



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

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

December 1, 2025

Via Electronic Mail and UPS

The Honorable Tim Walz
Governor of Minnesota
130 State Capitol
75 Rev Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Bob Jacobson, Commissioner
Minnesota Department of Public Safety
Driver and Vehicle Services
445 Minnesota Street
Suite 195, Town Square Building
Saint Paul, MN 55101

Dear Governor Walz and Commissioner Jacobson:

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 Minnesota Department of Public Safety's Driver and Vehicle Services (DVS) CDL program in accordance with 49 U.S.C. § 31311 and 49 CFR § 384.307. During the 2025 APR, FMCSA obtained evidence of policy and procedural errors in Minnesota'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 Minnesota. In this regard, FMCSA found that DVS issued non-domiciled CDLs that extend beyond the expiration of drivers' lawful presence in the United States, issued non-domiciled CDLs to citizens of Mexico not present in the United States under the DACA program, issued non-domiciled CDLs to lawful permanent residents who should have been issued regular CDLs, and issued non-domiciled CDLs without providing evidence that it verified the driver's lawful presence in the United States. Therefore, in accordance with 49 CFR § 384.307(b), this letter constitutes FMCSA's preliminary determination that Minnesota has failed to meet the requirement for substantial compliance with the standards for issuing non-domiciled CLPs and CDLs. Minnesota 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 Executive Order 14286 at 2; 90 Fed. Reg. at 18759–60.

conducted a thorough audit of DVS'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, DVS 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.

With one exception, States may not issue a non-domiciled CLP or CDL to citizens of Mexico or Canada. In this regard, FMCSA has determined that the Canadian Provinces and Territories issue CDLs in accordance with standards that are consistent with 49 CFR Part 383.¹² Citizens of Canada are authorized to operate a commercial motor vehicle in the United States with a Canadian CDL and, therefore, are prohibited from obtaining a non-domiciled CDL. Similarly, FMCSA has determined that the United Mexican States issues *Licencias Federales de Conductor*

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).

¹² The Canadian Provinces and Territories issue CDLs in conformity with the Canadian National Safety Code. Since December 29, 1988, FMCSA has determined that the Canadian National Safety Code is in accordance with the standards set forth in 49 CFR Part 383. *See* 49 CFR §§ 383.23, fn. 1; 383.71(f)(1)(i); and 383.73(f)(1).

(Mexican CDLs) in accordance with standards that are consistent with 49 CFR Part 383.¹³ Citizens of Mexico are authorized to operate a commercial motor vehicle 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.¹⁴ States are permitted to issue a non-domiciled CLP or CDL to citizens of Mexico or Canada *only* if they are present in the United States under the DACA program. FMCSA has not identified any other exceptions to this general prohibition.

III. 2025 Annual Program Review

FMCSA initiated Minnesota's 2025 APR in September 2025 in accordance with 49 U.S.C. § 31311 and 49 CFR § 384.307. During the 2025 APR, DVS informed FMCSA that its records reflect that Minnesota has issued 2117 non-domiciled CLPs or CDLs that remain unexpired. During the 2025 APR, FMCSA sampled 75 records of drivers that DVS issued a non-domiciled CDL. Twenty-five¹⁵ of the driver records sampled—approximately 33 percent—failed to comply with requirements in 49 CFR Parts 383 and 384.

The 2025 APR uncovered evidence of systemic policy, procedural, and programming errors. As explained in greater detail in section III(a) below, of the driver records sampled, FMCSA found 16 transactions where DVS issued a non-domiciled CDL that exceeded the expiration date of the driver's lawful presence documents. In addition, as set forth in section III(b) below, FMCSA found three transactions where DVS issued non-domiciled CDLs to individuals ineligible for that credential due to their status as a citizen of Canada or Mexico not present in the United States under the DACA program. Moreover, as described in section III(c) below, FMCSA found three transactions where DVS issued non-domiciled CLPs or CDLs to lawful permanent residents of the United States, who are eligible for regular CDLs. Finally, as section III(d) explains, FMCSA found five transactions where DVS issued non-domiciled CLPs or CDLs without providing evidence of lawful presence verification.

During the 2025 APR, DVS was unable to provide evidence of sufficient management controls to prevent these errors or catch them if they occur. Further, DVS has not programmed its systems with sufficient measures to prevent errors from occurring. The errors discovered during the 2025 APR indicate a breakdown in DVS'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.

¹³ See *id.*

¹⁴ See <https://www.fmcsa.dot.gov/registration/commercial-drivers-license/may-state-drivers-licensing-agency-sdla-issue-non-domiciled>. Though this guidance was rescinded as part of the IFR (90 FR 46509, 46517), it remains in effect due to the Stay Order issued by the U.S. Court of Appeals for the District of Columbia Circuit on November 13, 2025.

¹⁵ One driver record, VH, had two violations listed separately in sections III(a) and III(b). Accordingly, there are 26 errors listed in in sections III(a) – (d) below.

a. Finding: 49 CFR § 384.212— DVS 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 16 of the driver records sampled showed that DVS issued a non-domiciled CDL for a period of validity that exceeded the driver’s lawful presence document(s). The transactions are described below.

1. On August 28, 2025, DVS issued a non-domiciled CDL with an expiration date of March 11, 2028 to a driver with the initials “VH” who is a citizen of Mexico. At the time the transaction occurred, VH’s EAD credential showed an expiration date of August 24, 2026. However, DVS issued a non-domiciled CDL with an expiration date of March 11, 2028, nearly *two years* after the EAD’s expiration date.¹⁶
2. On November 21, 2024, DVS issued a non-domiciled CDL with an expiration date of December 27, 2027 to a driver with the initials “JLT” who is a citizen of El Salvador. At the time the transaction occurred, JLT presented an EAD credential showing an expiration date of March 9, 2025. However, DVS issued a non-domiciled CDL with an expiration date of December 27, 2027, more than *two years* after the EAD’s expiration date.
3. On December 16, 2024, DVS issued a non-domiciled CDL with an expiration date of March 13, 2028 to a driver with the initials “AAB” who is a citizen of Somalia. At the time the transaction occurred, AAB presented an EAD credential showing an expiration date of June 25, 2025. However, DVS issued a non-domiciled CDL with an expiration date of March 13, 2028, more than *two years* after the EAD’s expiration date..
4. On December 17, 2024, DVS issued a non-domiciled CDL with an expiration date of November 1, 2028 to a driver with the initials “BI” who is a citizen of Ukraine. At the time the transaction occurred, BI presented an EAD credential showing an expiration date of October 23, 2025. However, DVS issued a non-domiciled CDL with an expiration date of November 1, 2028, more than *three years* after the EAD’s expiration date. On August 25, 2025, DVS sent a letter to BI explaining that the lawful presence document presented was set to expire on October 23, 2025. The letter requested additional proof of BI’s lawful presence in the United States. However, DVS provided no evidence demonstrating either that BI produced the required documents or that DVS downgraded BI’s non-domiciled CDL.
5. On July 15, 2024, DVS issued a non-domiciled CDL with an expiration date of January , 2029 to a driver with the initials “AH” who is a citizen of Somalia. At the time the transaction occurred, AH presented an EAD credential showing an expiration date of June 21, 2025. However, DVS issued a non-domiciled CDL with an expiration date of January 1, 2029, more than *three years* after the EAD’s expiration date.

¹⁶ The driver also appears in section III(b) because they are ineligible for a non-domiciled CDL as a citizen of Mexico not present in the United States under DACA.

6. On October 24, 2024, DVS issued a non-domiciled CDL with an expiration date of January 1, 2029 to a driver with the initials “AA” who is a citizen of Saudi Arabia. At the time the transaction occurred, AA presented an EAD credential showing an expiration date of December 7, 2028. However, DVS issued a non-domiciled CDL with an expiration date of January 1, 2029, more than three weeks after the EAD’s expiration date.
7. On July 30, 2024, DVS issued a non-domiciled CDL with an expiration date of February 18, 2029 to a driver with the initials “OH” who is a citizen of Ukraine. At the time the transaction occurred, OH presented a foreign passport with an expiration date of November 14, 2027 and a Form I-94 showing an admit until date of January 9, 2026. However, DVS issued a non-domiciled CDL with an expiration date of February 18, 2029, more than a year after the passport’s expiration date and more than *three years* after the Form I-94’s admit until date.
8. On August 11, 2025, DVS issued a non-domiciled CDL with an expiration date of February 19, 2029 to a driver with the initials “JN” who is a citizen of New Zealand. At the time the transaction occurred, JN presented an unexpired foreign passport and a Form I-94 showing an admit until date of “D/S” or “Duration of Status,” indicating JN’s legal presence is valid if his Exchange Visitor Status (J1) is valid. DVS also provided a copy of JN’s Form DS2019, Certification of Eligibility for Exchange Visitor Status (J-Nonimmigrant), showing a “Form Covers Period” from April 1, 2025 to November 30, 2025. However, DVS issued a non-domiciled CDL with an expiration date of February 19, 2029, more than *three years* after JN’s lawful presence document is set to expire.
9. On May 22, 2025, DVS issued a non-domiciled CDL with an expiration date of May 1, 2029 to a driver with the initials “MH” who is a citizen of Somalia. At the time the transaction occurred, MH presented an EAD credential showing an expiration date of April 19, 2025. However, DVS issued a non-domiciled CDL with an expiration date of May 1, 2029, more than *four years* after the EAD’s expiration date.
10. On February 3, 2025, DVS issued a non-domiciled CDL with an expiration date of May 2, 2029 to a driver with the initials “SH” who is a citizen of Somalia. At the time the transaction occurred, SH presented an EAD credential showing an expiration date of November 19, 2028. However, DVS issued a non-domiciled CDL with an expiration date of May 2, 2029, more than *five months* after the EAD’s expiration date.
11. On July 29, 2025, DVS issued a non-domiciled CDL with an expiration date of May 10, 2029 to a driver with the initials “MA” who is a citizen of Somalia. At the time the transaction occurred, MA presented an EAD credential showing an expiration date of May 6, 2028. However, DVS issued a non-domiciled CDL with an expiration date of May 10, 2029, more than *one year* after the EAD’s expiration date.
12. On March 26, 2025, DVS issued a non-domiciled CDL with an expiration date of May 16, 2029 to a driver with the initials “OM” who is a citizen of Ukraine. At the time the transaction occurred, OM presented an EAD credential showing an expiration date of

April 19, 2025. However, DVS issued a non-domiciled CDL with an expiration date of May 16, 2029, more than *four years* after the EAD's expiration dated.

13. On December 3, 2024, DVS issued a non-domiciled CDL with an expiration date of July 13, 2029 to a driver with the initials "SA" who is a citizen of Kenya. At the time the transaction occurred, SA presented an EAD credential showing an expiration date of March 17, 2029. However, DVS issued a non-domiciled CDL with an expiration date of July 13, 2029, more than *three months* after the EAD's expiration date.
14. On April 29, 2025, DVS issued a non-domiciled CDL with an expiration date of September 22, 2029 to a driver with the initials "AP" who is a citizen of South Africa. At the time the transaction occurred, AP presented an unexpired foreign passport and a Form I-94 showing a "Valid Until" date of December 31, 2025. However, DVS issued a non-domiciled CDL with an expiration date of September 22, 2029, more than *three years* after AP's lawful presence document is set to expire.
15. On March 13, 2025, DVS issued a non-domiciled CDL with an expiration date of October 31, 2029 to a driver with the initials "IP" who is a citizen of Ukraine. At the time the transaction occurred, IP presented an unexpired foreign passport and a Form I-94 showing an admit until date of October 16, 2026. However, DVS issued a non-domiciled CDL with an expiration date of October 31, 2029, more than three years after IP's lawful presence document is set to expire.
16. On September 9, 2025, DVS issued a non-domiciled CDL with an expiration date of December 31, 2029 to a driver with the initials "ASA" who is a citizen of Somalia. At the time the transaction occurred, ASA presented an EAD credential showing an expiration date of May 16, 2029. However, DVS issued a non-domiciled CDL with an expiration date of December 31, 2029, more than *seven months* after the EAD's expiration date.

b. Finding: 49 CFR § 384.212—DVS Issued Non-Domiciled CLPs or CDLs to Ineligible Citizens of Mexico or Canada.

During the 2025 APR, FMCSA discovered that three of the driver records sampled showed that DVS issued a non-domiciled CLP or CDL to a driver who, as a citizen of Mexico or Canada not present under the DACA program, was ineligible to receive a non-domiciled CDL. The transactions at issue are set forth below.

1. On August 4, 2025, DVS issued a non-domiciled CDL with an expiration date of December 2, 2025 to a driver with the initials "JBF" who is a citizen of Mexico. At the time the transaction occurred, JBF presented an unexpired EAD credential confirming their Mexican citizenship. However, DVS provided no evidence of DACA status, without which the driver would have been ineligible for a non-domiciled CDL as a citizen of Mexico.
2. On August 28, 2025, DVS issued a non-domiciled CDL with an expiration date of March 11, 2028 to a driver with the initials "VH" who is a citizen of Mexico. At the time the transaction occurred, VH presented an unexpired EAD credential confirming their

Mexican citizenship. DVS 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 February 13, 2025, DVS issued a non-domiciled CDL with an expiration date of February 8, 2029 to a driver with the initials “WML” who is a citizen of Mexico. At the time the transaction occurred, WML presented an unexpired EAD credential that confirmed their Mexican citizenship. DVS 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—DVS Issued Non-Domiciled CLPs or CDLs to Lawful Permanent Residents of the United States.

During the 2025 APR, FMCSA discovered that three of the driver records sampled showed that DVS issued a non-domiciled CLP or CDL to a driver who, as a lawful permanent resident of the United States, should have been issued a regular CDL. The transactions at issue are set forth below.

1. On March 25, 2024, DVS issued a non-domiciled CDL with an expiration date of April 1, 2028 to a driver with the initials “MB.” At the time the transaction occurred, MB presented an unexpired United States Permanent Resident card issued by USCIS. In accordance with 49 CFR §§ 383.71 (Table 1) and 383.73, DVS was required to issue MB a regular CDL; however, DVS erroneously issued a non-domiciled CDL.
2. On February 6, 2024, DVS issued a non-domiciled CDL with an expiration date of May 31, 2028 to a driver with the initials “AF.” At the time the transaction occurred, AF presented an unexpired United States Permanent Resident card issued by USCIS. In accordance with 49 CFR §§ 383.71 (Table 1) and 383.73, DVS was required to issue AF a regular CDL; however, DVS erroneously issued a non-domiciled CDL.
3. On September 9, 2025, DVS issued a non-domiciled CDL with an expiration date of February 20, 2029 to a driver with the initials “GA.” At the time the transaction occurred, GA presented an unexpired United States Permanent Resident card issued by USCIS. In accordance with 49 CFR §§ 383.71 (Table 1) and 383.73, DVS was required to issue GA a regular CDL; however, DVS erroneously issued a non-domiciled CDL.

d. Finding: 49 CFR § 384.212—DVS Issued Non-Domiciled CLPs or CDLs Without Providing Evidence of Lawful Presence Verification.

During the 2025 APR, FMCSA discovered that five of the driver records sampled showed that DVS issued a non-domiciled CDL or CLP to a driver without providing evidence that, at the time the transaction occurred, it verified the drivers’ lawful presence with an unexpired EAD or unexpired foreign passport and Form I-94 documenting the drivers’ most recent admittance into the United States. These transactions are described below.

1. On August 21, 2025, DVS issued a non-domiciled CDL with an expiration date of December 19, 2025 to a driver with the initials “KM” who is a citizen of Somalia. At the

time the transaction occurred, KM presented an expired EAD credential showing an expiration date of June 12, 2025 and a Form I-94 noting that KM was granted indefinite asylum status by an immigration judge on November 15, 2024. However, DVS did not provide any evidence that KM presented an unexpired foreign passport or unexpired EAD at the time the transaction occurred, as required under 49 CFR § 383.71(f). In addition, despite KM presenting an expired EAD, DVS provided no evidence of a query report from USCIS's online verification service, Systematic Alien Verification for Entitlements (SAVE),¹⁷ or other USCIS approved verification system, showing that of KM's EAD had been renewed. Regardless, DVS issued a non-domiciled CDL with an expiration date of December 19, 2025.

2. On June 20, 2024, DVS issued a non-domiciled CDL with an expiration date of April 11, 2028 to a driver with the initials "QF" who is a citizen of South Africa. At the time the transaction occurred, QF presented an unexpired foreign passport and an expired Form I-94 showing an admit until date of December 15, 2023. However, DVS did not provide any evidence that QF presented an unexpired Form I-94 or unexpired EAD. In addition, despite QF presenting an expired Form I-94, DVS provided no evidence of a SAVE query report, or query report from another USCIS approved verification system, validating QF's lawful presence prior to issuing the non-domiciled CDL. Regardless, DVS issued a non-domiciled CDL with an expiration date of April 11, 2028. Although DVS later recognized its error and issued a letter, dated September 17, 2025, downgrading QF's non-domiciled CDL for failing to provide proof of citizenship or lawful residency, DVS allowed the driver to improperly hold a non-domiciled CDL for more than *one year*, from June 20, 2024 to September 17, 2025.
3. On September 12, 2025, DVS issued a non-domiciled CDL with an expiration date of January 10, 2026 to a driver with the initials "IMK" who is a citizen of Somalia. At the time the transaction occurred, IMK presented an expired EAD credential showing an expiration date of July 13, 2025. DVS did not provide any evidence that IMK presented an unexpired EAD or an unexpired foreign passport accompanied by an approved Form I-94, as required under 49 CFR § 383.71(f) at the time the transaction occurred. In addition, despite IMK presenting an expired EAD, DVS provided no evidence of a SAVE query report, or query report from another USCIS approved verification system, showing that of IMK's EAD had been renewed. Regardless, DVS issued a non-domiciled CDL with an expiration date of January 10, 2026.
4. On July 7, 2025, DVS issued a non-domiciled CDL with an expiration date of April 10, 2028 to a driver with the initials "IK" who is a citizen of Ukraine. At the time the transaction occurred, IK presented an expired EAD credential with an expiration date of February 24, 2025. DVS did not provide any evidence that IK presented an unexpired EAD or an unexpired foreign passport accompanied by an approved Form I-94, as

¹⁷ "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>.

required under 49 CFR § 383.71(f) at the time the transaction occurred. In addition, despite IK presenting an expired EAD, DVS provided no evidence of a SAVE query report, or query report from another USCIS approved verification system, showing that of IK's EAD had been renewed. Regardless, DVS issued a non-domiciled CDL with an expiration date of April 10, 2028.

5. On September 17, 2025, DVS issued a non-domiciled CDL with an expiration date of November 10, 2025 to a driver with the initials "MP" who is a citizen of Bulgaria. At the time the transaction occurred, MP presented an unexpired foreign passport, a stamp of admission into the United States with an admit until date of November 10, 2024, and an H2B visa with an expiration date of October 31, 2024. DVS did not provide any evidence that MP presented an approved Form I-94 to accompany the unexpired foreign passport, or an unexpired EAD, as required under 49 CFR § 383.71(f) at the time the transaction occurred. Regardless, DVS issued a non-domiciled CDL with an expiration date of November 10, 2025.

IV. Required Corrective Action

As noted above, approximately 2117 drivers hold an unexpired non-domiciled CLP or CDL issued by DVS. In light of the systemic errors and deficiencies in DVS's issuance of non-domiciled CLPs and CDLs uncovered by the 2025 APR, FMCSA determines that Minnesota 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 the State'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 the State'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 the State'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 Minnesota under 23 U.S.C. § 104(b)(1) and (2).¹⁸ Accordingly, upon a final determination of substantial noncompliance, Minnesota risks losing up to approximately \$30,400,000 for FY 2027.¹⁹ Further, if the substantial noncompliance persists beyond the first fiscal year, FMCSA may withhold up to eight percent of these funds; therefore, Minnesota risks losing up to approximately \$60,800,000 in the second and subsequent FY(s) of noncompliance.²⁰ Once funds are withheld following a substantial noncompliance determination, they are no longer available for apportionment to Minnesota.²¹

In addition, if FMCSA issues a final determination of substantial noncompliance, the Agency may decertify Minnesota's CDL program. Decertification of Minnesota's CDL program would

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

¹⁹ FMCSA estimates this amount based on FY 2026 funding levels.

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

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

prohibit the State from issuing, renewing, transferring, or upgrading CLPs and CDLs until such time as FMCSA determines that DVS is in substantial compliance with 49 U.S.C. § 31311 and 49 CFR Part 384, Subpart B.²²

VII. Conclusion

The 2025 APR uncovered 25 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. DVS 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.

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

Please note that this letter addresses noncompliance with DVS'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,



Derek D. Barrs
Administrator

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