



Regulations Restrict Non-Domiciled CDLs

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Last month, U.S. Transportation Secretary Sean P. Duffy announced an emergency action to drastically restrict who is eligible for a non-domiciled commercial learner's permit (CLP) and commercial driver's license (CDL). Effective immediately, this rule comes in response to an ongoing nationwide audit by the Federal Motor Carrier Safety Administration (FMCSA) and a recent series of fatal crashes caused by non-domiciled drivers. According to the Department of Transportation (DOT), the audit has uncovered both a pattern of states issuing licenses illegally to foreign drivers. It was also discovered that even if the current regulatory framework is followed, it can fail. The confluence of these two factors has created an imminent hazard on America's roadways that must be fixed.

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. The audit also uncovered programming errors, weak quality assurance and insufficient staff training, which led to CDLs being issued to drivers who were not eligible or to drivers with expiration dates extending beyond a driver's legal stay in the U.S.

"This interim final rule closes gaps in how states issue CLPs and CDLs to individuals from outside of the United States," the DOT stated. "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."

The final rule:

- 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
- Requires non-citizen applicants (except for lawful permanent residents) to provide an unexpired foreign passport and an unexpired Form I-94/94A indicating one of the specified employment-based nonimmigrant categories (H2-B, H2-A, and E-2 visas) at license issuance, transfer, renewal
- Requires state drivers' licensing agencies (SDLA) to query the Systematic Alien Verification for Entitlements system, known as SAVE, to verify the accuracy and legitimacy of provided documents and information
- Requires that SDLAs retain copies of the application documents for at least two years
- 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
- Requires the applicant to be present in person at each renewal, and 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

In addition to the emergency rule, Secretary Duffy also announced direct enforcement action against the state of California. The state must immediately:

1. Pause issuance of non-domiciled CDLs
2. Identify all unexpired non-domiciled CDLs that fail to comply with FMCSA regulations
3. Revoke and reissue all noncompliant non-domiciled CDLs if they comply with the new federal rules

California has 30 days to come into compliance, or FMCSA will withhold federal highway funds — starting at nearly \$160 million in the first year and doubling the next.

*The NPTC Monthly Driver Safety Letter, jointly sponsored by NPTC and **Centerline Drivers**, is a Microsoft Word document that you can print out and post as is, if appropriate, or modify any way you wish to make it a better fit for your drivers, including adding your company logo. If you are already doing an in-house letter, you may find information here that you can cut and paste into your own letter. If you are interested in specific subjects, or have any comments/feedback, contact Tom Moore, CTP, at tmoores@nptc.org or (703)838-8898.*