

Non - domiciled Commercial Driver License (CDL) Program

Department of Public Safety
Driver License Division



Also known as Limited - term CDLs

Annual FMCSA Compliance Reviews

Typical Review Focus

- Data quality & timeliness reporting
- CDL examiner knowledge & proficiency
- Issuance processes (forms, written & skills testing)
- Third-party skills testing
- Overall compliance with Title 49 of the Code of Federal Regulations (CFR)

2025 Review Focus

Week of Sept 22, 2025

This review was heavily focused on the following areas:

- Non-domiciled CDLs
- English proficiency requirements

The Federal Motor Carrier Safety Administration (FMCSA) of Utah's CDL program to determine regulatory compliance.

conducts annual reviews

Non - domiciled CDL Regulations

Federal Regulation: 49 CFR 383

Key Definitions & Rules

- Defined in [49 CFR 383.5](#) as "Non-domiciled CLP or CDL"
- Application requirements provided in [49 CFR 383.71\(f\)](#)

Utah State Code: 53 - 3- 102

State Implementation

- Defined in [53-3-102\(28\)](#) as a "Limited-term CDL"
- Application and expiration requirements found in [53-3-410](#) and [53-3-413\(3\)\(b\)](#)

TIMELINE OF EVENTS

SEP 22, 2025

FMCSA began an annual review of Utah's CDL program.

SEP 29, 2025

FMCSA issued an Interim Final Rule (IFR) to change the requirements for a non-domiciled CDL.

NOV 10, 2025

The U.S. Court of Appeals issued a stay on IFR.

JAN 20, 2026

FMCSA provided Utah a Preliminary Determination of Non-compliance for the issuance of non-domiciled CDLs.

FEB 13, 2026

FMCSA issued a Final Rule, effective March 16, 2026, that brought the standards for issuance of a non-domiciled CDL back to that of the IFR.

MAR 31, 2026

FMCSA provided approval of Utah's corrective action plan in response to the Determination of Non-compliance.

Historical Requirements & Stats

Pre- Sept 2025 Regulations

- Valid Employment Authorization Document (EAD); or
- Foreign passport with unexpired I-94

analytics

Up to September 29, 2025

992

Active Non - Domiciled CDLs
In Utah

FMCSA Interim Final Rule: September 29, 2025

New Requirements

Effective 09/29/2025:

- Valid foreign passport with un-expired I-94; and
- Visa category: H-2A, H-2B, or E-2.
 - Temporary or seasonal agricultural work, temporary non-agricultural work (landscaping, hospitality, or construction), and treaty investors.

Note: Non-retroactive. Existing non-domiciled CDLs remain valid until expiration.

Utah Qualifying Applicants

Current Active Non-Domiciled CDLs

216

Upon expiration only

3

have the H-2A or E-2 visas

Utah's Non - Domiciled CDL Audits

Audit of 992 licenses conducted in preparation for FMCSA's annual review.

65%

Error Rate

646 out of 992 non -
domiciled CDLs
contained errors.

85% - Programming Errors (Corrected Nov 3, 2025)

Primary issue: Refugee/Asylee expiration date logic.

10%- Mexico - Citizen Issuance

Attributed to inconsistent and shifting FMCSA guidance.

5% - Documentation Complexity

Conflicting Real ID & CDL regulations created verification hurdles.

Annual Review Findings

On January 20, 2026, FMCSA issued a Preliminary Determination of Non-compliance regarding Utah's non-domiciled CDLs.

Potential Non - Compliance Penalties

warning Loss of up to \$16.3M in FY 2027 funds

trending_down Loss of up to \$32.6M for each subsequent fiscal year

block Decertification of Utah's CDL program

Utah corrected most errors before the notice. Following a demonstration of compliance to FMCSA, **final clearance was received on March 31, 2026.**

assig

nme

nt_t

CLEARED

urne

d_in

Impact & Actions of Other States

Following FMCSA interactions, nearly all states received Preliminary Determinations of Non-compliance. Key responses of other states include:

Clearance Granted

A very small number of states have received formal clearance to resume the issuance of non-domiciled CDLs. (Including Utah)

Alaska, Connecticut, Georgia, Iowa, Kansas, Missouri, Montana, North Dakota, Nebraska, South Dakota, and Wisconsin have been cleared and are actively able to issue.

Discontinued Issuance

Many states have ceased issuing non-domiciled CDLs.

Alabama, Idaho, Kentucky, Louisiana, Maryland, Mississippi, Nevada, Oregon, Rhode Island, South Carolina, and West Virginia have discontinued the issuance of non-domiciled CDLs.

Many states are still working through compliance issues and cannot issue non-domiciled CDLs until they have achieved compliance. Others are still considering if they wish to resume issuance.

DPS Recommendations Moving Forward

lp

_o

utl

Compliance Assessment

in

Is non-compliance worth the risk for the small number of people eligible for non-domiciled CDLs?

ga

vel

Legislative Action

Should the limited-term CDL language be removed from the Utah Code?