Issue Brief: FMCSA Interim Rule on Non-Domiciled CDLs

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Comment Deadline: 60 days after publication

FMCSA has issued an **Interim Final Rule (IFR)** to tighten regulations on how States issue **non-domiciled Commercial Learner's Permits (CLPs) and Commercial Driver's Licenses (CDLs)** to individuals who live outside the U.S. or in certain territories. This action follows **fatal crashes** and **audit findings** showing widespread non-compliance and security risks.

Why the Change?

- **Safety Concerns:** At least **five fatal crashes in 2025** involved drivers with non-domiciled CDLs.
- **Systemic Failures:** FMCSA audits found **1 in 4 non-domiciled CDLs in California were non-compliant**, with similar issues in other states.
- **National Security:** Weak ID checks could allow bad actors to gain control of CMVs.

Key Changes in the Rule

1. **Eligibility Restricted**
    - Only individuals with **lawful immigration status** in specific employment-based visa categories:
        - **H-2A** (Temporary Agricultural Workers)
        - **H-2B** (Temporary Non-Agricultural Workers)
        - **E-2** (Treaty Investors)
    - U.S. citizens, lawful permanent residents, and non-citizen nationals in U.S. territories remain eligible.
    - **No eligibility** for asylum seekers, refugees, or DACA recipients.
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2. **Documentation Required**
    - Must present:
        - **Unexpired foreign passport**
        - **Unexpired Form I-94/I-94A** showing approved status
    - Employment Authorization Document (EAD) **alone is no longer sufficient**.

3. **Verification & Recordkeeping**
    - States must:
        - Use **SAVE system** (USCIS) to confirm immigration status.
        - Retain copies of documents for **2 years**.
        - Require **in-person renewals** (no mail or online).
        - Downgrade CDL within **30 days** if status changes.
4. **Expiration**
    - CDL validity cannot exceed the I-94 expiration date or **1 year**, whichever is sooner.
5. **Labeling**
    - "**Non-Domiciled**" must appear clearly on the CDL—no alternative terms allowed.

Impact on Wisconsin Carriers

- Wisconsin currently issues non-domiciled CDLs. Under this rule:
    - Expect **fewer eligible drivers**—FMCSA estimates only about **6,000 nationwide per year** will qualify.
    - Current non-domiciled CDL holders (~200,000 nationwide) will phase out over 2 years.
    - Carriers employing foreign drivers must verify visa category and prepare for possible **driver attrition**.

Compliance Timeline

- **Immediate Effect:** States must pause issuance until systems comply.
- **Carrier Action:** Review hiring practices for foreign drivers; confirm visa status aligns with new requirements.

Why It Matters

- **Safety:** FMCSA aims to reduce crashes and improve vetting.
- **Operational Impact:** Potential driver shortages for carriers using foreign labor.
- **Costs:** States and drivers face added compliance steps; carriers may need to adjust recruiting strategies.

Next Steps

- **Submit Comments:** https://www.regulations.gov/docket/FMCSA-2025-0622/document
- **Prepare for Transition:** Audit your workforce for compliance with new visa requirements.