

UNDERSTANDING U.S. DEPARTMENT OF TRANSPORTATION CHANGES FOR NON-DOMICILED COMMERCIAL DRIVER'S LICENSES

Asian Law Caucus | October 2025

On September 29, 2025, the U.S. Department of Transportation published an Interim Final Rule that changes the requirements that states must follow when issuing or renewing a Non-Domiciled Commercial Driver's License (CDL) or Commercial Learner's Permit (CLP). The Department has also announced an enforcement action against the state of California, urging the state to immediately revoke many Non-Domiciled CDLs and CLPs by late October.

What is a Non-Domiciled CDL or CLP?

Federal law requires a driver to hold a valid CDL or CLP to operate vehicles above a certain weight or that carry 16 or more people. The CDL or CLP for drivers who are neither a U.S. citizen nor a lawful permanent resident is called a Non-Domiciled CDL or CLP. (For citizens of Canada and Mexico, federal law requires a CDL from the country of origin, rather than a non-domiciled CDL.)

How did the Department of Transportation change the requirements for Non-Domiciled CDLs?

Before September 29, 2025, federal law required that applicants for Non-Domiciled CDLs or CLPs (drivers who were not citizens or lawful permanent residents) provide either:

- an unexpired Employment Authorization Document (EAD), commonly called a “work permit”
- or an unexpired passport with an I-94 form documenting the driver's most recent entry to the United States when they first applied for a CDL or CLP.

While some states imposed additional requirements, there were no other federal requirements based on immigration status or history.



As of September 29, 2025, states may issue or renew Non-Domiciled CDL or CLP only to drivers who have an H-2A, H-2B, or E-2 visa. This means that no CDLs or CLPs will be renewed or issued for drivers without those visas, including:

- DACA recipients
- Temporary Protected Status holders
- Refugees
- Asylum applicants
- People with U- and T-Visas for victims of crime or human trafficking
- People with deferred action
- People with humanitarian parole

Many states, including California, Texas, and Pennsylvania, have already stopped issuing or renewing Non-Domiciled CDLs and CLPs, at least temporarily, due to this rule.

If I have a Valid Non-Domiciled CDL or CLP, can I still drive a commercial vehicle?

Yes. This rule does not immediately take away your driver's license or learner's permit. Unless the state licensing agency acts to downgrade or revoke your Non-Domiciled CDL or CLP, it remains valid. Before beginning a trip you may wish to prepare for a potential traffic stop by confirming that your license remains valid. Depending on the state, you may be able to check the status of your license online.

The rule does require state licensing agencies to downgrade a Non-Domiciled CDL or CLP within 30 days if the state agency is notified that the driver does not have an H-2A, H-2B, or E-2 visa. You should confirm that the agency that issued your CDL or CLP has an accurate mailing address where you can receive mail.

If you receive a notice that your Non-Domiciled CDL or CLP has been downgraded or revoked, read it carefully. There may also be an opportunity to appeal the decision, and the notice will inform you whether your CDL or CLP remains valid during the appeal. There can be serious civil and criminal consequences for knowingly driving a commercial vehicle without a CDL or CLP.

What should I do if I am pulled over and learn that my CDL or CLP has been terminated?

- Remain calm.
- You have the right to remain silent.
- You do not need to answer any questions about your immigration status or country of origin.
- Try to obtain the name, badge number, and agency of the officer who pulled you over.
- Write down or record a voice note about the other aspects of the stop, including the location, driving conditions, and any other drivers that you notice were also stopped.

If you had not already received notice that your CDL or CLP had been terminated, you should not receive a penalty for having driven your commercial vehicle up to that point. However, during the traffic stop, the officer could inform you that you are no longer entitled to operate a commercial vehicle. In this situation, your vehicle and load may be impounded, and you may need to find an alternative way of getting home.

What should I do if my Non-Domiciled CDL or CLP expires soon?

If you hold a Non-Domiciled CDL or CLP and do not hold an H-2A, H-2B, or E-2 visa, we do not recommend that you seek to renew your license. *There are serious criminal, immigration, and other civil consequences for falsely claiming citizenship or presenting false immigration documents.*

Is there anything I can do about this?

Yes. Even though it has already taken effect, the Department of Transportation is required to receive and consider comments on its rule. You can submit comments at [regulations.gov/document/FMCSA-2025-0622-0001](https://www.regulations.gov/document/FMCSA-2025-0622-0001) until November 28, 2025.

If you have any questions or have been affected by this rule and would like to share your experience, please reach out to us at immigrantruckers@asianlawcaucus.org.