



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

November 19, 2025

Via Electronic Mail and UPS

The Honorable Josh Shapiro
Governor of the Commonwealth of Pennsylvania
501 North 3rd Street
508 Main Capitol Building
Harrisburg, PA 17120

Michael B. Carroll
Secretary of Transportation
Pennsylvania Department of Transportation
Keystone Building
400 North Street, Fifth Floor
Harrisburg, PA 17120

Dear Governor Shapiro and Secretary Carroll:

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.¹ In September 2025, FMCSA initiated an Annual Program Review (APR) of the Pennsylvania Department of Transportation (PennDOT) CDL program in accordance with 49 U.S.C. § 31311 and 49 CFR § 384.307. During the 2025 APR, FMCSA obtained evidence of procedural and programming errors in Pennsylvania'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 Pennsylvania. In this regard, FMCSA found that PennDOT issued non-domiciled CDLs that extend beyond the expiration of drivers' lawful presence in the United States, issued non-domiciled CDLs without requiring the non-domiciled driver to comply with the standards for providing proof of lawful presence in the United States, and issued non-domiciled CDLs to lawful permanent residents who were eligible for a regular CDL. Therefore, in accordance with 49 CFR § 384.307(b), this letter constitutes FMCSA's preliminary determination that Pennsylvania has failed to meet the requirement for substantial compliance with the standards for issuing non-domiciled CLPs and CDLs. Pennsylvania must take immediate 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.

¹ 49 U.S.C. § 31311; *see also* 49 CFR Part 384, Subparts B and C.

I. Background

The Commercial Motor Vehicle Safety Act of 1986,² 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. § 31312.³ 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 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 State’s 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.⁴ 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.⁵ 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.⁶

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.”⁷ 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 appropriate actions to improve the effectiveness of current protocols....”⁸ Accordingly, FMCSA

² 49 U.S.C. § 31301 *et seq.*

³ 49 U.S.C. § 31311(a).

⁴ 49 CFR § 384.307(b). A preliminary determination of noncompliance is also known as a “finding.”

⁵ *Id.* at § 384.307(c).

⁶ 49 U.S.C. §§ 31314(c), 31312; *see also infra* at section VI; 49 CFR § 384.307(d), 49 CFR Part 384, Subpart D.

⁷ 90 Fed. Reg. 18759 (Apr. 28, 2025).

⁸ *Id.* at 18759-60.

conducted a thorough audit of PennDOT'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 CFR §§ 383.71 and 383.73, States must issue regular CLPs and CDLs to drivers who are U.S. citizens or lawful permanent residents. 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 in effect at the time of the 2025 APR⁹ provided 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.¹⁰ 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.¹¹

Regulations in effect prior to September 29, 2025, required that States accept as valid only *unexpired* lawful presence documents, which also meant 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 considered only unexpired lawful presence documents to be valid, PennDOT was required to ensure that the non-domiciled CLP or CDL period of validity *did not exceed* the expiration of the driver's lawful presence documents. Therefore, State driver's licensing agencies were required to ensure that the validity of non-domiciled CLPs or CDLs did not exceed the expiration date of drivers' lawful presence documents.

III. 2025 Annual Program Review

FMCSA initiated Pennsylvania's 2025 APR in September 2025 in accordance with 49 U.S.C. § 31311 and 49 CFR § 384.307. PennDOT informed FMCSA that its records reflect that Pennsylvania has issued 12,436 non-domiciled CLPs or CDLs that remain unexpired. During the 2025 APR, FMCSA sampled 150 records of drivers issued a non-domiciled CDL by PennDOT. As explained in greater detail in section III(a) below, of the 150 driver records sampled, FMCSA found two records where PennDOT issued non-domiciled CDLs with expiration dates that exceeded the expiration date found on the driver's lawful presence document. In addition, as set

⁹ On September 29, 2025, FMCSA issued an interim final rule (IFR) amending Federal regulations in 49 CFR Parts 383 and 384 applicable to State Driver's Licensing Agencies' (SDLAs) issuance of non-domiciled CLPs and CDLs. *See Restoring Integrity to the Issuance of Non-Domiciled Commercial Drivers Licenses*, 90 Fed. Reg. 46509 (Sept. 29, 2025). On November 13, 2025, the U.S. Court of Appeals for the District of Columbia Circuit issued an Order in *Lujan v. FMCSA*, Case No. 25-1215, staying the effective date of the IFR pending court review. Because the transactions at issue occurred prior to publication of the IFR, the regulations cited in this preliminary determination of noncompliance reflect the pre-IFR text of Parts 383 and 384, specifically the 2024 edition of Title 49 of the Code of Federal Regulations, which is currently in effect.

¹⁰ 49 CFR §§ 383.71(f)(2)(i), 383.73(f)(3), 384.201, 384.212.

¹¹ *Id.* at § 383.73(f)(2).

forth in section III(b) below, FMCSA also found four transactions where PennDOT provided no evidence that it required non-domiciled drivers to comply with the standards for providing proof of lawful presence at the time of the transaction, as required under 49 CFR § 383.71(f)(2)(i). Finally, as set forth in section III(c) below, FMCSA found two transactions where PennDOT issued a non-domiciled CDL to lawful permanent residents of the United States, who are eligible for regular CDLs.

The 2025 APR uncovered evidence of procedural and programming errors. In this regard, FMCSA learned through discussions with PennDOT staff during the 2025 APR that non-domiciled CLPs or CDLs may be issued with an expiration date that exceeds the expiration date of the driver's lawful presence documents due to typographical errors committed by PennDOT employees at the time of the transaction. In addition, FMCSA learned through discussions with PennDOT staff that, for some transactions, the State cannot provide evidence that it required non-domiciled drivers to comply with the standards for providing proof of lawful presence because PennDOT's licensing system does not document the type of immigration credential(s) the SDLA employee reviews at the time of the transaction. To determine whether a non-domiciled CLP or CDL should be issued, PennDOT employees must fill in an "INS expiration date" field. PennDOT staff indicated that this field is filled with dates from immigration credentials presented by the driver at the time of the transaction. However, PennDOT's licensing system does not have a data field to capture the type of immigration credential(s) reviewed. Consequently, there is no way to confirm that PennDOT accepted the credentials required by 49 CFR §§ 383.71(f)(2)(i), 383.73(f)(3), 384.201, and 384.212(a) unless staff retained copies of the documents.

The errors discovered during the 2025 APR indicate a breakdown in PennDOT's issuance process for non-domiciled CLPs and CDLs. The transactions illustrating these compliance issues are discussed in greater detail below. FMCSA will provide electronic documentation for each through the State Compliance Records Enterprise (SCORE) system.

a. Finding: 49 CFR § 384.212—PennDOT 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 two of the 150 driver records sampled showed that PennDOT issued a non-domiciled CDL for a period of validity that exceeded the driver's lawful presence document(s). These transactions are described below.

1. On July 8, 2025, PennDOT issued a non-domiciled CDL with an expiration date of July 31, 2026 to a driver with the initials "DD" who is a citizen of Ukraine. At the time the transaction occurred, DD presented a Form I-94 and a foreign passport with an expiration date of August 15, 2025. In addition, PennDOT provided FMCSA with a copy of a query report from USCIS's online verification service, Systematic Alien Verification for Entitlements (SAVE).¹² The SAVE query report, initiated on July 8, 2025, showed

¹² "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),

DD held an EAD credential with an expiration date of July 31, 2025. However, PennDOT issued a non-domiciled CDL with an expiration date of July 31, 2026, almost *one year* after DD's lawful presence document expired.

2. On May 27, 2025, PennDOT issued a duplicate non-domiciled CDL with an expiration date of October 10, 2028 to a driver with the initials "KS." PennDOT had previously issued KS a REAL ID compliant non-domiciled CDL on March 11, 2025, at which time KS presented an EAD credential showing an expiration date of October 2, 2028, which PennDOT verified in SAVE. However, PennDOT issued a duplicate non-domiciled CDL with an expiration date of October 10, 2028, eight days after DD's lawful presence document expired.

Though PennDOT reported that it took action, or intends to take action, to downgrade DD's and KS's non-domiciled CDLs these repeated errors are evidence of the procedural deficiencies in PennDOT's non-domiciled CLP and CDL issuance practices.

b. Finding: 49 CFR § 384.212—PennDOT issued non-domiciled CLPs or CDLs without providing evidence of lawful presence verification.

During the 2025 APR, FMCSA discovered that four of the 150 driver records sampled showed that PennDOT provided no evidence that it required non-domiciled drivers to comply with the standards for providing proof of lawful presence at the time of the transaction, as required under 49 CFR § 383.71(f)(2)(i). As explained above, PennDOT's driver licensing system does not have a data field to capture the type of immigration credential(s) reviewed. For the transactions described below, PennDOT did not provide evidence that it verified the drivers' lawful presence with an unexpired EAD or unexpired foreign passport and Form I-94 documenting the driver's most recent admittance into the United States.

1. On June 12, 2025, PennDOT issued a non-domiciled CDL with an expiration date of January 10, 2029 to a driver with the initials "GT." While PennDOT's records indicate that the "INS expiration date" field was filled in at the time of the transaction, suggesting that GT presented some form of immigration credential, PennDOT was unable to demonstrate that GT presented an unexpired foreign passport accompanied by an approved I-94 form or an unexpired EAD. Regardless, PennDOT issued GT a non-domiciled CDL with an expiration date of January 10, 2029.
2. On May 15, 2025, PennDOT issued a non-domiciled CDL with an expiration date of December 17, 2025 to a driver with the initials "AK." At the time of the transaction, AK presented an unexpired foreign passport and a Form I-589 Application for Asylum. However, PennDOT was unable to demonstrate that AK presented either a Form I-94 or an unexpired EAD, as required under § 383.71(f)(2)(i). Regardless, PennDOT issued AK a non-domiciled CDL with an expiration date of December 17, 2025.

3. On September 22, 2025, PennDOT issued a duplicate non-domiciled CDL with an expiration date of February 20, 2026 to a driver with the initials “DT.” PennDOT initially issued the non-domiciled CDL on August 16, 2025. At the time of the transaction, DT presented an unexpired foreign passport. However, PennDOT was unable to demonstrate that DT also presented either a Form I-94 or an unexpired EAD, as required under § 383.71(f)(2)(i). Regardless, PennDOT issued DT a non-domiciled CDL with an expiration date of February 20, 2026.
4. On December 4, 2024, PennDOT issued a non-domiciled CLP with an expiration date of November 14, 2025 to a driver with the initials “OT.” At the time of the transaction, OT presented an unexpired foreign passport. However, PennDOT was unable to demonstrate that OT also presented either a Form I-94 or an unexpired EAD, as required under § 383.71(f)(2)(i). Regardless, PennDOT issued OT a non-domiciled CDL with an expiration date of November 14, 2025.

c. Finding: 49 CFR § 384.212—PennDOT issued non-domiciled CLPs or CDLs to lawful permanent residents of the United States.

During the 2025 APR, FMCSA discovered that two of the 150 driver records sampled showed that PennDOT issued a non-domiciled CDL to a lawful permanent resident of the U.S. who should have been issued a regular CDL. These transactions are described below.

1. On July 16, 2025, PennDOT issued a non-domiciled CDL with an expiration date of July 16, 2026 to a driver with the initials “BK.” At the time the transaction occurred, PennDOT queried SAVE and the report indicated BK’s lawful permanent resident status. Though PennDOT should have issued a regular CDL, due to BK’s status as a lawful permanent resident, it issued a non-domiciled CDL with an expiration date of July 16, 2026.
2. On September 13, 2025, PennDOT issued a non-domiciled CDL with an expiration date of July 5, 2026 to a driver with the initials “HS.” At the time the transaction occurred, HS presented their lawful permanent resident card as evidence of eligibility. Though PennDOT should have issued a regular CDL, due to HS’s status as a lawful permanent resident, it issued a non-domiciled CDL with an expiration date of July 5, 2026.

IV. Required Corrective Action

Approximately 12,400 drivers hold an unexpired non-domiciled CLP or CDL issued by PennDOT. In light of the errors and deficiencies in PennDOT’s issuance of non-domiciled CLPs and CDLs uncovered by the 2025 APR, FMCSA determines that Pennsylvania must take the following actions:

- Immediately pause the issuance of all new, renewed, transferred, or upgraded non-domiciled CLPs and CDLs until FMCSA provides written confirmation that PennDOT’s corrective action plan has been accepted and implemented;
- As soon as practicable, identify all unexpired non-domiciled CLPs and 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 the issuance of non-domiciled CLPs and CDLs that did not meet the standards of Parts 383 and 384 (the scope of the audit should not be limited to the issues identified in this letter);
- As part of the internal audit, review all supporting documentation for all new, renewed, transferred, or upgraded non-domiciled CLP and CDL transactions to ensure compliance with Parts 383 and 384;
- Provide FMCSA a copy of the audit findings and the number of unexpired noncompliant non-domiciled CLPs and CDLs;
- Take immediate action to correct the deficiencies identified in PennDOT'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 reissuance;
- Resume issuing non-domiciled CLPs and CDLs only after the State has voided or rescinded all unexpired noncompliant non-domiciled CLPs and CDLs and reissued the licenses in accordance with Parts 383 and 384, in effect at the time of reissuance, and the State ensures that all statutes, regulations, administrative procedures and practices, organizational structures, internal control mechanisms, resources 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, and FMCSA provides written confirmation that PennDOT's corrective action plan has been accepted and implemented.

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. It is imperative that the corrective action addresses voiding or rescinding all unexpired noncompliant non-domiciled CLPs and CDLs. The State must provide documentation of implemented or planned corrective action, which must be adequate to address the deficiencies cited and 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 Pennsylvania under 23 U.S.C. § 104(b)(1) and (2).¹³ Accordingly, upon a final determination of substantial noncompliance, Pennsylvania risks losing up to approximately \$75,500,00 for FY 2027.¹⁴ Further, if the substantial noncompliance persists beyond the first fiscal year, FMCSA may withhold up to eight percent of these funds; therefore, Pennsylvania risks losing up to approximately \$151,000,000 in the second and subsequent FY(s) of noncompliance.¹⁵ Once funds are withheld following a substantial noncompliance determination, they are no longer available for apportionment to Pennsylvania.¹⁶

In addition, if FMCSA issues a final determination of substantial noncompliance, the Agency may decertify Pennsylvania's CDL program. Decertification of Pennsylvania's CDL program would prohibit the State from issuing, renewing, transferring, or upgrading CLPs and CDLs until such time as FMCSA determines that PennDOT is in substantial compliance with 49 U.S.C. § 31311 and 49 CFR Part 384, Subpart B.¹⁷

VII. Conclusion

The 2025 APR uncovered eight non-domiciled CDL issuances sampled by FMCSA that failed to comply with Parts 383 and 384. This is an unacceptable deviation from FMCSA's regulations when issuing credentials to operate commercial motor vehicles. PennDOT 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.

Pennsylvania 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 Pennsylvania come into substantial compliance. To continue in that spirit of partnership towards our common safety goals, my staff stands ready to assist PennDOT in resolving these serious issues.

¹³ 49 U.S.C. § 31314(c)(1); 49 CFR § 384.401(a).

¹⁴ FMCSA estimates this amount based on FY 2026 funding levels.

¹⁵ 49 U.S.C. § 31314(c)(2); 49 CFR § 384.401(b).

¹⁶ 49 U.S.C. § 31314(d); 49 CFR § 384.403.

¹⁷ 49 U.S.C. § 31312(a); 49 CFR § 384.405(a).

Please note that this letter addresses noncompliance with PennDOT'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.

Sincerely,

A handwritten signature in blue ink, appearing to read "Derek D. Barrs". The signature is fluid and cursive, with the first name "Derek" being more prominent.

Derek D. Barrs
Administrator