



**U.S. Department  
of Transportation**

**Federal Motor Carrier  
Safety Administration**

**1200 New Jersey Ave, SE  
Washington, DC 20590**

September 26, 2025

The Honorable Gavin Newsom  
Governor of California  
1021 O Street, Suite 9000  
Sacramento, CA 95814

Mr. Steve Gordon, Director  
California Department of Motor Vehicles  
2415 1st Avenue  
Mail Station F101  
Sacramento, CA 95818

Dear Governor Newsom and Mr. Gordon:

The U.S. Department of Transportation's Federal Motor Carrier Safety Administration ("FMCSA" or "Agency") is required by statute to ensure that all States comply with the commercial driver's license (CDL) regulations.<sup>1</sup> In August 2025, FMCSA initiated an Annual Program Review of the California Department of Motor Vehicles (DMV) CDL program in accordance with 49 U.S.C. § 31311 and 49 CFR 384.307. During the 2025 Annual Program Review, FMCSA obtained evidence of systemic policy, procedural, and programming errors in California's issuance of non-domiciled commercial learner's permits (CLPs) and CDLs—that is, CLPs and CDLs issued to drivers who are not domiciled within California. In this regard, FMCSA found that the DMV issued non-domiciled CDLs that extend beyond expiration of drivers' lawful presence in the United States, issued non-domiciled CDLs to drivers who were not eligible, and issued non-domiciled CDLs without first validating the drivers' lawful presence. Therefore, in accordance with 49 CFR 384.307(b), this letter constitutes FMCSA's preliminary determination that California has failed to meet the requirement for substantial compliance with the standards for issuing non-domiciled CLPs and CDLs.<sup>2</sup> California must take immediate

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<sup>1</sup> 49 U.S.C. § 31311; *see also* 49 CFR part 384, subparts B and C.

<sup>2</sup> FMCSA notes that California issues non-domiciled CLPs and CDLs as "limited term" CLPs and CDLs. However, this preliminary determination uses the term "non-domiciled" CLPs and CDLs to ensure consistent terminology with Federal regulations.

corrective action, as set forth in section IV below, to address the deficiencies identified in this letter. The State's failure to do so may result in FMCSA initiating the withholding of certain Federal-aid highway funds and decertifying the State's CDL Program.

## **I. Background**

The Commercial Motor Vehicle Safety Act of 1986,<sup>3</sup> as amended, established performance standards with which State CDL programs must comply to avoid having amounts withheld from Highway Trust Fund apportionment under 49 U.S.C. § 31314 and to avoid CDL program decertification under 49 U.S.C. § 31312.<sup>4</sup> In this regard, States are required to be in substantial compliance with the requirements of 49 U.S.C. § 31311(a) and its implementing regulations in 49 CFR part 383 and part 384, subpart B. Under 49 CFR 384.301(a), to be in substantial compliance with 49 U.S.C. § 31311(a), a State must meet each and every standard of part 384, subpart B by means of "the demonstrable combined effect of its statutes, regulations, administrative procedures and practices, organizational structures, internal control mechanisms, resource assignments (facilities, equipment, and personnel), and enforcement practices."

As part of its oversight, FMCSA conducts comprehensive Annual Program Reviews (APRs) of State CDL programs, in accordance with 49 CFR 384.307, to verify that States are in substantial compliance. During an APR, FMCSA evaluates all aspects of the States' CDL program, including knowledge and skills testing procedures, CDL issuance processes, procedures to report convictions and withdrawals, compliance with FMCSA's physical qualification and Drug and Alcohol Clearinghouse programs, issuance of non-domiciled CDLs, and other areas.

At the conclusion of the APR, if FMCSA makes a preliminary determination that a State does not meet one or more of the minimum standards for substantial compliance under part 384, subpart B, FMCSA will notify the State accordingly.<sup>5</sup> As explained more fully in section V below, the State will have 30 calendar days to respond to the preliminary determination explaining the State's corrective action or, alternatively, why FMCSA's preliminary determination is incorrect.<sup>6</sup> If FMCSA makes a final determination of substantial noncompliance, FMCSA may initiate the withholding of certain Federal-aid highway funds and may decertify the State's CDL Program.<sup>7</sup>

As part of the 2025 comprehensive APRs, FMCSA conducted an in-depth review of State procedures and policies in issuing non-domiciled CLPs and CDLs. FMCSA's focus on State non-domiciled CDL issuance practices during the 2025 APR was consistent with Executive Order 14286, "Enforcing Commonsense Rules of the Road for America's Truck Drivers."<sup>8</sup> The Executive Order directed FMCSA to "review non-domiciled [ ] CDLs issued by relevant State agencies to identify any unusual patterns or numbers or other irregularities" and "to take

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<sup>3</sup> 49 U.S.C. 31301 *et seq.*

<sup>4</sup> 49 U.S.C. 31311(a).

<sup>5</sup> 49 CFR 384.307(b). A preliminary determination of noncompliance is also known as a "finding."

<sup>6</sup> *Id.* at § 384.307(c).

<sup>7</sup> 49 U.S.C. §§ 31314(c), 31312; *see also infra* at section VI; 49 CFR 384.307(d), 49 CFR part 384, subpart D.

<sup>8</sup> 90 Fed. Reg. 18759 (Apr. 28, 2025).

appropriate actions to improve the effectiveness of current protocols....”<sup>9</sup> Accordingly, FMCSA conducted a thorough audit of the California DMV’s procedures and policies in issuing non-domiciled CLPs and CDLs as part of the 2025 APR.

## **II. Statutory and Regulatory Requirements for Issuing Non-Domiciled CLPs and CDLs**

Under 49 U.S.C. § 31311(a)(12)(B)(ii), States are authorized to issue non-domiciled CDLs, but they must do so in accordance with regulations prescribed by FMCSA. The Agency’s regulations provide that States that issue non-domiciled CLPs and CDLs may only accept as valid proof of lawful presence (i) an unexpired employment authorization document (EAD) issued by the United States Customs and Immigration Service (USCIS) or (ii) an unexpired foreign passport accompanied by an approved I-94 form documenting the driver’s most recent admittance into the United States.<sup>10</sup> In addition, State procedures for issuing, renewing, or upgrading a non-domiciled CLP and CDL must, at a minimum, be identical to those pertaining to any other CLP or CDL.<sup>11</sup>

The requirement that States accept as valid only *unexpired* lawful presence documents also means that the State must make the period of validity of the non-domiciled CLP or CDL less than or equal to the period of validity of the driver’s lawful presence document(s). In other words, because FMCSA’s regulations consider only unexpired lawful presence documents to be valid, the DMV is required to ensure that the non-domiciled CLP or CDL period of validity *does not exceed* the expiration of the driver’s lawful presence documents. Therefore, State driver’s licensing agencies must ensure that the validity of non-domiciled CLPs or CDLs do not exceed the expiration date of drivers’ lawful presence documents.

In addition, States may not issue a non-domiciled CLP or CDL to citizens of Mexico. In this regard, FMCSA has determined that the United Mexican States issues Licencias Federales de Conductor (Mexican CDLs) in accordance with standards that are consistent with 49 CFR part 383.<sup>12</sup> Citizens of Mexico are authorized to operate a CMV in the United States with a Mexican CDL and, therefore, are prohibited from obtaining a non-domiciled CDL. FMCSA issued guidance stating that citizens of Mexico who are present in the United States under the Deferred Action for Childhood Arrivals (DACA) program are excepted from the prohibition.<sup>13</sup> Accordingly, issuing a non-domiciled CDL to a citizen of Mexico who is not present under the DACA program violates parts 383 and 384.

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<sup>9</sup> *Id.* at 18759-60.

<sup>10</sup> 49 CFR 383.71(f)(2)(i), 383.73(f)(3), 384.201, 384.212(b).

<sup>11</sup> *Id.* at § 383.73(f)(2).

<sup>12</sup> 49 CFR 383.23, footnote 1; 383.71(f)(1)(i); and 383.73(f)(1).

<sup>13</sup> See FMCSA, Office of Registration, CDL-383.23-FAQ001 (May 8, 2023), <https://www.fmcsa.dot.gov/registration/commercial-drivers-license/may-state-drivers-licensing-agency-sdla-issue-non-domiciled>.

### III. 2025 Annual Program Review

FMCSA initiated California's APR in August 2025 (2025 APR) in accordance with 49 U.S.C. § 31311 and 49 CFR 384.307. On June 23, 2025, the DMV informed FMCSA that its records reflect that more than 62,000 drivers hold an unexpired non-domiciled CLP or CDL issued by the California DMV, as of June 1, 2025.

During the 2025 APR, FMCSA sampled approximately 145 records of drivers issued a non-domiciled CDL by the DMV between June and August 2025. Approximately 26 percent of the driver records sampled failed to comply with requirements in 49 CFR parts 383 and 384.<sup>14</sup> Even more concerning is the fact that, for three of the transactions, the DMV was unable to provide documentation showing that it validated the drivers' lawful presence documents before issuing a non-domiciled CDL. Consequently, based on the documentation provided, it appears that the DMV issued a non-domiciled CDL to three drivers without validating their lawful presence.<sup>15</sup>

The 2025 APR uncovered evidence of systemic policy, procedural, and programming errors. In this regard, of the driver records sampled, FMCSA found 29 transactions where the DMV issued non-domiciled CDLs that exceeded the expiration date of the driver's lawful presence documents. Through discussions with DMV staff during the 2025 APR, FMCSA learned that this error occurs for several reasons. One reason is that if the expiration date of a driver's lawful presence document is not electronically populated in the DMV's driver record, and an employee does not notice and correct this error, the DMV's systems will issue a non-domiciled CDL that exceeds the expiration date of the lawful presence documents. In addition, DMV officials speculated that employee error in handling attachments to the application might also result in the same expiration date error. In some instances, these errors cause the DMV's system to erroneously calculate the expiration date of the non-domiciled CDL based on the driver's date of birth, rather than the expiration date of lawful presence documents.<sup>16</sup>

Another recurring error discovered during the 2025 APR is the DMV's repeated issuance of non-domiciled CDLs to citizens of Mexico who are not present in the United States under the DACA program. As explained in greater detail in section III(b) below, of the driver records sampled, FMCSA found 11 transactions where the DMV issued a non-domiciled CDL to a citizen of Mexico who is not present under DACA.

In addition, through FMCSA's review of the DMV's training manuals as well as discussions with DMV personnel during the 2025 APR, the Agency discovered the DMV continues issuing "temporary" CLPs and CDLs, and that the DMV trains its employees to do so. In this regard, the DMV issues temporary credentials to drivers pending final determination of the driver's

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<sup>14</sup> As set forth in sections III(a), III(b), and III(c), 38 of the 145 records sampled failed to comply with FMCSA's regulations.

<sup>15</sup> See *infra* "JTM," sec. III(a)(6); "CPS," sec. III(a)(24); and "AOA," sec. III(a)(26).

<sup>16</sup> FMCSA also identified five additional transactions where the DMV's system defaulted to calculating the non-domiciled CDL's expiration date from the driver's date of birth; though the license validity did not exceed the driver's lawful presence. FMCSA has not included these transactions in the list of noncompliant transactions; though they indicate the problem with the DMV's system.

eligibility for a commercial credential. Further, the DMV is not reporting issuance of these credentials to the Commercial Driver's License Information System (CDLIS) as required in 49 CFR 384.212 and 384.225. As discussed in section III(d) below, this repeated error poses two problems. First, issuing a temporary CDL before validating a driver's lawful presence increases the risk that a driver who is unlawfully present in the United States will be issued a non-domiciled CDL. In addition, by failing to report the temporary CDL issuance to CDLIS, enforcement personnel and other State driver's licensing agencies performing a CDLIS check of a driver will not see that the driver holds (or held) a temporary CDL. This deprives enforcement personnel and State driver's licensing agencies of vital information about a driver's CDL status and history. FMCSA cited this violation during the 2024 APR and believes it continues to occur.

During the 2025 APR, the DMV was unable to provide evidence of sufficient management controls to prevent these errors or catch them if they occur. Further, the DMV has not programmed its systems with sufficient measures to handle exceptions or with "stop procedures" to prevent errors from occurring. The repeated errors discovered during the 2025 APR indicate a systemic breakdown in the DMV's issuance process for non-domiciled CLPs and CDLs. The transactions illustrating these compliance issues are discussed in greater detail below and documentation for each is provided in Appendix 1.

**a. Finding: 49 CFR 384.212—The California DMV issued non-domiciled CLPs or CDLs with an expiration date that exceeded the expiration of the driver's lawful presence documents.**

During the 2025 APR, FMCSA discovered that 29 of the 145 driver records sampled showed that the DMV issued a non-domiciled CLP or CDL for a period of validity that exceeded the driver's lawful presence document(s). Four of the 29 transactions are also noncompliant because the DMV issued non-domiciled CDLs to citizens of Mexico who are not present under DACA, and those 4 transactions are listed separately in section III(b). The remaining 25 transactions at issue are described below.

1. On June 27, 2025, the DMV issued a non-domiciled CDL with an expiration date of June 16, 2030 to a driver with the initials "MOC" who is a citizen of Mexico present in the United States under the DACA program. At the time the transaction occurred, MOC's EAD credential showed an expiration date of April 23, 2022. During the 2025 APR, a query report from USCIS' online verification service, Systematic Alien Verification for Entitlements (SAVE),<sup>17</sup> conducted on August 27, 2025, showed that MOC's EAD expires on April 21, 2026. However, the DMV issued a non-domiciled CDL with an expiration date of June 16, 2030, more than *four years* after the EAD expires.

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<sup>17</sup> "SAVE is a service by USCIS that helps Federal, State, and local benefit-issuing agencies, institutions, and licensing agencies determine the immigration status of benefit applicants, so only those entitled to benefits receive them." U.S. CITIZENSHIP AND IMMIGR. SERVS., *Guide to Understanding SAVE Verification Responses* (April 2022), <https://www.uscis.gov/sites/default/files/document/guides/SAVE-Guide%20to%20Understanding%20SAVE%20Verification%20Responses.pdf>.

2. On June 16, 2025, the DMV issued a non-domiciled CDL with an expiration date of July 9, 2030 to a driver with the initials “JK” who is a citizen of South Korea. During the 2025 APR, a SAVE query, conducted on August 20, 2025, showed that JK’s EAD is set to expire on November 2, 2025. The DMV was unable to present any evidence during the 2025 APR showing that it validated JK’s lawful presence before issuing a non-domiciled CDL. In addition, though JK’s EAD is valid through November 2, 2025, the DMV issued a non-domiciled CDL with an expiration date of July 9, 2030, more than *four years* after the EAD’s expiration date.
3. On August 18, 2025, the DMV issued a non-domiciled CDL with an expiration date of February 10, 2031 to a driver with the initials “JHB” who is a citizen of Mexico present in the United States under the DACA program. At the time the transaction occurred, JHB’s EAD credential showed an expiration date of April 23, 2027. The DMV provided FMCSA with a copy of a SAVE query report initiated on June 5, 2025 that also showed an EAD expiration date of April 23, 2027, and during the 2025 APR, a SAVE query, conducted on September 2, 2025, confirmed this date. However, the DMV issued a non-domiciled CDL with an expiration date of February 10, 2031, more than *three years* after the EAD expires.
4. On June 2, 2025, the DMV issued a non-domiciled CDL with an expiration date of July 10, 2030 to a driver with the initials “MS” who is a citizen of India. At the time the transaction occurred, MS’s EAD credential showed an expiration date of December 29, 2022. However, the DMV issued a non-domiciled CDL with an expiration date of July 10, 2030. During the 2025 APR, the DMV queried SAVE and provided FMCSA with a copy of the report showing that MS’s EAD expires on March 5, 2027. The non-domiciled CDL expires more than *three years* after MS’s lawful presence document is set to expire.
5. On June 2, 2025, the DMV issued a non-domiciled CDL with an expiration date of June 2, 2030 to a driver with the initials “EMR” who is a citizen of Mexico present in the United States under the DACA program. At the time the transaction occurred, EMR’s EAD credential showed an expiration date of July 24, 2015. During the 2025 APR, a SAVE query, conducted on August 27, 2025, showed that EMR’s EAD expires on July 21, 2027. However, the DMV issued a non-domiciled CDL with an expiration date of June 2, 2030, approximately *three years* after the EAD expires.
6. On June 6, 2025, the DMV issued a non-domiciled CDL with an expiration date of June 3, 2030 to a driver with the initials “JTM” who is a citizen of Mexico present in the United States under the DACA program. At the time the transaction occurred, JTM’s EAD credential showed an expiration date of May 24, 2023. During the 2025 APR, a query of SAVE, conducted on August 19, 2025, showed that JTM’s EAD is set to expire on April 23, 2027. This transaction presents several areas of noncompliance with the most concerning being that the DMV was unable to present any evidence during the APR showing that it validated JTM’s lawful presence before issuing a non-domiciled CDL. In addition, while FMCSA learned during the APR that JTM’s EAD is valid through April

23, 2027, the DMV issued a non-domiciled CDL with an expiration date of June 3, 2030, *nearly three years* after the EAD's expiration date.

7. On June 20, 2025, the DMV issued a non-domiciled CDL with an expiration date of July 24, 2029 to a driver with the initials "SL" who is a citizen of India. At the time the transaction occurred, SL's EAD credential showed an expiration date of October 22, 2028, which the DMV also confirmed in SAVE prior to issuing the non-domiciled CDL. However, the DMV issued a non-domiciled CDL with an expiration date of July 24, 2029, approximately *nine months* after the EAD's expiration date.
8. On June 19, 2025, the DMV issued a non-domiciled CDL with an expiration date of April 15, 2030 to a driver with the initials "DM" who is a citizen of Kazakhstan. At the time the transaction occurred, DM's EAD credential showed an expiration date of July 9, 2029, which the DMV also confirmed in SAVE prior to issuing the non-domiciled CDL. Further, the DMV's record showed clearly that DM's lawful presence document expired on July 9, 2029. However, the DMV issued a non-domiciled CDL with an expiration date of April 15, 2030, nearly *nine months* after the EAD expires.
9. On June 2, 2025, the DMV issued a non-domiciled CDL with an expiration date of November 27, 2029 to a driver with the initials "PND" who is a citizen of Brazil. At the time the transaction occurred, PND's EAD credential showed an expiration date of March 29, 2029. The DMV provided FMCSA with a copy of a SAVE query report initiated on December 18, 2024 that also showed an EAD expiration date of March 29, 2029, and during the 2025 APR, a SAVE query, conducted on September 2, 2025, confirmed this date. However, the DMV issued a non-domiciled CDL with an expiration date of November 27, 2029, approximately *eight months* after the EAD expires. Even more troubling, the DMV issued PND a non-domiciled CDL that includes passenger<sup>18</sup> and school bus<sup>19</sup> endorsements well beyond the driver's lawful presence.
10. On June 23, 2025, the DMV issued a non-domiciled CDL with an expiration date of July 3, 2030 to a driver with the initials "NS" who is a citizen of India. At the time the transaction occurred, NS's EAD credential showed an expiration date of November 18, 2029, which the DMV also confirmed in SAVE prior to issuing the non-domiciled CDL. Further, the DMV's record showed clearly that NS's lawful presence document expired on November 18, 2029. However, the DMV issued a non-domiciled CDL with an expiration date of July 3, 2030, nearly *eight months* after the EAD expires.
11. On June 2, 2025, the DMV issued a non-domiciled CDL with an expiration date of June 25, 2030 to a driver with the initials "EBT" who is a citizen of El Salvador. At the time the transaction occurred, EBT's EAD credential showed an expiration date of

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<sup>18</sup> A passenger endorsement allows a driver to operate a commercial motor vehicle designed to transport 16 or more passengers, including the driver. 49 CFR 383.5 (definition of "commercial motor vehicle"), 383.91, 383.93.

<sup>19</sup> A school bus endorsement allows a driver to operate a commercial motor vehicle to transport pre-primary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. 49 CFR 383.5 (definition of "school bus"), 383.91, 383.93.

January 13, 2024. During the 2025 APR, a SAVE query, conducted on August 25, 2025, showed that EBT's EAD is set to expire on December 15, 2029. The DMV was unable to present any evidence during the APR showing that it validated EBT's lawful presence before issuing a non-domiciled CDL. In addition, while EBT's EAD is valid through December 15, 2029, the DMV issued a non-domiciled CDL with an expiration date of June 25, 2030, approximately *six months* after the EAD's expiration date.

12. On July 21, 2025, the DMV issued a non-domiciled CDL with an expiration date of June 29, 2030 to a driver with the initials "FLD" who is a citizen of Guatemala. At the time the transaction occurred, FLD's EAD credential showed an expiration date of January 22, 2030, which the DMV also confirmed in SAVE prior to issuing the non-domiciled CDL. However, the DMV issued a non-domiciled CDL with an expiration date of June 29, 2030, more than *five months* after the EAD expires.
13. On June 24, 2025, the DMV issued a non-domiciled CDL with an expiration date of February 1, 2030 to a driver with the initials "YS" who is a citizen of China. At the time the transaction occurred, YS's EAD credential showed an expiration date of September 19, 2029, which the DMV also confirmed in SAVE prior to issuing the non-domiciled CDL.<sup>20</sup> Further, the DMV's record showed clearly that YS's lawful presence document expired on September 19, 2029. However, the DMV issued a non-domiciled CDL with an expiration date of February 1, 2030, approximately *five months* after the EAD expires.
14. On June 11, 2025, the DMV issued a non-domiciled CDL with an expiration date of July 22, 2029 to a driver with the initials "EBB" who is a citizen of San Marino. At the time the transaction occurred, EBB's EAD credential showed an expiration date of March 10, 2029. The DMV provided FMCSA with a copy of a query report from SAVE, initiated on December 26, 2024, that showed an EAD expiration date of March 13, 2029. While there is a three-day discrepancy in the EAD expiration date shown on the face of the credential and in SAVE, the DMV issued a non-domiciled CDL with an expiration date of July 22, 2029, which exceeds both EAD expiration dates by more than *four months*.
15. On June 3, 2025, the DMV issued a non-domiciled CDL with an expiration date of June 6, 2030 to a driver with the initials "JNG" who is a citizen of Mexico present in the United States under the DACA program. At the time the transaction occurred, JNG's EAD credential showed an expiration date of March 4, 2024. During the 2025 APR, a SAVE query, conducted on September 2, 2025, showed that JNG's EAD expires on January 30, 2026. However, the DMV issued a non-domiciled CDL with an expiration date of June 6, 2030, approximately *four months* after the EAD expires.
16. On June 2, 2025, the DMV issued a non-domiciled CDL with an expiration date of September 9, 2029 to a driver with the initials "GS" who is a citizen of India. At the time

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<sup>20</sup> The DMV provided FMCSA a copy of the back of YS's EAD card. However, YS's name and the EAD expiration date are also printed on the back of the card.



the transaction occurred, GS's EAD credential showed an expiration date of April 28, 2029. During the 2025 APR, a SAVE query, conducted on August 25, 2025, confirmed that GS's EAD expires on April 28, 2029. However, the DMV issued a non-domiciled CDL with an expiration date of September 9, 2029, more than *four months* after the EAD expires.

17. On June 23, 2025, the DMV issued a non-domiciled CDL with an expiration date of February 25, 2030 to a driver with the initials "NV" who is a citizen of India. At the time the transaction occurred, NV's EAD credential showed an expiration date of November 25, 2029, which the DMV also confirmed in SAVE prior to issuing the non-domiciled CDL. Further, the DMV's record showed clearly that NV's lawful presence document expired on November 25, 2029. However, the DMV issued a non-domiciled CDL with an expiration date of February 25, 2030, *three months* after the EAD expires.
18. On June 4, 2025, the DMV issued a non-domiciled CDL with an expiration date of March 22, 2030 to a driver with the initials "CC" who is a citizen of Somalia. At the time the transaction occurred, CC's EAD credential showed an expiration date of January 19, 2030. During the 2025 APR, the DMV queried SAVE and provided FMCSA with a copy of the report showing that CC's EAD expires on January 19, 2030. However, the DMV issued a non-domiciled CDL with an expiration date of March 22, 2030, more than *two months* after the EAD expires.
19. On June 24, 2025, the DMV issued a non-domiciled CDL with an expiration date of February 2, 2030 to a driver with the initials "QC" who is a citizen of China. At the time the transaction occurred, QC's EAD credential showed an expiration date of December 12, 2029, which the DMV also confirmed in SAVE prior to issuing the non-domiciled CDL. Further, the DMV's record showed that QC's lawful presence document expired on December 12, 2029. However, the DMV issued a non-domiciled CDL with an expiration date of February 2, 2030, nearly *two months* after the EAD expires. Further, the DMV issued the non-domiciled CDL with a passenger endorsement well beyond the driver's lawful presence.
20. On June 27, 2025, the DMV issued a non-domiciled CDL with an expiration date of March 14, 2030 to a driver with the initials "BS" who is a citizen of India. At the time the transaction occurred, BS's EAD credential showed an expiration date of September 20, 2021. A SAVE query run by the DMV on March 6, 2025 showed that BS's EAD expires on January 10, 2030. However, the DMV issued a non-domiciled CDL with an expiration date of March 14, 2030, more than *two months* after the EAD expires.
21. On June 10, 2025, the DMV issued a non-domiciled CDL with an expiration date of February 10, 2030 to a driver with the initials "DD" who is a citizen of Russia. At the time the transaction occurred, DD's EAD credential showed an expiration date of February 3, 2030, which the DMV also confirmed in SAVE prior to issuing the non-domiciled CDL. However, the DMV issued a non-domiciled CDL with an expiration date of February 10, 2030. While the period of validity of the non-domiciled CDL was only

seven days longer than the driver's lawful presence document, the DMV's record showed that DD's lawful presence document expired on February 3, 2030.

22. On June 2, 2025, the DMV issued a non-domiciled CDL with an expiration date of July 11, 2030 to a driver with the initials "JS" who is a citizen of India. At the time the transaction occurred, JS's EAD credential showed an expiration date of June 10, 2022. However, the DMV issued a non-domiciled CDL with an expiration date of July 11, 2030. The DMV was unable to provide FMCSA with any documentation to support the July 11, 2030 expiration date.
23. On June 30, 2025, the DMV issued a non-domiciled CDL with an expiration date of January 10, 2027 to a driver with the initials "CPS" who is a citizen of Nicaragua. At the time the transaction occurred, CPS's EAD credential showed an expiration date of July 10, 2025, which the DMV also confirmed in SAVE prior to issuing the non-domiciled CDL. The DMV queried SAVE during the 2025 APR on August 15, 2025, and the query report shows that CPS's EAD was extended to January 1, 2027. However, the DMV provided no evidence that, at the time it issued the non-domiciled CDL with an expiration date of January 10, 2027, it had confirmation that CPS's EAD was extended to January 1, 2027. Even more troubling, the DMV issued CPS a non-domiciled CDL that includes passenger and school bus endorsements beyond the driver's lawful presence.
24. On June 23, 2025, the DMV issued a non-domiciled CDL with an expiration date of September 1, 2028 to a driver with the initials "CY" who is a citizen of China. At the time the transaction occurred, CY's I-94 showed an entry date of July 23, 2022 and an "admit until date" of January 22, 2023. CY also provided a Chinese passport with a June 2029 expiration date and a B-1 Visa with an expiration date of July 7, 2032. The DMV queried SAVE on June 23, 2025, and the query report indicated that CY had an EAD that expired on July 9, 2025 and that CY had a pending application for asylum. However, the DMV issued a non-domiciled CDL with an expiration date of September 1, 2028, more than three years beyond the expiration date of CY's EAD indicated on the SAVE query report. While CY presented an unexpired foreign passport and a Form I-94, the DMV was required to ensure the period of CDL validity did not exceed CY's EAD expiration when it issued the CDL.
25. On June 18, 2025, the DMV renewed and issued a non-domiciled CDL with an expiration date of September 9, 2026 to a driver with the initials "AOA" who is a citizen of El Salvador. AOA's EAD showed a March 9, 2025 expiration date. The DMV queried SAVE, and the query report showed that AOA's EAD expires on September 9, 2026. While the DMV's June 18, 2025 renewal of AOA's non-domiciled CDL did not reveal noncompliance with respect to that transaction, FMCSA's review of records presented by the DMV call into question the preceding renewal of AOA's non-domiciled CDL, which occurred on December 21, 2020. During that transaction, AOA presented an EAD with an

expiration date no later than March 9, 2025;<sup>21</sup> however, on December 21, 2020, the DMV issued a non-domiciled CDL with an expiration date of June 16, 2025, more than *three months* after the EAD in effect at the time expired.

**b. Finding: 49 CFR 384.212—The California DMV issued non-domiciled CLPs or CDLs to citizens of Mexico.**

During the 2025 APR, FMCSA discovered that 11 of the 145 driver records sampled showed that the DMV issued a non-domiciled CLP or CDL to a driver who, as a citizen of Mexico who is not present in the United States under the DACA program, was ineligible to receive a non-domiciled CDL. As noted in section III(a) above, 4 of the 11 transactions also showed that the DMV issued a non-domiciled CLP or CDL for a period of validity that exceeded the driver’s lawful presence document. The transactions at issue are set forth below.

1. On June 2, 2025, the DMV issued a non-domiciled CDL with an expiration date of May 18, 2027 to a driver with the initials “EDP” who is a citizen of Mexico. At the time the transaction occurred, EDP’s EAD credential showed an expiration date of June 4, 2025. However, the DMV issued a non-domiciled CDL with an expiration date of May 18, 2027, almost *two years* after the EAD expires. The DMV did not provide FMCSA with any documentation supporting the May 18, 2027 expiration date or showing that EDP is present in the United States under DACA status, without which the driver would have been ineligible for a non-domiciled CDL as a citizen of Mexico.
2. On June 30, 2025, the DMV issued a non-domiciled CDL with an expiration date of August 28, 2030 to a driver with the initials “DAH” who is a citizen of Mexico. At the time the transaction occurred, DAH’s EAD credential showed an expiration date of December 3, 2028 and showed that the driver was from Mexico, which the DMV also confirmed in SAVE prior to issuing the non-domiciled CDL. However, the DMV issued a non-domiciled CDL with an expiration date of August 28, 2030, more than *eighteen months* after the EAD’s expiration date. In addition, the DMV provided no evidence of DACA status, without which the driver would have been ineligible for a non-domiciled CDL as a citizen of Mexico.
3. On June 13, 2025, the DMV issued a non-domiciled CDL with an expiration date of June 24, 2029 to a driver with the initials “ACC” who is a citizen of Mexico. At the time the transaction occurred, ACC’s EAD credential, as well as a SAVE query report the DMV obtained prior to issuing the non-domiciled CDL, showed the driver was from Mexico. Further, ACC’s EAD and a SAVE query report provided by the DMV dated December 2023 shows an expiration date of October 26, 2028. While a SAVE query report generated on August 20, 2025 as part of the 2025 APR shows that ACC currently has indefinite lawful presence with pending permanent residency, the DMV has not provided any evidence that ACC’s indefinite lawful presence was known at the time the

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<sup>21</sup> The DMV provided FMCSA with a copy of AOA’s EAD showing that it was issued on September 9, 2023 and expired on March 9, 2025. Because the DMV renewed AOA’s non-domiciled CDL on December 21, 2020, it is likely that AOA’s EAD in effect in 2020 had an expiration date earlier than March 9, 2025.

DMV issued a non-domiciled CDL with an expiration date of June 24, 2029, approximately *eight months* after the expiration date shown on the EAD and the December 2023 SAVE query report. In addition, the DMV provided no evidence of DACA status, without which the driver would have been ineligible for a non-domiciled CDL as a citizen of Mexico.

4. On June 10, 2025, the DMV issued a non-domiciled CDL with an expiration date of July 4, 2030 to a driver with the initials “GOC” who is a citizen of Mexico. At the time the transaction occurred, GOC’s EAD credential showed the driver was from Mexico. In addition, GOC’s EAD showed an expiration date of October 20, 2028, which the DMV also confirmed in SAVE prior to issuing the non-domiciled CDL. The DMV provided no evidence of DACA status, without which the driver would have been ineligible for a non-domiciled CDL as a citizen of Mexico. However, the DMV issued a non-domiciled CDL with an expiration date of July 4, 2030, approximately *four months* after the EAD expires to a driver who was not eligible for a non-domiciled CDL.
5. On June 2, 2025, the DMV issued a non-domiciled CDL with an expiration date of August 1, 2029 to a driver with the initials “JAB” who is a citizen of Mexico. At the time the transaction occurred, JAB’s EAD credential showed the driver was from Mexico. The DMV provided no evidence of DACA status, without which the driver would have been ineligible for a non-domiciled CDL as a citizen of Mexico.<sup>22</sup>
6. On June 12, 2025, the DMV issued a non-domiciled CDL with an expiration date of August 2, 2029 to a driver with the initials “DBD” who is a citizen of Mexico. At the time the transaction occurred, DBD’s EAD credential as well as the SAVE query result, which the DMV obtained before issuing the non-domiciled CDL, showed the driver was from Mexico. The DMV provided no evidence of DACA status, without which the driver would have been ineligible for a non-domiciled CDL as a citizen of Mexico.
7. On June 6, 2025, the DMV issued a non-domiciled CDL with an expiration date of August 18, 2028 to a driver with the initials “CCS” who is a citizen of Mexico. At the time the transaction occurred, CCS’s EAD credential showed the driver was from Mexico. The DMV provided no evidence of DACA status, without which the driver would have been ineligible for a non-domiciled CDL as a citizen of Mexico.
8. On June 4, 2025, the DMV issued a non-domiciled CDL with an expiration date of June 11, 2027 to a driver with the initials “RGS” who is a citizen of Mexico. At the time the transaction occurred, RGS’s EAD credential showed the driver was from Mexico. The DMV provided no evidence of DACA status, without which the driver would have been ineligible for a non-domiciled CDL as a citizen of Mexico.

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<sup>22</sup> There is a slight inconsistency in the spelling of JAB’s last name between the driver’s EAD and the SAVE query report. However, the driver’s date of birth and EAD card number are consistent on both documents. With no evidence to the contrary, FMCSA concluded that both documents pertain to the same driver.

9. On June 30, 2025, the DMV issued a non-domiciled CDL with an expiration date of December 9, 2025 to a driver with the initials “AMZ” who is a citizen of Mexico. At the time the transaction occurred, AMZ’s passport and visa showed the driver was from Mexico. The DMV provided no evidence of DACA status, without which the driver would have been ineligible for a non-domiciled CDL as a citizen of Mexico. Further, the DMV issued AMZ a non-domiciled CDL that includes a passenger endorsement when the driver was not eligible for a non-domiciled CDL.
10. One June 23, 2025, the DMV issued a non-domiciled CDL with an expiration date of October 11, 2025 to a driver with the initials “IMR” who is a citizen of Mexico. At the time the transaction occurred, IMR’s EAD credential, as well as a SAVE query report the DMV obtained prior to issuing the non-domiciled CDL, showed the driver was from Mexico. The DMV provided no evidence of DACA status, without which the driver would have been ineligible for a non-domiciled CDL as a citizen of Mexico.
11. One June 17, 2025, the DMV issued a non-domiciled CDL with an expiration date of July 23, 2028 to a driver with the initials “RMN” who is a citizen of Mexico. At the time the transaction occurred, RMN’s EAD credential, as well as a SAVE query report the DMV obtained prior to issuing the non-domiciled CDL, showed the driver was from Mexico. The DMV provided no evidence of DACA status, without which the driver would have been ineligible for a non-domiciled CDL as a citizen of Mexico.
12. One June 10, 2025, the DMV issued a non-domiciled CDL with an expiration date of November 12, 2028 to a driver with the initials “JRR” who is a citizen of Mexico. At the time the transaction occurred, JRR’s EAD credential and a SAVE query report initiated by the DMV showed the driver was from Mexico. The DMV provided no evidence of DACA status, without which the driver would have been ineligible for a non-domiciled CDL as a citizen of Mexico.

**c. Finding: 49 CFR 384.212—Other anomalies regarding lawful presence.**

In addition to the findings cited in Section III(a), FMCSA noted another transaction with significant anomalies surrounding lawful presence documentation. This transaction is set forth below.

1. On June 2, 2025, the DMV issued a non-domiciled CDL with an expiration date of June 1, 2030 to a driver with the initials “ASV” who is a citizen of Honduras. ASV’s EAD presented at the time of the transaction displayed an expiration date of May 14, 2021. The DMV was unable to present any evidence that it validated ASV’s lawful presence before issuing a non-domiciled CDL. During the 2025 APR, a query of SAVE, conducted on August 19, 2025, showed that ASV now has indefinite lawful presence. However, despite the DMV having a record of an expired EAD, there is no indication the DMV ever queried SAVE or otherwise validated ASV’s lawful presence before issuing a non-domiciled CDL.

**d. Updated Finding (2024): 49 CFR 384.225—Issuance of “temporary” or “interim” non-domiciled CDLs.**

Through the review of the DMV’s training manuals and discussions with DMV personnel during the 2025 APR, FMCSA learned that the DMV continues to issue “temporary” non-domiciled CLPs and CDLs to drivers. This problem is two-fold. First, the DMV issues the temporary CLPs or CDLs before validating of the driver’s lawful presence. This continuing practice greatly increases the risk that the DMV will unknowingly issue a non-domiciled CLP or CDL to a driver who is not lawfully present in the United States in violation of 49 CFR 384.212.

Second, the DMV is not reporting issuance of these credentials to CDLIS in violation of 49 CFR 384.225. As noted above, this repeated error is particularly problematic because when enforcement personnel or other State driver’s licensing agencies perform a CDLIS check of a driver issued a temporary CDL, CDLIS will not reflect whether the driver holds (or held) a temporary CDL. This practice leaves enforcement personnel and State driver’s licensing agencies with incomplete information about a driver’s CDL status and history, thus confusing and frustrating roadside enforcement efforts.

FMCSA cited this violation during the 2024 APR and has no evidence or indication that the DMV has ceased this practice. Accordingly, FMCSA is updating the 2024 finding to reiterate that the DMV has not resolved the violation.

**IV. Required Corrective Action**

As noted above, approximately 62,000 drivers hold an unexpired CLP or CDL issued by the California DMV. In light of the systemic errors and deficiencies in the DMV’s issuance of non-domiciled CLPs and CDLs uncovered by the 2025 APR, FMCSA determines that California must take the following actions:

- Immediately pause issuing non-domiciled CLPs and CDLs;
- As soon as practicable, identify all unexpired non-domiciled CDLs that were not issued in compliance with parts 383 and 384;
- Conduct an internal audit to identify all procedural and programming errors; training and quality assurance problems; insufficient policies and practices; and other issues that have resulted in widespread noncompliance in issuing non-domiciled CLPs and CDLs;
- Notify FMCSA of the audit findings and the number of unexpired noncompliant non-domiciled CDLs;
- Take immediate action to correct the deficiencies identified in the DMV’s internal audit and in this letter;
- Take immediate action to void or rescind all unexpired noncompliant non-domiciled CLPs and CDLs and reissue the licenses in accordance with parts 383 and 384 in effect at the time of the reissuance;
- Resume issuing non-domiciled CLPs and CDLs only after the State ensures that all statutes, regulations, administrative procedures and practices, organizational structures, internal control mechanisms, resource assignments (facilities, equipment, and personnel),

and enforcement practices meet each and every standard of subpart B of part 384 and 49 U.S.C. § 31311.

## **V. Responding to this Preliminary Determination**

The procedural regulations applicable to this action are found at 49 CFR 384.307. Within 30 calendar days, the State must respond to this preliminary determination. The State's response must explain what corrective action it either has implemented or intends to implement to correct the deficiencies cited. The required corrective actions are set forth in section IV of this preliminary determination. The State must provide documentation of corrective action as required by FMCSA. In addition, the corrective actions may be implemented on a schedule mutually agreed upon by FMCSA and the State. Upon request by the State, an informal conference will be provided during this time.

Alternatively, the State's response may explain why FMCSA's preliminary determination is incorrect and may include any additional documentation the State wishes FMCSA to consider.

After reviewing a timely response to the preliminary determination by the State, FMCSA will notify the State of the final determination. In making its final determination, FMCSA will take into consideration the corrective action either implemented or planned to be implemented in accordance with the mutually agreed upon schedule.

## **VI. Potential Penalties for a Final Determination of Substantial Noncompliance**

If FMCSA issues a final determination of substantial noncompliance, the Agency may withhold up to four percent of the National Highway Performance Program and the Surface Transportation Block Grant Program funds beginning in Fiscal Year (FY) 2027 that would otherwise be apportioned to California under 23 U.S.C. § 104(b)(1) and (2).<sup>23</sup> Accordingly, upon a final determination of substantial noncompliance, California risks losing up to approximately \$158,000,000 for FY 2027.<sup>24</sup> Further, if the substantial noncompliance persists beyond the first fiscal year, FMCSA may withhold up to eight percent of these funds; therefore, California risks losing up to approximately \$316,000,000 in the second and subsequent FY(s) of noncompliance.<sup>25</sup> Once funds are withheld following a substantial noncompliance determination, they are no longer available for apportionment to California.<sup>26</sup>

In addition, if FMCSA issues a final determination of substantial noncompliance, the Agency may decertify California's CDL Program. Decertification of California's CDL program would prohibit the State from issuing, renewing, transferring, or upgrading CLPs and CDLs until such time as FMCSA determines that the DMV is in substantial compliance with 49 U.S.C. § 31311 and 49 CFR part 384, subpart B.<sup>27</sup>

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<sup>23</sup> 49 U.S.C. § 31314(c)(1); 49 CFR 384.401(a).

<sup>24</sup> FMCSA estimates this amount based on FY 2026 funding levels.

<sup>25</sup> 49 U.S.C. § 31314(c)(2); 49 CFR 384.401(b).

<sup>26</sup> 49 U.S.C. § 31314(d); 49 CFR 384.403.

<sup>27</sup> 49 U.S.C. § 31312(a); 49 CFR 384.405(a).

## VII. Conclusion

The 2025 APR uncovered that more than one in four of the non-domiciled CLP and CDL issuances FMCSA sampled failed to comply with parts 383 and 384 because the DMV issued non-domiciled CDLs to drivers who were not eligible, issued non-domiciled CDLs that extend beyond a driver's lawful presence, and issued non-domiciled CDLs without first validating the drivers' lawful presence. This is an unacceptable deviation from FMCSA's regulations when issuing credentials to operate commercial motor vehicles. The DMV must take immediate corrective action to audit its non-domiciled CDL program, correct the deficiencies that FMCSA identified above, and any deficiencies identified through the State's internal audit, and void or rescind and reissue all non-domiciled CLPs and CDLs that failed to comply with Federal regulations at the time of issuance, renewal, transfer, or upgrade.

The State of California is an important partner in FMCSA's mission to reduce crashes, injuries and fatalities involving large trucks and buses, and the Agency makes this preliminary determination to help California come into substantial compliance. I note with appreciation the highly cooperative and professional approach that DMV staff took during this review, and especially appreciate the hospitable arrangements for two onsite meetings spanning multiple days each and on short notice. To continue in that spirit of partnership towards our common safety goals, my staff stands ready to assist the DMV in resolving these serious issues.

Please note that this letter addresses noncompliance with the DMV's issuance of non-domiciled CDLs only. FMCSA will separately address areas of noncompliance unrelated to non-domiciled CDLs. If you or your staff need additional information or assistance, please contact Philip Thomas, Deputy Associate Administrator for Safety, at [philip.thomas@dot.gov](mailto:philip.thomas@dot.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Jesse Elison", written in a cursive style.

Jesse Elison  
Chief Counsel