

# What Rule On Nondomiciled Truckers Will Mean For Carriers

By **Jonathan Todd, Kelly Mulrane and Vanessa Gomez** (October 7, 2025)

Motor carrier requirements for lawful qualified drivers are under review across the industry following a new Federal Motor Carrier Safety Administration interim final rule on commercial drivers license, or CDL, standards. There are several key points of concern for industry stakeholders.

The FMCSA issued the interim final rule on Sept. 29, amending federal regulations on issuance of CDLs and commercial learners permits, or CLPs, to nondomiciled drivers by state driver's licensing agencies, or SDLAs.

The interim final rule increases scrutiny for certain immigrants, and restricts SDLAs' issuance authority, which could lead to driver shortages for motor carriers. The rule is effective immediately.

Comments on the interim final rule are due by Nov. 28. Motor carriers can prepare by proactively reviewing driver files and establishing protocols to limit transportation delays or disruptions.

The interim final rule will not alter motor carriers' obligations with regard to verifying the qualifications of lawful drivers. Carriers must still confirm that drivers possess a CDL or CLP during hiring, and over the term of employment.

But since drivers who do not meet the new requirements will not be able to renew their CDLs or CLPs, carriers employing them may be subject to near-term workforce disruptions, and will ultimately have to contend with a smaller pool of eligible drivers.

## What does the interim final rule change?

The rule updates FMCSA nondomiciled CDL-related regulatory requirements found at Title 49 of the Code of Federal Regulations, Parts 383 and 384.

Some SDLAs have had the practice of issuing nondomiciled CDLs to individuals who are not legal residents of the state but are authorized to work there. Essentially, before this interim final rule, individuals could be issued a CDL or CPL by presenting expired passports.

Regulatory requirement updates under the rule include defining the evidence of lawful immigration status, and revising the driver application and certification process, SDLA procedures, domicile requirements, and SDLA compliance requirements.



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As a result, there are now stricter eligibility requirements for the issuance of CDLs and CLPs to certain lawful immigrants. Those persons facing heightened standards for receiving licenses hold unexpired passports and applicable arrival or departure records, are domiciled in U.S. territories, or are domiciled in states with decertified CDL programs.

SDLAs are now required to confirm the CDL and CLP applicants' lawful immigration status under U.S. Citizenship and Immigration Services' Systematic Alien Verification for Entitlements. SDLAs must also comply with stronger recordkeeping requirements, conduct CDL renewals in person, and downgrade CDL or CLP holders who become ineligible.

Now, lawful immigrants must present USCIS-issued evidence of employment status. Solely temporary agricultural and nonagricultural workers and treaty investors are eligible to apply for nondomiciled CDLs or CLPs.

Asylum seekers, asylees, refugees and Deferred Action for Childhood Arrivals recipients are now ineligible to obtain nondomiciled CDLs or CLPs.

### **What is driving the FMCSA's new interim final rule?**

The FMCSA conducts annual program reviews of the SDLAs' compliance with the CDL program. The 2025 review revealed numerous qualification and eligibility violations, and issuances beyond the expiration of drivers' legal presences in the U.S.

California, Colorado, Pennsylvania, South Dakota, Texas and Washington engaged in the issuance of nondomiciled CDLs contrary to regulatory requirements. The review also found a series of recent fatality accidents involving nondomiciled CDL drivers.

### **Does the interim final rule change the FMCSA's position on the acceptance of comparable testing and licensing standards for nondomiciled drivers from Canada or Mexico?**

No, the rule will not affect drivers domiciled in Canada or Mexico. FMCSA regulations regarding comparable testing and licensing standards remain the same.

The FMCSA will continue to allow domestic transportation using CDLs issued under either Canada's National Safety Code or Mexico's Law of Highways, Bridges and Federal Motor Transport, just as was the case before the interim final rule. SDLAs will continue to adhere to FMCSA's single license provision, which prohibits the issuance of multiple CDLs.

### **How should motor carriers respond to the interim final rule?**

The rule is effective immediately. Some motor carriers have already begun to feel the impact through diminished availability of drivers.

For example, Oklahoma Gov. Kevin Stitt recently reported that Oklahoma Highway Patrol partnered with the USCIS to detain 125 undocumented immigrants holding nondomiciled CDLs.

Other motor carriers may not experience the impacts of the interim final rule for some time. Each SDLA must update its process to comply with the new requirements prior to continuing to issue new nondomicile CDLs.

One key fact is that the rule does not change motor carrier obligations for qualifying lawful drivers. Motor carriers are still required to confirm that drivers possess a CDL or CLP at onboarding, and throughout the employer-employee relationship.

But drivers who do not meet the new requirements will not have their CDLs or CLPs renewed. Thus, motor carriers employing drivers who no longer meet the nondomiciled CDL requirements may face workforce disruptions in the near term, and will face a decreased driver pool in the long term.

Practical regulatory compliance and operational steps are a key question we are seeing in the industry. The interim final rule does not require motor carriers to investigate whether nondomiciled CDL drivers will be eligible for CDL renewal.

Instead, the rule indicates that carrier-driver relationships will end if the driver cannot renew their CDL. Motor carriers may prepare by reviewing driver qualification files for any nondomiciled CDL drivers, and developing protocols to limit delays or disruptions in transportation.

For nonasset property brokers, there is no tangible impact in day-to-day operations beyond continuing to work with carriers under best-in-class broker-carrier agreements.

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