



PROTECTING AMERICA'S ROADS

RESTORING INTEGRITY TO

NON-DOMICILED CDLS



SUMMARY

The U.S. Department of Transportation announced an emergency interim final rule to strengthen federal oversight of how states issue non-domiciled commercial learner's permits (CLPs) and commercial driver's licenses (CDLs). The rule comes in response to a nationwide review conducted by the Federal Motor Carrier Safety Administration (FMCSA) revealing widespread non-compliance among state driver licensing agencies and a troubling series of fatal crashes caused by non-domiciled CDL holders.

FMCSA's nationwide review of state processes for issuing non-domiciled CDLs uncovered:

- Systemic non-compliance across several states, including California, Colorado, Pennsylvania, South Dakota, Texas, and Washington;
- Programming errors and weak quality assurance; and
- Insufficient staff training that led to CDLs being issued to drivers who were not eligible and to drivers with expiration dates extending beyond a driver's legal stay in the U.S.

ABOUT THE RULE

This interim final rule closes gaps in how states issue CLPs and CDLs to individuals from outside of the United States. It tightens eligibility, strengthens safeguards, and makes clear when these licenses must be canceled or revoked, delivering a more secure system and safer roads for all Americans.

1. Limits individuals eligible for non-domiciled CLPs and CDLs to foreign individuals in lawful status in the United States in certain employment-based, non-immigrant categories, certain individuals domiciled in a U.S. territory, and individuals domiciled in a state that is prohibited from issuing CLPs or CDLs because FMCSA has decertified the state's CDL program;
2. Requires non-citizen applicants (except for lawful permanent residents) to provide an unexpired foreign passport and an unexpired Form I-94/94A (Arrival/Departure Record) indicating one of the specified employment-based nonimmigrant categories, specifically H2-B, H2-A, and E-2 visas, at every issuance, transfer, renewal, and upgrade action defined in the regulation;
3. Requires state drivers licensing agencies (SDLA) to query the Systematic Alien Verification for Entitlements system, known as SAVE, which is administered by U.S. Citizenship and Immigration Services within the U.S. Department of Homeland Security, to verify the accuracy and legitimacy of provided documents and information;
4. Requires that SDLAs retain copies of the application documents for at least two years;
5. Requires the expiration date for any non-domiciled CLP or CDL to match the expiration date of the Form I-94/94A or to expire in one year, whichever is sooner;
6. Requires the applicant to be present in-person at each renewal; and
7. Requires an SDLA to downgrade the non-domiciled CLP or CDL if the state becomes aware that the holder is no longer eligible to hold a non-domiciled CLP or CDL.