability of Rulemaking Documents

To view any documents mentioned as being available in the docket, go to <https://www.regulations.gov/docket/FMCSA-2025-0116/document> and choose the document to review. To view comments, click this final rule, then click “Document Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in room W58-213 of the DOT West Building, 1200 New Jersey Avenue S.E., Washington, D.C. 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.

II. ABBREVIATIONS

ATA American Trucking Associations

CBI	Confidential Business Information
CFR	Code of Federal Regulations
CMV	Commercial motor vehicle
CVSA	Commercial Vehicle Safety Alliance
DOT	Department of Transportation
FMCSA	Federal Motor Carrier Safety Administration
FR	Federal Register
IC	Information Collection
NATC	North American Transportation Consultants, Inc.
NPRM	Notice of proposed rulemaking
OMB	Office of Management and Budget
PIA	Privacy Impact Assessment
PII	Personally Identifiable Information
PTA	Privacy Threshold Assessment
UMRA	Unfunded Mandates Reform Act of 1995
U.S.C.	United States Code

III. LEGAL BASIS

The Motor Carrier Safety Act of 1984 (Pub. L. No. 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.

IV. DISCUSSION OF PROPOSED RULEMAKING AND COMMENTS

A. Proposed Rulemaking

On May 30, 2025, FMCSA published in the *Federal Register* (Docket No. FMCSA-2025-0116, 90 FR 22960) an NPRM titled “Driver Vehicle Examination Report Disposition.” The NPRM proposed to revise the requirement that motor carriers and intermodal equipment providers sign and return a completed roadside inspection form to the issuing State agency.

B. Comments and Responses

FMCSA solicited comments concerning the NPRM for 60 days ending on July 29, 2025. By that date, seven comments were received, including from one individual, the CVSA, the Energy Marketers of America, the Owner-Operator Independent Drivers Association, Gemini Motor Transport, the American Trucking Associations (ATA), and the North American Transportation Consultants, Inc. (NATC). All commenters expressed support for the NPRM. However, NATC also suggested that FMCSA publish a list of those States that require the return of the completed roadside inspection report.¹ FMCSA appreciates this suggestion, however, FMCSA will not be compiling this list. The Agency advises motor carriers to continue to check and comply with the requirements of the States in which they operate.

V. CHANGES FROM THE NPRM

FMCSA makes no substantive changes to the regulation from those proposed in the NPRM. This rule does, however, update the title of the rule to more accurately reflect the subject matter, and adds in a clarifying cross-reference to section 396.9(d)(3)(i), which requires a motor carrier to certify that there are no defects or deficiencies on the DVIR.

VI. INTERNATIONAL IMPACTS

Motor carriers and drivers are subject to the laws and regulations of the countries in which they operate, unless an international agreement states otherwise. Foreign-domiciled drivers and motor carriers operating in the United States must comply with all applicable U.S. Federal regulations. Drivers and motor carriers should be aware of the regulatory differences between nations.

VII. SECTION-BY-SECTION ANALYSIS

This section-by-section analysis describes the changes to the regulatory text in numerical order. The regulation at 49 CFR 396.9(d)(3)(ii) is revised to require only that a

¹ NATC also made suggestions regarding DataQs and the Safety Measurement System that are outside of the scope of the NPRM.

signed inspection form be returned to the issuing State agency if that agency requests the form's return. The requirement that the motor carrier or intermodal equipment provider retain a copy at their principal place of business remains unchanged except for a clarifying cross-reference to section 396.9(d)(3)(i).

VIII. REGULATORY ANALYSES

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Rulemaking Procedures

FMCSA has considered the impact of this final rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, and DOT's Rulemaking Procedures, 49 CFR part 5, subpart B. The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rulemaking is not a significant regulatory action under section 3(f) of E.O. 12866 and has not reviewed it under that E.O.

This rule revises the regulations to require that a completed roadside inspection form be returned to the issuing State agency only if that agency requests the form's return. This revision will result in cost savings for those entities that will no longer be required to return the form to the issuing agency.

In order to quantify the cost savings, FMCSA would need to know the number of States that currently do not request the reports to be returned, and the average number of inspections conducted by those States where there are vehicle defects or deficiencies cited. This would give an estimate of the number of completed roadside inspection forms that would no longer need to be returned. FMCSA does not possess this data. In addition, FMCSA would also need the number of issuing agencies that will choose to stop requesting the return of the completed roadside inspection form following this final rule, and the degree to which motor carriers comply with the current requirement. Without this information, FMCSA cannot accurately quantify the cost savings.

FMCSA acknowledges ATA's comment estimating that current signature and return requirements impose administrative costs of \$20 to \$50 per inspection. However, FMCSA believes the administrative costs per inspection to be less than this range as most of the administrative burden associated with handling the completed roadside inspection form will remain. This final rule only removes the requirement to return the completed roadside inspection form to a State agency if that agency does not request the form's return.

FMCSA does not anticipate that this rulemaking will impact safety. Motor carriers and intermodal equipment providers are still required to undergo inspections and correct all violations found.

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

E.O. 14192, Unleashing Prosperity Through Deregulation, was issued on January 31, 2025 (90 FR 9065, Jan. 31, 2025). E.O. 14192 requires that, for "each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination."² Implementation guidance addressing the requirements of E.O. 14192 was issued by OMB on March 26, 2025 (Memorandum M-25-20). An E.O. 14192 deregulatory action is defined as "an action that has been finalized and has total costs less than zero." This rulemaking will have total costs of less than zero as some entities will no longer return the completed inspection report to the issuing Agency, and therefore is an E.O. 14192 deregulatory action. As discussed above, FMCSA is unable to quantify the cost savings that will result from this rulemaking.

C. Congressional Review Act

² Executive Office of the President, *Executive Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation*, 90 FR 9065-9067 (Feb. 6, 2025).

This rule is not a *major rule* as defined under the Congressional Review Act (5 U.S.C. §§ 801–808).”³

D. Regulatory Flexibility Act (Small Entities)

The Regulatory Flexibility Act (5 U.S.C. § 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,⁴ 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 rulemaking will impact some motor carriers and intermodal equipment providers by eliminating the requirement to return completed roadside inspection forms to State agencies that do not request, or require, the return of these forms. FMCSA does not know how many small entities will be impacted by this rulemaking and cannot determine if that number would be substantial. The cost to return the form to the issuing agency is not overly burdensome or costly and will not represent one percent of revenue for a motor carrier.

Therefore, FMCSA has determined that this rulemaking will not have a significant

³ A *major rule* means any rule that OMB 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)).

⁴ Pub. L. No. 104-121, 110 Stat. 857 (Mar. 29, 1996).

impact. Consequently, I certify that this action will 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. No. 104-121, 110 Stat. 857), FMCSA wants to assist small entities in understanding this final rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the final rule will 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 businesses. 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 fairness in regulatory enforcement 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 UMRA 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

one year. Though this final rule would not result in such an expenditure, and the analytical requirements of UMRA do not apply as a result, the Agency discusses the effects of this rule elsewhere in this preamble.

G. Paperwork Reduction Act

This final rule contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. §§ 3501–3520). The currently approved information collection titled “Inspection, Repair and maintenance” (OMB approval number 2126-0003) does not include burden estimates for the transmission of the completed roadside inspection form to a State agency. As such, there is no need to revise the already approved collection.

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 will not have substantial direct costs on or for States, nor will 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, 2005,⁵ requires FMCSA to assess the privacy impact of a regulation that will affect the privacy of individuals. This rule will not require the collection of personally identifiable information (PII). The Privacy Act (5 U.S.C. § 552a) applies only to Federal agencies and any non-Federal agency that receives

⁵ Pub. L. No. 108-447, 118 Stat. 2809, 3268, note following 5 U.S.C. § 552a (Dec. 4, 2014).

records contained in a system of records from a Federal agency for use in a matching program.

The E-Government Act of 2002⁶ requires Federal agencies to conduct a Privacy Impact Assessment (PIA) for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form. This rule does not involve new or substantially changed technology, therefore a PIA is not necessary.

In addition, FMCSA submitted a Privacy Threshold Assessment (PTA) to evaluate the risks and effects the rulemaking might have on collecting, storing, and sharing PII. The PTA has been submitted to FMCSA's Privacy Officer for review and preliminary adjudication and will be submitted to DOT's Privacy Officer for review and final adjudication.

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

This 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 rule pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. § 4321 *et seq.*) and believes this final rule will not have a reasonably foreseeable significant effect on the quality of the human environment. This action falls under a published categorical exclusion and is thus excluded from further analysis and documentation in an environmental assessment or environmental impact statement under DOT Order 5610.1D,⁷ Subpart B, paragraph (e)(6)(f)(1), (e)(6)(q), and (e)(6)(aa) apply,

⁶ Pub. L. No. 107-347, sec. 208, 116 Stat. 2899, 2921 (Dec. 17, 2002).

⁷ Available at: <https://www.transportation.gov/mission/dots-procedures-considering-environmental-impacts>.

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.

List of Subjects in 49 CFR Part 396

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

Accordingly, FMCSA amends 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. Amend § 396.9 by revising paragraph (d)(3)(ii) to read as follows:

§ 396.9 Inspection of motor vehicles and intermodal equipment in operation.

* * * * *

(d) * * *

(3) * * *

(ii) If requested by the issuing State agency, return the completed roadside inspection form to the issuing State agency at the address indicated on the form and, in all instances, retain a copy at the motor carrier's principal place of business, at the intermodal equipment provider's principal place of business, or where the vehicle is housed for 12 months from the date of the inspection, in accordance with paragraph (d)(3)(i) of this section.

Issued under authority delegated in 49 CFR 1.87.

Derek Barrs,

Administrator.

[FR Doc. 2026-12450 Filed: 6/18/2026 8:45 am; Publication Date: 6/22/2026]