

FMCSA Final Rule: Major Changes to Non-Domiciled CDL Eligibility

Effective March 16, 2026

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Presenters



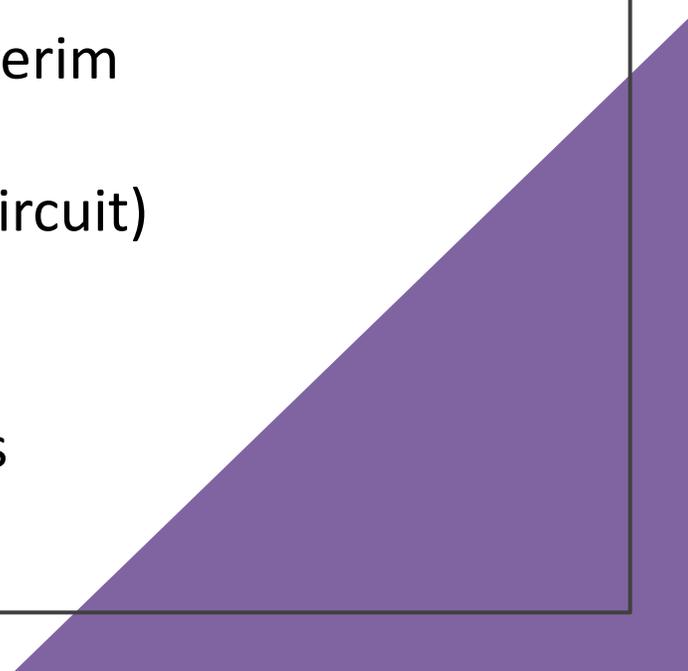
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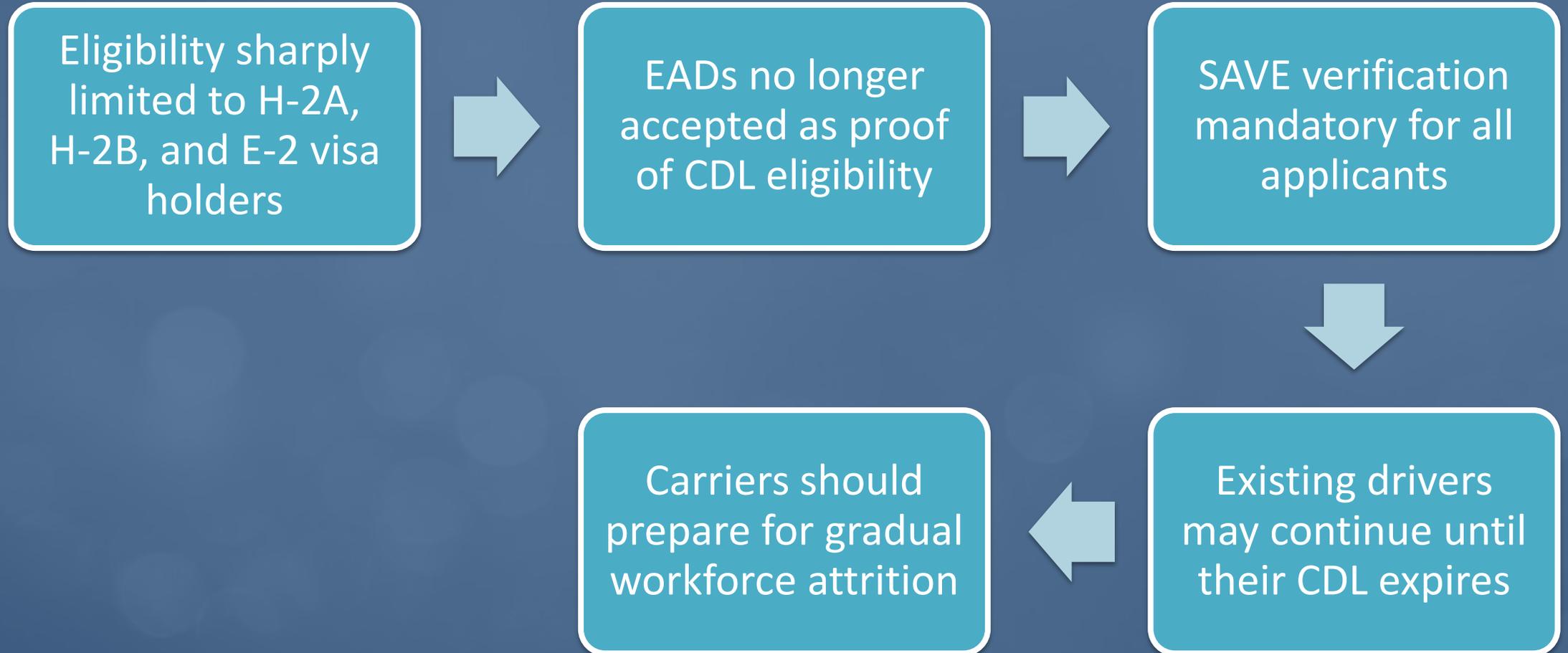
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Overview

- FMCSA finalized a rule replacing the contested 2025 Interim Final Rule
 - Effective March 16, 2026 (unless enjoined by the D.C. Circuit)
 - Significantly restricts who may obtain or renew a non-domiciled CDL
 - Carriers face new compliance and workforce challenges
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Key Takeaways



Background & Legal Context

- 2025 Interim Final Rule faced heavy criticism and litigation
- Enforcement of the IFR was stayed by the D.C. Circuit
- FMCSA finalized the rule with minimal changes
- New lawsuit filed Feb. 12, 2026 challenging the Final Rule

FMCSA's Stated Rationale

Identified a “critical safety gap” in licensing non-domiciled drivers

U.S. systems cannot access foreign driving records

EADs do not screen for transportation safety

Cited 17 fatal crashes in 2025 involving ineligible drivers

Eligibility Limited to Three Visa Categories



Only the following visa holders qualify for non-domiciled CDLs:



H-2A – Temporary agricultural workers



H-2B – Temporary non-agricultural workers



E-2 – Treaty investors

Groups No Longer Eligible

DACA

TPS

Asylum seekers

Refugees

Humanitarian
parole

Other visa
categories not
listed in the rule

Anyone relying
solely on an EAD

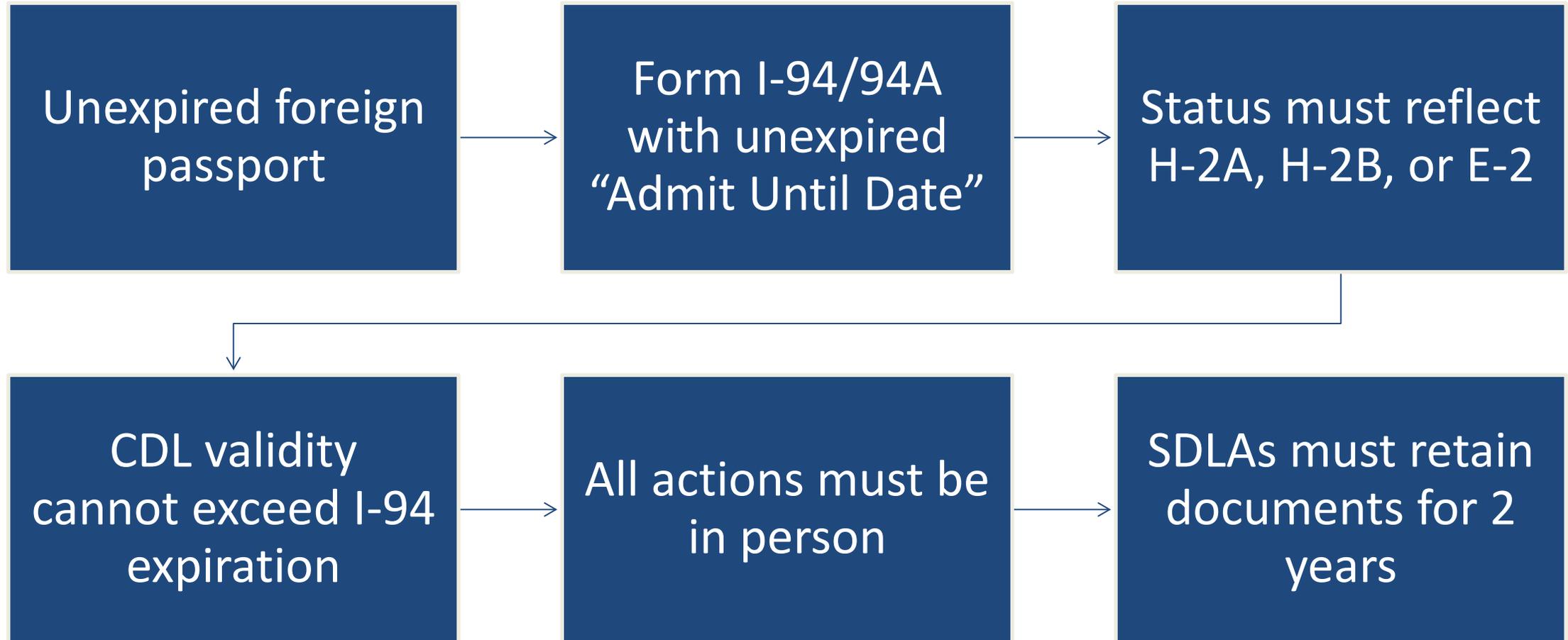
SAVE System Verification

SDLAs must verify
lawful status
through SAVE

Applies to
issuance, renewal,
transfer, and
upgrades

No CDL action may
occur without
verification

Documentation Requirements



Mandatory Downgrade/Revocation

SDLAs must
downgrade or
revoke a CDL
within 30 days if:

FMCSA, DHS, DOS,
or other agency
reports status
change

Applies to all
non-domiciled CDL
holders

Workforce Impact

Up to 194,000 drivers may lose eligibility over five years

Attrition will be gradual due to multi-year CDL validity

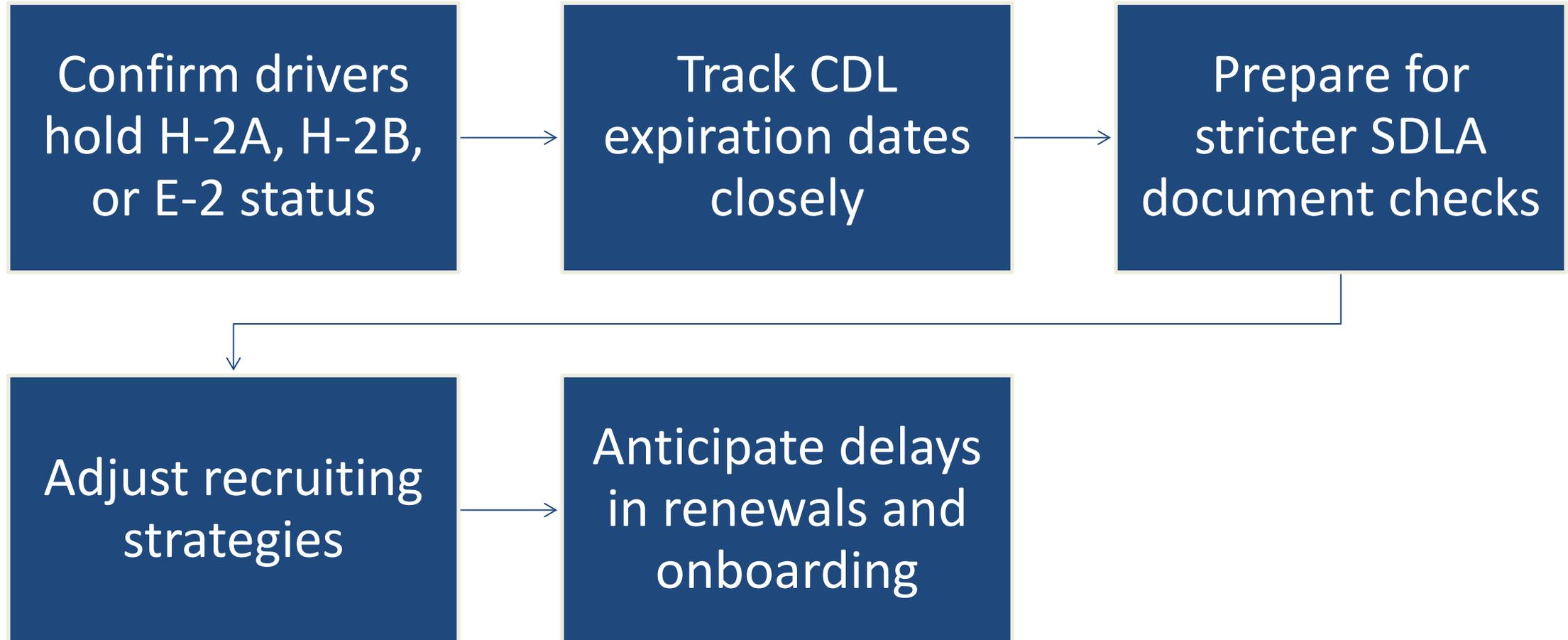
Carriers should expect:

Shrinking labor pool

Increased turnover

Difficulty replacing experienced drivers

Compliance Obligations for Carriers



Operational & Business Implications



Potential service disruptions



Increased administrative workload



Need for immigration-savvy HR processes



Possible wage pressure due to reduced labor supply

Legal & Policy Uncertainty



New D.C. Circuit lawsuit could delay or block enforcement



Future political shifts may alter or reverse the rule



Carriers should monitor developments and remain flexible

Conclusion & Action Steps



Audit current non-domiciled drivers



Plan for long-term workforce reductions



Strengthen compliance systems



Consider immigration-based recruitment strategies

Resources & Further Reading

- FMCSA Final Rule (91 Fed. Reg. 7044)
- FMCSA press release
- Jackson Lewis Transportation & Logistics Group
- Jackson Lewis Immigration Group

