



November 28, 2025

Docket Operations

United States Department of Transportation

1200 New Jersey Avenue, SE

West Building, Ground Floor

Washington, DC 20590-0001

RE: INTERIM FINAL RULE: RESTORING INTEGRITY TO THE ISSUANCE OF NON-DOMICILED COMMERCIAL DRIVER'S LICENSES (CDLs) [Docket No. FMCSA-2025-0622]

The American Association of Motor Vehicle Administrators (AAMVA) appreciates the opportunity to comment on the continued integrity of the CDL program and efforts to improve highway safety. State Driver's Licensing Agencies (SDLAs) are committed safety partners in the administration of the federal CDL program.

While FMCSA issued an interim final rule to effectuate changes to the non-domiciled licensing program, AAMVA and its members would have preferred consideration of the traditional call and response a full regulatory process would have afforded the states. A traditional regulatory approach would have assisted the states in terms of informing the technical and administrative considerations associated with changes to the program and in terms of providing states with appropriate time to fully review and implement applicable program modifications.

AAMVA's comments address eight major categories of concern that impact states' ability to implement the IFR effectively:

- I. Downgrade Requirements and Timing
- II. Audit and Compliance Requirements for Previously Issued Credentials
- III. Federal Agency Coordination and Notification
- IV. SAVE System Usage and I-94 Documentation Requirements
- V. Testing vs. Issuance Pause
- VI. Implementation Timeline and Technical Assistance
- VII. Data Sharing and Tracking
- VIII. Additional Implementation Concerns

AAMVA requests that FMCSA provide written guidance addressing these issues as expeditiously as possible to minimize disruption to both state operations and affected drivers.

I. DOWNGRADE REQUIREMENTS AND TIMING (§383.73(f)(5))

Prospective Application vs. Retroactive Correction

The IFR states that its requirements apply prospectively to licenses issued or renewed after the issuance pause is lifted. However, § 383.73(f)(5) requires states to "initiate established State procedures for downgrading the non-domiciled CLP or CDL" within 30 days when notified that a holder no longer has lawful immigration status in a specified category. The downgrade provisions and some state Annual Program Review (APR) findings suggest states may be expected to audit or take corrective action on existing non-domiciled CDL/CLP holders whose credentials were properly issued under previous regulations but would not qualify under the new standards.

AAMVA requests clarification on whether FMCSA expects to leverage the Annual Program Review (APR) process to inform individual state corrective action plans associated with all already-issued licenses and whether state-initiated corrective action plans will be denied if they do not include correction of program errors based on the new criteria established in this IFR.

Additionally, AAMVA requests clarification on whether states would be required to proactively identify and take action against a driver who holds a non-domiciled CDL that was properly issued under the previous regulations but would not qualify under the new standards. While this does not appear to be an expectation of the IFR, conversations from state annual program reviews necessitate advance clarity on FMCSA expectations. The distinction between prospective application and retroactive correction has significant operational and resource implications on how states will handle the licensing process: Additionally, if states must proactively audit all existing non-domiciled CDL holders, this represents a substantial undertaking that will require:

- Pulling and reviewing records for current non-domiciled CDL holders
- Re-verifying immigration status through SAVE for each credential holder.
- Processing downgrade actions for potentially significant populations of drivers
- Managing potential legal challenges from affected drivers.

AAMVA recommends that FMCSA clarify that:

- New eligibility requirements apply only to applications for issuance, transfer, renewal, or upgrade submitted after a state has lifted the issuance pause and achieved compliance with the IFR.
- Existing non-domiciled CDLs issued properly under previous regulations remain valid until their stated expiration date, at which point the holder must meet the new requirements for renewal.

This approach would align with the stated prospective application of the rule, minimize resource burden on states, provide certainty to current credential holders, and focus enforcement resources on new applications and federal agency notifications.

Administrative Corrections Triggering New Requirements

When requiring a driver to appear in person for an administrative transaction (such as correcting an expiration date, updating an address, reprinting a lost credential, or amending other non-substantive information), AAMVA requests clarification on whether this would trigger the application of the new eligibility requirements even if no change in the driver's immigration status has occurred. If this is FMCSA's expectation, it would create a circular problem where administrative corrections may inadvertently subject drivers to new standards, they were not previously subject to, potentially resulting in:

- A driver losing their non-domiciled CDL due to an administrative correction unrelated to their driving privileges or immigration status.
- Drivers avoiding necessary administrative corrections to prevent triggering new eligibility reviews.
- Inconsistent application of standards based on whether a driver sought administrative corrections.

If so, is this intended even when:

- The driver's underlying immigration status has not changed.
- The administrative action is necessitated by a system error or mandatory credential refresh.
- The driver is simply replacing a lost, stolen, or damaged credential?

This provision creates operational challenges in terms of when corrective actions are needed in the administrative process and whether drivers may lose their CDL privileges based solely on when they happen to need an administrative correction, rather than any change in their eligibility or conduct. It additionally may impact how the states choose to treat processes for administrative issues versus actions associated with more substantive actions on the credential.

AAMVA recommends that FMCSA clarify that administrative corrections do NOT trigger re-verification under the new standards unless the administrative action changes the expiration date of the credential to extend beyond its

current expiration or the driver voluntarily applies for renewal, upgrade, or transfer of the credential. Administrative actions such as correcting typographical errors; updating mailing addresses; reprinting lost, stolen, or damaged credentials with the same expiration date; and replacing credentials due to system upgrades or security feature updates should NOT trigger re-verification of eligibility under the new standards for credentials properly issued under prior regulations.

Timeline for Downgrade Actions

§ 383.73(f)(5) requires states to "initiate established State procedures for downgrading the non-domiciled CLP or CDL" within 30 days of receiving notification and to complete the downgrade "within 30 days." State downgrade procedures vary significantly in complexity and timeline, and many include due process protections such as:

- Time needed to provide written notice to the credential holder.
- Opportunity for the credential holder to provide updated documentation or contest the downgrade.
- Administrative hearing rights
- Appeal processes
- Mandatory waiting periods before final action

AAMVA encourages FMCSA to clarify that this requirement means that states must leverage existing procedure by beginning the downgrade process within 30 days rather than complete and record the downgrade in CDLIS within 30 days. Additionally, AAMVA requests FMCSA provide clarification on how to treat a credential holder who provides updated documentation (e.g., renewed visa, updated I-94) showing continued eligibility before the downgrade is completed.

II. FEDERAL AUDIT AND COMPLIANCE REQUIREMENTS FOR PREVIOUSLY ISSUED CREDENTIALS

FMCSA's APR findings have identified noncompliance in multiple states and "anticipates that the number of States discovered to have improperly issued non-domiciled CDLs [will] grow as FMCSA's APRs continue." From date forward, AAMVA asks whether states are federally required (or should be expected on an annual basis as part of the APR process) to conduct comprehensive audits of all issued non-domiciled CDLs/CLPs to determine if holders meet the new visa category requirements (H-2A, H-2B, E-2). AAMVA is aware that visa status, much like legal statuses, may be subject to change. If this is the expectation moving forward, it would add a level of complexity to the APR process. AAMVA additionally reminds that while SAVE is now capable of assisting in batch inquiries, many state systems are not currently configured to support batch credential verifications. AAMVA recommends that FMCSA clarify that comprehensive audits of all existing non-domiciled credentials are NOT federally mandated on a regular basis.

Corrective Action Plans and APR Requirements

AAMVA requests FMCSA provide additional information on its expectations for state corrective action plans to ensure uniformity in approach and sufficiency in satisfying FMCSA concerns. This includes FMCSA guidance with respect to:

- Whether corrective action plans will be denied or deemed insufficient if they focus solely on prospective compliance with the new standards?
- What specific elements must be included in a corrective action plan to address non-domiciled CDL compliance?
- How will FMCSA evaluate state progress on corrective action plans related to non-domiciled CDL issuance?

III. FEDERAL AGENCY COORDINATION AND NOTIFICATION

§ 383.73(f)(5) requires states to downgrade credentials upon receiving notification from FMCSA, DHS, State Department, or other federal agencies that a non-domiciled CLP or CDL holder no longer has lawful immigration status in a specified category. However, the IFR does not specify the mechanisms, format, or timeline for such notifications. In addressing the issue of taking action against issued licenses, AAMVA requests that FMCSA utilize

consistent terminology regarding expectation of the action. In some informal guidance, the States have been advised to “revoke” licenses issued to individuals. For the states, that may have a different meaning than actions like a downgrade, or even a cancellation of certain licenses. AAMVA requests that FMCSA be deliberate in the instructions they provide the states regarding taking various actions. While it can be viewed as a terminology issue, it does have very precise meaning in terms of how the state is able to accomplish the outcomes expected by FMCSA under statute and regulation.

Proactive Notification Systems

AAMVA also requests clarification from FMCSA on the mechanism and timeline federal agencies (FMCSA, DHS, State Department) will utilize to proactively provide states with notifications regarding changes in non-domiciled CDL/CLP holders' immigration status and whether these individuals will be provided with a reference/case number for redress with the notifying agency. AAMVA also requests clarification on whether the process is expected to be automated or manual and the frequency with which these notifications will occur. Additionally, the States are interested in whether or not the listing will be provided to each individual state or provided via a centralized system, what specific information will be provided in those notifications to identify the appropriate driver and if both rationale and effective date of status change will be provided in those notifications and whether federal support for making changes to cases will be provided. As FMCSA plans integration of notification for certain cases as part of both the APR process and audit findings, it will be important to outline all expectations regarding the notification process, the expectations on frequency of engaging SAVE for legal status verification post-license issuance given legal status can change, and the timing of required actions as outlined in the prior section regarding “Timeline for Downgrade Actions.”

AAMVA recommends that FMCSA clarify that States are NOT required to conduct ongoing independent monitoring of immigration status for existing non-domiciled CDL holders beyond first time issuance, transfer, renewal, or upgrade transactions as required by § 383.73(f)(3)(ii). Any requirement for ongoing monitoring of immigration status changes the dynamic of why and how the states are performing safety validation checks on eligibility for the credential and should not change so frequently that ongoing monitoring of status would have significant cost in terms of personnel, resources and administrative burden. The fiscal impact on the states would be tremendous given the frequency and potential for changing legal statuses.

IV. SAVE SYSTEM USAGE AND I-94 DOCUMENTATION REQUIREMENTS

The IFR requires states to query SAVE and verify I-94/I-94A documentation showing specific visa classifications for applicants domiciled in a foreign jurisdiction. This creates several operational challenges and potential conflicts with existing REAL ID requirements.

The IFR requires that the expiration date for any non-domiciled CLP or CDL “match the expiration date of the Form I-94/I-94A or 1 year, whichever is sooner.” § 383.73(f)(2)(iv). However, REAL ID regulations require states to use the SAVE verification response to determine the appropriate expiration date for credentials issued to individuals with temporary lawful status. See 6 CFR 37.21(b)(2). Many states issue a credential that serves as both the driver's license/CDL and as a REAL ID-compliant credential. For these states, conflicting federal requirements create an impossible compliance situation in that REAL ID requires the states to establish the validity of the credential using the SAVE system response as the expiration date. Per the requirements of the IFR, the non-domiciled CDL requirement is to use the “I-94 expiration date or 1 year, whichever is sooner.” When this date does not correspond with the date of the SAVE system response, one or both of the program requirements will not be met.

The SAVE response and the I-94 expiration date are often different because SAVE may show a different expiration date based on the individual's authorized period of stay, employment authorization periods may extend beyond the I-94 admission period, or entire status changes may take effect after issuance of the I-94.

AAMVA requests clarification on how the states should reconcile differences between SAVE verification requirements under this IFR versus REAL ID requirements, particularly regarding expiration date validation. AAMVA requests that FMCSA coordinate with DHS to provide a single response to how states may satisfy both

REAL ID and non-domiciled CDL requirements regarding legal status and expiration date of the credential. Preferably, SAVE response would give the states a single, definitive source of the most accurate and up-to-date information and given it is required by both programs, should serve as the final arbiter of acceptable length of stay associated with credential validity.

FMCSA might accomplish this by modifying § 383.73(f)(2)(iv) to state: "For applicants domiciled in a foreign jurisdiction, the State must ensure that the period of validity of the non-domiciled CLP or CDL does not exceed the period of authorized stay as determined through the SAVE verification process, or 1 year, whichever is sooner." Additionally, FMCSA might enhance any transcription or interpretation errors by ensuring the SAVE system clearly provides response on non-domicile eligibility based on the three visa classifications described in the IFR as part of its query response. The provision of a simple yes or no to a SAVE query regarding non-domicile eligibility would alleviate the eligibility requirements associated with only H-2A, H-2B, E-2 visa classifications. Absent this notification States are again beholden to presentation of applicable documentation by the applicant.

Without consistent guidance on the application of both REAL ID (SAVE system) requirements with the IFR requirements utilizing the I-94, FMCSA has not provided information on how states should treat inconsistent information on differences in those dates or even differences with respect to appropriate visa classifications.

Additionally, and given the non-domicile program has been given specific attention through the APR process, are states expected to retain documentation with respect to SAVE queries and responses for audit purposes? If so, how long and in what format is this retention a requirement? AAMVA recommends that SAVE retain these records as needed rather than the states given the cost associated with record retention and the implications for review. It is AAMVA's understanding that SAVE already has such a capability.

Finally, AAMVA requests clarification on how to treat SAVE query returns that have a result of "Institute Additional Verification" or requires additional steps beyond the initial query. Under these conditions is it appropriate for a state to issue a temporary credential pending additional verification? Are states required to deny the application pending additional verification? Is FMCSA aware of the expected timeline associated with additional verification requests and how this may impact any workforce or labor issues experienced by specific labor demographics associated with the specific visa classes outlined in the IFR?

Approved Asylees and Refugees

The IFR prohibits approved asylee and refugees from being issued Non-Domiciled CDL's. AAMVA requests clarity around whether these immigration statuses are also prohibited from being issued a Full-CDL since these individuals are not considered non-domiciled.

V. TESTING VS. ISSUANCE PAUSE

§ 383.73(f)(3)(ii)(A) requires states to "pause issuance" of non-domiciled CDLs until their systems comply with the new requirements. However, the IFR does not explicitly address whether states can continue to administer CDL knowledge and skills tests to non-domiciled applicants during the compliance transition period. The regulations also do not describe the process for initiating issuance after the state has conformed with the requirements of the IFR.

Testing During the Issuance Pause

Pending reinstatement of the formal non-domicile issuance process, states have requested whether or not FMCSA allows them to continue to administer CDL knowledge and skills tests to non-domiciled applicants during the compliance transition period. Additionally, can test results obtained during the pause be used for issuance after the pause is lifted, even if they exceed the normal test validity period? The lapse between testing and the issuance pause has significant operational implications including the potential to add to scheduling backlogs, third-party test oversight, and judicious treatment of those who have invested in CDL training and testing.

While many states continue to move beyond the pause and have conformed with the requirements of the IFR, AAMVA requests FMCSA clarify that states MAY continue to administer CDL knowledge and skills tests to non-domiciled applicants during the issuance pause, provided that applicants present evidence of lawful immigration status as defined in § 383.5 at the time of application and that the states verify this information as required by the IFR. AAMVA further requests FMCSA consider allowing test results obtained during the pause to remain valid for an extended time after the pause is lifted, to allow adequate time for issuance without requiring re-testing. AAMVA also requests clarification on whether FMCSA has an expected process to re-initiate non-domicile issuance following the pause.

Third-Party Testing Vendors and Multi-State Considerations

There are additional implications for how states manage third-party testing and interactions between states with various levels of conformity with the IFR. For instance, how should states handle third-party testing vendors who may test applicants intending to obtain credentials in other states? Many third-party trainers may be located in states other than the state where applicants intend to obtain their credentials creating uncertainty about which state's compliance status governs testing.

With respect to the timing of the issuance, will FMCSA provide a status map of who has lifted their issuance pause? Will FMCSA provide centralized information regarding the eligibility for accepting out-of-state testers? Should states enter test results into their systems when they cannot verify whether the applicant's intended state of issuance has achieved compliance with the IFR? At what point in this process is the legal status check of SAVE expected between jurisdictions?

Additionally, AAMVA notes that third-party testers may not have access to the same tools that state examiners have. This includes access to SAVE and CDLIS. The IFR may very much change the ability of states to rely on third party testers, either intentionally or unintentionally, and will extend beyond just non-domiciled licensing.

AAMVA recommends that FMCSA clarify that the timing for establishing immigration status is prior to administering CDL tests to non-domiciled applicants regardless of where the applicant intends to obtain their credential.

Impact of the Judicial Process

On November 10, 2025, the U.S. Court of Appeals for the DC Circuit issued an [administrative stay](#) of the [interim final rule](#) (IFR). On November 13, 2025, the Court issued an [emergency stay](#) of the interim final rule.

FMCSA has advised states with the following language via email:

"Due to the administrative stay, the IFR is, until further notice, not in effect. Until further notice, States are not prohibited from issuing non-domiciled CDLs and commercial learner's permits in accordance with the Federal regulations and guidance in effect immediately prior to issuance of the IFR."

Pending final judgement by the Court, the States are left in the difficult situation of navigating two separate regulations dictating the non-domiciled process. For states that have unpaused their process, AAMVA requests clarification on how the agency will handle instances of licenses issued under the pre-IFR regulations during the administrative/emergency stay that may not restrict the licenses to the three distinct visa categories and other program requirements as provided via the IFR.

Out-of-State Conversions and Transfers

As an addition to the complexities surrounding the judicial process, the states may be in different situations regarding whether they have paused or unpaused their non-domiciled CDL issuance process. Given these potential differences, how can the states be sure which regulations a partner jurisdiction has utilized to process their transactions? Is it FMCSA's expectation that the states should pause all non-domiciled CDL/CLP transactions,

including out-of-state conversions/transfers or is there a way FMCSA can collectively communicate the status of each jurisdiction? Additionally, AAMVA requests clarification on the following scenarios:

If an individual holds a valid non-domiciled CDL from State A and wishes to transfer to State B:

- a. Can State B process the transfer during its issuance pause?
- b. Must State B verify that State A issued the original credential in compliance with the IFR?
- c. Should State B treat transfers differently than initial issuance?

How should states handle situations where an applicant holds a non-domiciled CDL that was issued before the IFR took effect and wants to transfer to a new state?

- a. Must the applicant meet the new IFR requirements for the transfer?
- b. Or can the transfer proceed based on the validity of the existing credential?

VI. COMPLIANCE CERTIFICATION AND PAUSE REMOVAL PROCESS

§ 384.301(q) requires that "A State must come into substantial compliance with the requirements of subpart B of this part and part 383 of this chapter related to non-domiciled CLPs and CDLs, effective September 29, 2025, prior to issuing (which includes amending, correcting, reprinting, or otherwise duplicating a previously issued CLP or CDL), transferring, renewing, or upgrading a non-domiciled CLP or CDL." However, the IFR does not specify what process states must follow to demonstrate substantial compliance or obtain authorization to resume issuance.

To date, the states have notified FMCSA of their readiness to proceed with non-domiciled license issuance. Does FMCSA plan on describing a more formal process for indicating that a state has achieved compliance with the IFR and may resume non-domiciled CDL issuance? As noted above, states may need to understand whether other states have transitioned to active issuance under the new IFR. Additionally, the timing and difficulty of navigating the judicial actions associated with the differing regulations make application of the IFR difficult. Clarity on expectations from FMCSA on how states proceed may help avoid issues in audit and follow-up actions as states continue to deal with pressure from labor groups and individual applicants. FMCSA may want to consider how states submit formal requests to reinstate their process and the timeline associated with any formalized process for review. AAMVA recommends that FMCSA rely as much as possible on a state's self-certification of readiness and communicate that status to other states via a centralized resource so that the states can conduct interstate transactions in confidence. Additionally, there may be some states that choose to discontinue their non-domiciled licensing process as a result of the IFR's changes. AAMVA requests that this too be provided via a centralized FMCSA resource so that states may take the appropriate actions to mitigate interjurisdictional fraud.

If anything, more detailed is required of the states in terms of a return to issuance, AAMVA requests FMCSA provide support to assist the states with compliance and regulatory transition efforts.

Timeline Expectations

Reinitiating a non-domiciled program may vary depending on numerous state factors including system readiness and capabilities, staffing levels, the volume of non-domiciled credentials issued and state legislative or regulatory processes. In light of some of the enforcement actions taken with respect to certain states, does FMCSA have an expected timeline for state to achieve full compliance with the new requirements? Will FMCSA provide flexibility for states that face unique challenges in achieving compliance? As states pause non-domicile license issuance, how will FMCSA expect processing of notification of a change in status by federal agencies as the states work to implement the changes required by the IFR? Can states request extensions or variances based on documented challenges? Some states are in the midst of multi-year driver licensing system modernization projects and may have limited ability to make interim modifications. Additionally, some state procurement processes may require months to contract vendors for system modifications, and some states may require legislative approval for policy changes or funding for implementation.

Technical Assistance and Best Practices

AAMVA requests that FMCSA provide technical assistance to states implementing the new requirements via as many outlets as possible. This includes roundtable discussions, leveraging the CDL Coordinators meeting with dedicated staff to discuss the issues raised in these comments. Additionally, for those unable to meet in person, AAMVA requests FMCSA provide the states with one-on-one consultation opportunities and virtual training webinars that allow access to FMCSA expertise as the states look to implement the requirements of the IFR. Additionally, AAMVA requests support for applicants that may have questions about the changes to IFR requirements such that the states can focus on license issuance to the appropriate applicants and refer questions on the change in procedure to FMCSA. If FMCSA can reiterate the availability of CDLPI dedicated funding to help facilitate any of these changes, that may be beneficial as well.

VII. DATA RETENTION AND SHARING

The IFR creates new data collection, retention, and sharing requirements, but does not fully specify the mechanisms and protocols for these activities. This includes the new requirement that states retain copies of all documents involved in the licensing process including documents provided by the applicant to prove lawful immigration status and documents showing the results of any SAVE query to verify an applicant's lawful immigration status for no less than 2 years from the date of issuance. Additionally, under revised 384.212(a)(1)(iii) the IFR states that states must "provide copies of all documents involved in the licensing process to FMCSA within 48 hours after request." Given the expansion of the data retention and sharing expectations, the states have requested that FMCSA finalize and distribute a data sharing policy/agreement to facilitate that coordination between state partners and federal agencies. Either as part of that data sharing policy/agreement, the states have requested that FMCSA clarify:

- What data elements will be shared between federal agencies and states?
- What security and privacy protections will govern the sharing of immigration status information?
- Are states required to report information about non-domiciled CDL holders to federal agencies? If so, what information must be reported and how frequently.
- The mechanism by which data is reported from the agencies to the states and vice versa.

AAMVA recommends that FMCSA develop a standardized data sharing agreement that clearly defines what data will be shared and under what specific circumstances. AAMVA further recommends that FMCSA uses this standardized agreement to establish security and privacy protections consistent with applicable federal and state laws, identify the responsibilities of each party, and addresses liability and indemnification issues. AAMVA further recommends that FMCSA limit state reporting obligations to information already captured in CDLIS, rather than creating new reporting requirements.

Non-Domiciled CDL Holders by Employer or Industry

The states have been asked repeatedly about whether or not there is data or statistics that show the number of non-domiciled CDL/CLP holders by employer or industry sector. If FMCSA has or is able to develop this resource, it will assist the states (and others) in gauging economic impacts of the non-domicile program. Understanding which industries employ non-domiciled CDL holders would help states anticipate and prepare for impacts on state economies, coordinate with affected industries and develop targeted outreach and education.

Record Retention Requirements

§ 383.73(m)(2)(iii) requires states to retain copies of all documents involved in the licensing process for "no less than 2 years from the date of issuing." Is this requirement 2 years from the date of each transaction (issuance, renewal, etc.), 2 years from the expiration of the credential, or 2 years from the driver's last transaction with the state? AAMVA requests FMCSA clarify what specific documents must be retained as part of the application. Has FMCSA considered whether states need to retain records for individuals who move to another state, have their credential downgraded, or voluntarily surrender their credential. Record retention requirements have significant

operational and cost implications. Physical document retention requires secure storage space. Electronic retention requires server capacity and backup systems. With approximately 6,000 non-domiciled CDLs expected to be issued annually under the new standards, and each credential potentially requiring renewal annually, states will accumulate substantial documentation. As with other new requirements, AAMVA requests that FMCSA clearly state that CDLPI grant funding may be used for ongoing upkeep and maintenance of CDL record retention requirements. AAMVA also recommends that FMCSA clarify that the 2-year retention requirement runs from the date of the last transaction involving the credential (issuance, renewal, amendment, etc.). 2 years after the last transaction, if the credential has expired and has not been renewed, states may destroy records in accordance with their regular records retention schedules.

VIII. ADDITIONAL IMPLEMENTATION CONCERNS

Nomenclature for Non-Domiciled CLPs and CDLs

The preamble to the IFR states: "This IFR supersedes any past guidance on this issue and clarifies that §383.73(f)(2)(ii) and 383.153(c) require that the word 'non-domiciled' appear across a CLP or CDL and must 'be conspicuously and unmistakably displayed' on the face of the CLP or CDL when a State issues a non-domiciled CLP or CDL. States may not use other nomenclature (such as 'limited term' or 'temporary') as a substitute for 'non-domiciled,' use restriction codes that require the examination of fine print on the back of the license as a substitute for 'non-domiciled' on the face of the credential, or use any other alternatives to conspicuously and unmistakably displaying 'non-domiciled' on the face of the CDL or CLP." (90 FR 46523).

Many states currently use terms such as "limited term" or have existing credential designs that do not include "non-domiciled" on the face of the credential. Some states had received informal guidance from FMCSA that alternative nomenclature was acceptable.

Both the IFR and FMCSA since IFR issuance have informed that only "non-domiciled" is acceptable. AAMVA requests that FMCSA clarify that all states will be required to modify their existing non-domiciled credential designs to include the word "non-domiciled" on the face of the credential before resuming issuance.

Credential design changes require:

- Modifications to credential production systems
- Procurement of new credential stock (if physical credential changes are required)
- Updates to DMV system screens and workflows
- Staff training on new credential designs
- Communication to law enforcement and other verifiers about new designs

For states using centralized credential production, these changes may take several months to implement.

Definition of "Issuing" and Related Transactions

The IFR frequently uses the phrase "issuing (which includes amending, correcting, reprinting, or otherwise duplicating a previously issued CLP or CDL)." However, the scope and application of this definition creates uncertainty. Does every action that results in producing a physical credential constitute "issuing" for purposes of the IFR requirements? What specific transactions are included in "otherwise duplicating"?

- Replacing a lost or stolen credential?
- Replacing a damaged credential?
- Updating a mailing address?
- Adding or removing non-CDL endorsements?
- Correcting typographical errors?

Overly broad interpretation of "issuing" could create excessive burden for simple administrative corrections and create situations where drivers lose their CDL privileges due to administrative actions rather than safety concerns.

AAMVA recommends that FMCSA clarify that "Issuing" for purposes of requiring full compliance with IFR requirements includes only:

- Initial issuance of a non-domiciled CLP or CDL
- Renewal of a non-domiciled CLP or CDL
- Upgrade from a non-domiciled CLP to CDL, or from one class to another
- Transfer of a non-domiciled CDL from another state

And that purely administrative transactions that do NOT require full compliance include transactions involving reprinting a credential with the same expiration date due to:

- Loss, theft, or damage
- Update to mailing address (not legal name or identity)
- Correction of typographical errors that do not affect identity or immigration status.
- System or security feature upgrades requiring credential replacement.

Coordination with Other Federal Requirements

- Can medical certifications extend beyond the credential expiration date?
- How are non-domiciled CDL holders subject to Clearinghouse query requirements?
- Can non-domiciled CDL holders be registered in the Clearinghouse?
- How should states handle applicants who were previously registered in the Clearinghouse under a different credential?

AAMVA recommends that FMCSA develop comprehensive guidance addressing how the non-domiciled CDL IFR interacts with other federal CDL requirements to ensure states implement all requirements consistently and correctly.

Cost-Benefit Analysis

The IFR's regulatory analysis estimates relatively modest costs to states and drivers:

- Total 10-year cost of \$10.9 million (discounted at 3%) or \$9.4 million (discounted at 7%)
- Annualized costs of \$1.6 million (at 3%) to \$1.3 million (at 7%)

AAMVA believes these cost estimates significantly underestimate the actual burden on states by not including:

First-Year Implementation Costs - The analysis estimates first-year costs for program realignment of \$3.2 million (\$70,000 per state × 46 states). However, this estimate:

- Does not account for states with multiple legacy systems requiring modifications.
- Does not include costs for states that must procure new credential stock with updated designs.
- Does not include costs for legal review and approval of policy changes.
- Does not include training costs beyond the initial 15 minutes per transaction estimate.
- Does not account for opportunity costs of pausing issuance.
- Does not include costs for cases requiring additional verification through SAVE.
- Does not include new document storage costs (physical or electronic)
- Does not include costs for responding to FMCSA requests for documentation during APRs.
- Does not include costs for quality assurance and audit activities.

Conclusion

AAMVA appreciates the opportunity to comment on this Interim Final Rule and recognizes FMCSA's commitment to ensuring the integrity of the CDL program. However, successful implementation of the IFR requires substantial clarification so that the states understand expectations and can properly administer the federal CDL program. AAMVA looks forward to our continued partnership that achieves shared safety objectives while minimizing disruption to drivers, employers, and state operations.

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