



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

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

December 12, 2025

Via Electronic Mail and UPS

The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Mark J.F. Schroeder, Commissioner
New York Department of Motor Vehicles
6 Empire State Plaza
Albany, NY 12220

Dear Governor Hochul and Commissioner Schroeder:

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 July 2025, FMCSA initiated an Annual Program Review (APR) of the New York Department of Motor Vehicles' (DMV) CDL program in accordance with 49 U.S.C. § 31311 and 49 CFR § 384.307. During the 2025 APR, FMCSA obtained evidence of systemic policy and procedural errors in New York'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 New York. In this regard, FMCSA found that DMV issued non-domiciled CDLs that extend beyond the expiration of drivers' lawful presence in the United States and issued non-domiciled CDLs to drivers without providing evidence that it verified the driver's lawful presence in the United States under the standards set forth in 49 CFR Part 383. Therefore, in accordance with 49 CFR § 384.307(b), this letter constitutes FMCSA's preliminary determination that New York has failed to meet the requirement for substantial compliance with the standards for issuing non-domiciled CLPs and CDLs. New York 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 DMV’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, DMV 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 New York’s 2025 APR in July 2025 in accordance with 49 U.S.C. § 31311 and 49 CFR § 384.307. DMV informed FMCSA that its records reflect that New York has issued 32,606 non-domiciled CLPs or CDLs that remain unexpired. During the 2025 APR, FMCSA sampled 200 records of drivers issued a non-domiciled CDL by DMV. As explained in greater detail in section III below, of the 200 driver records sampled, FMCSA found 107 records—approximately 53 percent—that failed to comply with requirements in 49 CFR Parts 383 and 384.

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).

The 2025 APR uncovered evidence of systemic policy, procedural, and programming errors. In this regard, FMCSA found 101 driver records where DMV issued non-domiciled CLPs and CDLs that exceeded the expiration date of the driver’s lawful presence documents. FMCSA learned through discussions with DMV staff during the 2025 APR that this error occurs because DMV only ensures that the expiration date of non-domiciled CLPs and CDLs does not exceed the drivers’ legal presence documents, as confirmed in USCIS’s online verification service, Systematic Alien Verification for Entitlements¹² (SAVE), if the licenses are REAL ID compliant. However, DMV staff stated that, during issuance of non-domiciled CDLs that are *not* REAL ID compliant, DMV’s electronic records system, Common Portal to Search Services (COMPASS), will default to an expiration date that is 8 years from the date of initial issuance.¹³

As explained in greater detail in section III(b) below, of the driver records sampled, FMCSA found six transactions where DMV issued non-domiciled CDLs but could not provide any 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 prior to issuance, as required under 49 CFR §§ 383.71(f)(2)(i) and 383.73(f)(3).

During the 2025 APR, FMCSA discovered that DMV failed to program its systems to ensure that the expiration date of non-REAL ID compliant non-domiciled CLPs and CDLs does not exceed drivers’ legal presence. The errors discovered during the 2025 APR indicate a systemic breakdown in DMV’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—The New York DMV 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 101 of the driver records sampled showed that DMV 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, 2024, DMV issued a non-domiciled CDL with an expiration date of September 24, 2027 to a driver with the initials “DS.” At the time the transaction occurred, DS’s EAD credential showed an expiration date of July 5, 2025. However,

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), <https://www.uscis.gov/sites/default/files/document/guides/SAVE-Guide%20to%20Understanding%20SAVE%20Verification%20Responses.pdf>.

¹³ For example, if DMV issues a class D non-commercial driver’s license to a driver with an eight-year expiration and the driver later obtains a CDL, the CDL’s expiration date will be the remainder of the eight-year period of validity. If the license is within one year of renewal, DMV will extend the previous expiration date by eight years.

- DMV issued a non-domiciled CDL with an expiration date of September 24, 2027, more than two years after the EAD's expiration date.
2. On July 8, 2024, DMV issued a non-domiciled CDL with an expiration date of September 24, 2027 to a driver with the initials "AB." At the time the transaction occurred, AB's EAD credential showed an expiration date of April 6, 2025. However, DMV issued a non-domiciled CDL with an expiration date of September 24, 2027, more than two years after the EAD's expiration date.
 3. On October 4, 2024, DMV issued a non-domiciled CDL with an expiration date of May 22, 2029 to a driver with the initials "CS." At the time the transaction occurred, CS's EAD credential showed an expiration date of May 10, 2029. However, DMV issued a non-domiciled CDL with an expiration date of May 22, 2029, more than 10 days after the EAD's expiration date.
 4. On February 7, 2025, DMV issued a non-domiciled CDL with an expiration date of May 7, 2032 to a driver with the initials "JM." At the time the transaction occurred, JM's EAD credential showed an expiration date of May 22, 2025. However, DMV issued a non-domiciled CDL with an expiration date of May 7, 2032, more than six years after the EAD's expiration date.
 5. On October 17, 2023, DMV issued a non-domiciled CDL with an expiration date of January 12, 2027 to a driver with the initials "KS." At the time the transaction occurred, KS's EAD credential showed an expiration date of November 8, 2024. However, DMV issued a non-domiciled CDL with an expiration date of January 12, 2027, more than two years after the EAD's expiration date.
 6. On May 16, 2023, DMV issued a non-domiciled CDL with an expiration date of February 15, 2030 to a driver with the initials "JA." At the time the transaction occurred, JA's EAD credential showed an expiration date of June 30, 2024. However, DMV issued a non-domiciled CDL with an expiration date of February 15, 2030, more than five years after the EAD's expiration date.
 7. On September 25, 2024, DMV issued a non-domiciled CDL with an expiration date of October 6, 2030 to a driver with the initials "BS." At the time the transaction occurred, BS's EAD credential showed an expiration date of May 19, 2029. However, DMV issued a non-domiciled CDL with an expiration date of October 6, 2030, more than one year after the EAD's expiration date.
 8. On September 16, 2020, DMV issued a non-domiciled CDL with an expiration date of February 7, 2033 to a driver with the initials "BS." At the time the transaction occurred, BS's EAD credential showed an expiration date of July 25, 2021. However, DMV issued a non-domiciled CDL with an expiration date of February 7, 2033, more than 11 years after the EAD's expiration date.
 9. On February 24, 2025, DMV issued a non-domiciled CDL with an expiration date of February 25, 2029 to a driver with the initials "SK." At the time the transaction occurred, SK's EAD credential showed an expiration date of January 24, 2029. However, DMV issued a non-domiciled CDL with an expiration date of February 25, 2029, more than one month after the EAD's expiration date.

10. On September 17, 2024, DMV issued a non-domiciled CDL with an expiration date of January 5, 2033 to a driver with the initials "PJ." At the time the transaction occurred, PJ's EAD credential showed an expiration date of March 8, 2029. However, DMV issued a non-domiciled CDL with an expiration date of January 5, 2033, more than three years after the EAD's expiration date.
11. On June 16, 2023, DMV issued a non-domiciled CDL with an expiration date of April 25, 2030 to a driver with the initials "JM." At the time the transaction occurred, JM's EAD credential showed an expiration date of June 30, 2024. However, DMV issued a non-domiciled CDL with an expiration date of April 25, 2030, more than five years after the EAD's expiration date.
12. On May 9, 2022, DMV issued a non-domiciled CDL with an expiration date of May 14, 2030 to a driver with the initials "SS." At the time the transaction occurred, SS's EAD credential showed an expiration date of December 26, 2023. However, DMV issued a non-domiciled CDL with an expiration date of May 14, 2030, more than six years after the EAD's expiration date.
13. On November 26, 2021, DMV issued a non-domiciled CDL with an expiration date of December 31, 2029 to a driver with the initials "SR." At the time the transaction occurred, SR's EAD credential showed an expiration date of December 31, 2022. However, DMV issued a non-domiciled CDL with an expiration date of December 31, 2029, more than seven years after the EAD's expiration date.
14. On February 26, 2024, DMV issued a non-domiciled CDL with an expiration date of February 12, 2026 to a driver with the initials "HS." At the time the transaction occurred, HS's EAD credential showed an expiration date of June 25, 2025. However, DMV issued a non-domiciled CDL with an expiration date of February 12, 2026, more than seven months after the EAD's expiration date.
15. On August 22, 2019, DMV issued a non-domiciled CDL with an expiration date of November 10, 2027 to a driver with the initials "OM." At the time the transaction occurred, OM's EAD credential showed an expiration date of September 9, 2019. However, DMV issued a non-domiciled CDL with an expiration date of November 10, 2027, more than eight years after the EAD's expiration date.
16. On October 18, 2023, DMV issued a non-domiciled CDL with an expiration date of April 4, 2027 to a driver with the initials "LA." At the time the transaction occurred, LA's EAD credential showed an expiration date of September 25, 2025. However, DMV issued a non-domiciled CDL with an expiration date of April 4, 2027, more than one year after the EAD's expiration date.
17. On December 28, 2023, DMV issued a non-domiciled CDL with an expiration date of September 5, 2028 to a driver with the initials "MS." At the time the transaction occurred, MS's EAD credential showed an expiration date of October 18, 2024. However, DMV issued a non-domiciled CDL with an expiration date of September 5, 2028, more than three years after the EAD's expiration date.
18. On January 31, 2025, DMV issued a non-domiciled CDL with an expiration date of April 15, 2029 to a driver with the initials "AO." At the time the transaction occurred, AO's EAD credential showed an expiration date of April 28, 2026. However, DMV

- issued a non-domiciled CDL with an expiration date of April 15, 2029, more than two years after the EAD's expiration date.
19. On March 24, 2023, DMV issued a non-domiciled CDL with an expiration date of October 18, 2030 to a driver with the initials "LS." At the time the transaction occurred, LS's EAD credential showed an expiration date of June 30, 2024. However, DMV issued a non-domiciled CDL with an expiration date of October 18, 2030, more than six years after the EAD's expiration date.
 20. On July 10, 2023, DMV issued a non-domiciled CDL with an expiration date of August 17, 2027 to a driver with the initials "MG." At the time the transaction occurred, MG's EAD credential showed an expiration date of February 22, 2025. However, DMV issued a non-domiciled CDL with an expiration date of August 17, 2027, more than two years after the EAD's expiration date.
 21. On October 15, 2024, DMV issued a non-domiciled CDL with an expiration date of November 15, 2025 to a driver with the initials "KS." At the time the transaction occurred, KS's EAD credential showed an expiration date of June 8, 2025. However, DMV issued a non-domiciled CDL with an expiration date of November 15, 2025, more than five months after the EAD's expiration date.
 22. On March 25, 2025, DMV issued a non-domiciled CDL with an expiration date of April 4, 2032 to a driver with the initials "MS." At the time the transaction occurred, MS's EAD credential showed an expiration date of December 11, 2029. However, DMV issued a non-domiciled CDL with an expiration date of April 4, 2032, more than two years after the EAD's expiration date.
 23. On January 30, 2024, DMV issued a non-domiciled CDL with an expiration date of January 12, 2027 to a driver with the initials "GS." At the time the transaction occurred, GS's EAD credential showed an expiration date of March 31, 2025. However, DMV issued a non-domiciled CDL with an expiration date of January 12, 2027, more than one year after the EAD's expiration date.
 24. On April 10, 2024, DMV issued a non-domiciled CDL with an expiration date of July 23, 2028 to a driver with the initials "SH." At the time the transaction occurred, SH's EAD credential showed an expiration date of May 19, 2025. However, DMV issued a non-domiciled CDL with an expiration date of July 23, 2028, more than three years after the EAD's expiration date.
 25. On December 27, 2023, DMV issued a non-domiciled CDL with an expiration date of December 28, 2028 to a driver with the initials "SS." At the time the transaction occurred, SS's EAD credential showed an expiration date of December 18, 2028. However, DMV issued a non-domiciled CDL with an expiration date of December 28, 2028, 10 days after the EAD's expiration date.
 26. On November 1, 2024, DMV issued a non-domiciled CDL with an expiration date of February 12, 2029 to a driver with the initials "RS." At the time the transaction occurred, RS's EAD credential showed an expiration date of November 22, 2024. However, DMV issued a non-domiciled CDL with an expiration date of February 12, 2029, more than four years after the EAD's expiration date.

27. On January 22, 2024, DMV issued a non-domiciled CDL with an expiration date of March 15, 2032 to a driver with the initials "GS." At the time the transaction occurred, GS's EAD credential showed an expiration date of December 5, 2028. However, DMV issued a non-domiciled CDL with an expiration date of March 15, 2032, more than three years after the EAD's expiration date.
28. On August 16, 2022, DMV issued a non-domiciled CDL with an expiration date of September 9, 2030 to a driver with the initials "SK." At the time the transaction occurred, SK's EAD credential showed an expiration date of June 14, 2024. However, DMV issued a non-domiciled CDL with an expiration date of September 9, 2030, more than six years after the EAD's expiration date.
29. On June 26, 2024, DMV issued a non-domiciled CDL with an expiration date of November 19, 2028 to a driver with the initials "RS." At the time the transaction occurred, RS's EAD credential showed an expiration date of February 23, 2025. However, DMV issued a non-domiciled CDL with an expiration date of November 19, 2028, more than three years after the EAD's expiration date.
30. On January 8, 2025, DMV issued a non-domiciled CDL with an expiration date of April 30, 2027 to a driver with the initials "EK." At the time the transaction occurred, EK's EAD credential showed an expiration date of January 17, 2027. However, DMV issued a non-domiciled CDL with an expiration date of April 30, 2027, more than three months after the EAD's expiration date.
31. On July 13, 2022, DMV issued a non-domiciled CDL with an expiration date of May 9, 2031 to a driver with the initials "HV." At the time the transaction occurred, HV's EAD credential showed an expiration date of September 29, 2023. However, DMV issued a non-domiciled CDL with an expiration date of May 9, 2031, more than seven years after the EAD's expiration date.
32. On July 9, 2024, DMV issued a non-domiciled CDL with an expiration date of December 1, 2032 to a driver with the initials "SS." At the time the transaction occurred, SS's EAD credential showed an expiration date of January 22, 2029. However, DMV issued a non-domiciled CDL with an expiration date of December 1, 2032, more than three years after the EAD's expiration date.
33. On July 6, 2022, DMV issued a non-domiciled CDL with an expiration date of April 24, 2026 to a driver with the initials "KS." At the time the transaction occurred, KS's EAD credential showed an expiration date of April 28, 2024. However, DMV issued a non-domiciled CDL with an expiration date of April 24, 2026, more than one year after the EAD's expiration date.
34. On May 9, 2023, DMV issued a non-domiciled CDL with an expiration date of October 14, 2027 to a driver with the initials "SF." At the time the transaction occurred, SF's EAD credential showed an expiration date of July 18, 2024. However, DMV issued a non-domiciled CDL with an expiration date of October 14, 2027, more than three years after the EAD's expiration date.
35. On August 5, 2024, DMV issued a non-domiciled CDL with an expiration date of February 26, 2030 to a driver with the initials "VS." At the time the transaction occurred, VS's EAD credential showed an expiration date of January 24, 2029.

- However, DMV issued a non-domiciled CDL with an expiration date of February 26, 2030, more than one year after the EAD's expiration date.
36. On December 30, 2022, DMV issued a non-domiciled CDL with an expiration date of February 2, 2027 to a driver with the initials "GS." At the time the transaction occurred, GS's EAD credential showed an expiration date of January 11, 2024. However, DMV issued a non-domiciled CDL with an expiration date of February 2, 2027, more than three years after the EAD's expiration date.
 37. On April 23, 2025, DMV issued a non-domiciled CDL with an expiration date of April 21, 2030 to a driver with the initials "AR." At the time the transaction occurred, AR's EAD credential showed an expiration date of September 9, 2025. However, DMV issued a non-domiciled CDL with an expiration date of April 21, 2030, more than four years after the EAD's expiration date.
 38. On November 22, 2024, DMV issued a non-domiciled CDL with an expiration date of November 17, 2027 to a driver with the initials "OK." At the time the transaction occurred, OK's EAD credential showed an expiration date of October 29, 2026. However, DMV issued a non-domiciled CDL with an expiration date of November 17, 2027, more than one year after the EAD's expiration date.
 39. On December 13, 2024, DMV issued a non-domiciled CDL with an expiration date of November 16, 2026 to a driver with the initials "RA." At the time the transaction occurred, RA's EAD credential showed an expiration date of April 8, 2026. However, DMV issued a non-domiciled CDL with an expiration date of November 16, 2026, more than seven months after the EAD's expiration date.
 40. On May 19, 2022, DMV issued a non-domiciled CDL with an expiration date of July 16, 2030 to a driver with the initials "ST." At the time the transaction occurred, ST's EAD credential showed an expiration date of June 29, 2023. However, DMV issued a non-domiciled CDL with an expiration date of July 16, 2030, more than seven years after the EAD's expiration date.
 41. On June 5, 2023, DMV issued a non-domiciled CDL with an expiration date of September 24, 2029 to a driver with the initials "BQ." At the time the transaction occurred, BQ's EAD credential showed an expiration date of November 14, 2024. However, DMV issued a non-domiciled CDL with an expiration date of September 24, 2029, more than four years after the EAD's expiration date.
 42. On January 29, 2025, DMV issued a non-domiciled CDL with an expiration date of June 7, 2030 to a driver with the initials "VP." At the time the transaction occurred, VP's EAD credential showed an expiration date of March 9, 2025. However, DMV issued a non-domiciled CDL with an expiration date of June 7, 2030, more than five years after the EAD's expiration date.
 43. On June 14, 2024, DMV issued a non-domiciled CDL with an expiration date of May 2, 2029 to a driver with the initials "OH." At the time the transaction occurred, OH's EAD credential showed an expiration date of December 6, 2028. However, DMV issued a non-domiciled CDL with an expiration date of May 2, 2029, more than four months after the EAD's expiration date.

44. On June 26, 2025, DMV issued a non-domiciled CDL with an expiration date of February 9, 2033 to a driver with the initials "FH." At the time the transaction occurred, FH's EAD credential showed an expiration date of March 30, 2029. However, DMV issued a non-domiciled CDL with an expiration date of February 9, 2033, more than three years after the EAD's expiration date.
45. On September 9, 2025, DMV issued a non-domiciled CDL with an expiration date of June 9, 2029 to a driver with the initials "PS." At the time the transaction occurred, PS's EAD credential showed an expiration date of September 10, 2026. However, DMV issued a non-domiciled CDL with an expiration date of June 9, 2029, more than two years after the EAD's expiration date.
46. On June 28, 2023, DMV issued a non-domiciled CDL with an expiration date of December 26, 2026 to a driver with the initials "KS." At the time the transaction occurred, KS's EAD credential showed an expiration date of October 23, 2024. However, DMV issued a non-domiciled CDL with an expiration date of December 26, 2026, more than two years after the EAD's expiration date.
47. On November 29, 2024, DMV issued a non-domiciled CDL with an expiration date of July 5, 2027 to a driver with the initials "BJ." At the time the transaction occurred, BJ's EAD credential showed an expiration date of January 1, 2027. However, DMV issued a non-domiciled CDL with an expiration date of July 5, 2027, more than six months after the EAD's expiration date.
48. On December 18, 2024, DMV issued a non-domiciled CDL with an expiration date of January 20, 2033 to a driver with the initials "HS." At the time the transaction occurred, HS's EAD credential showed an expiration date of February 5, 2029. However, DMV issued a non-domiciled CDL with an expiration date of January 20, 2033, more than three years after the EAD's expiration date.
49. On September 6, 2024, DMV issued a non-domiciled CDL with an expiration date of January 15, 2026 to a driver with the initials "LS." At the time the transaction occurred, LS's EAD credential showed an expiration date of August 14, 2025. However, DMV issued a non-domiciled CDL with an expiration date of January 15, 2026, more than five months after the EAD's expiration date.
50. On October 30, 2023, DMV issued a non-domiciled CDL with an expiration date of August 20, 2030 to a driver with the initials "GS." At the time the transaction occurred, GS's EAD credential showed an expiration date of October 3, 2024. However, DMV issued a non-domiciled CDL with an expiration date of August 20, 2030, more than five years after the EAD's expiration date.
51. On December 21, 2021, DMV issued a non-domiciled CDL with an expiration date of March 24, 2026 to a driver with the initials "RO." At the time the transaction occurred, RO's EAD credential showed an expiration date of May 12, 2023. However, DMV issued a non-domiciled CDL with an expiration date of March 24, 2026, more than two years after the EAD's expiration date.
52. On August 23, 2021, DMV issued a non-domiciled CDL with an expiration date of January 20, 2026 to a driver with the initials "AS." At the time the transaction occurred, AS's EAD credential showed an expiration date of March 28, 2023.

- However, DMV issued a non-domiciled CDL with an expiration date of January 20, 2026, more than two years after the EAD's expiration date.
53. On April 19, 2024, DMV issued a non-domiciled CDL with an expiration date of April 20, 2032 to a driver with the initials "AK." At the time the transaction occurred, AK's EAD credential showed an expiration date of June 12, 2024. However, DMV issued a non-domiciled CDL with an expiration date of April 20, 2032, more than seven years after the EAD's expiration date.
 54. On September 8, 2025, DMV issued a non-domiciled CDL with an expiration date of September 16, 2033 to a driver with the initials "ZT." At the time the transaction occurred, ZT's EAD credential showed an expiration date of October 26, 2025. However, DMV issued a non-domiciled CDL with an expiration date of September 16, 2033, more than seven years after the EAD's expiration date.
 55. On October 2, 2024, DMV issued a non-domiciled CDL with an expiration date of August 9, 2029 to a driver with the initials "CS." At the time the transaction occurred, CS's EAD credential showed an expiration date of October 29, 2028. However, DMV issued a non-domiciled CDL with an expiration date of August 9, 2029, more than nine months after the EAD's expiration date.
 56. On February 7, 2023, DMV issued a non-domiciled CDL with an expiration date of April 16, 2031 to a driver with the initials "AS." At the time the transaction occurred, AS's EAD credential showed an expiration date of August 22, 2024. However, DMV issued a non-domiciled CDL with an expiration date of April 16, 2031, more than six years after the EAD's expiration date.
 57. On May 28, 2025, DMV issued a non-domiciled CDL with an expiration date of September 29, 2026 to a driver with the initials "AS." At the time the transaction occurred, AS's EAD credential showed an expiration date of January 24, 2026. However, DMV issued a non-domiciled CDL with an expiration date of September 29, 2026, more than eight months after the EAD's expiration date.
 58. On May 17, 2023, DMV issued a non-domiciled CDL with an expiration date of December 17, 2027 to a driver with the initials "WM." At the time the transaction occurred, WM's EAD credential showed an expiration date of December 13, 2024. However, DMV issued a non-domiciled CDL with an expiration date of December 17, 2027, more than three years after the EAD's expiration date.
 59. On January 12, 2021, DMV issued a non-domiciled CDL with an expiration date of June 20, 2028 to a driver with the initials "JN." At the time the transaction occurred, JN's EAD credential showed an expiration date of July 8, 2022. However, DMV issued a non-domiciled CDL with an expiration date of June 20, 2028, more than five years after the EAD's expiration date.
 60. On August 1, 2022, DMV issued a non-domiciled CDL with an expiration date of August 2, 2030 to a driver with the initials "NS." At the time the transaction occurred, NS's EAD credential showed an expiration date of February 3, 2023. However, DMV issued a non-domiciled CDL with an expiration date of August 2, 2030, more than seven years after the EAD's expiration date.

61. On August 19, 2022, DMV issued a non-domiciled CDL with an expiration date of October 12, 2025 to a driver with the initials “VK.” At the time the transaction occurred, VK’s EAD credential showed an expiration date of March 20, 2024. However, DMV issued a non-domiciled CDL with an expiration date of October 12, 2025, more than one year after the EAD’s expiration date.
62. On June 17, 2025, DMV issued a non-domiciled CDL with an expiration date of February 2, 2031 to a driver with the initials “BI.” At the time the transaction occurred, BI’s EAD credential showed an expiration date of February 11, 2027. However, DMV issued a non-domiciled CDL with an expiration date of February 2, 2031, more than three years after the EAD’s expiration date.
63. On June 26, 2025, DMV issued a non-domiciled CDL with an expiration date of October 24, 2029 to a driver with the initials “SS.” At the time the transaction occurred, SS’s EAD credential showed an expiration date of October 15, 2026. However, DMV issued a non-domiciled CDL with an expiration date of October 24, 2029, more than three years after the EAD’s expiration date.
64. On February 11, 2025, DMV issued a non-domiciled CDL with an expiration date of November 17, 2028 to a driver with the initials “HY.” At the time the transaction occurred, HY’s EAD credential showed an expiration date of November 8, 2028. However, DMV issued a non-domiciled CDL with an expiration date of November 17, 2028, nine days after the EAD’s expiration date.
65. On September 15, 2023, DMV issued a non-domiciled CDL with an expiration date of August 31, 2030 to a driver with the initials “GZ.” At the time the transaction occurred, GZ’s EAD credential showed an expiration date of June 30, 2024. However, DMV issued a non-domiciled CDL with an expiration date of August 31, 2030, more than six years after the EAD’s expiration date.
66. On November 14, 2024, DMV issued a non-domiciled CDL with an expiration date of December 17, 2032 to a driver with the initials “AJ.” At the time the transaction occurred, AJ’s EAD credential showed an expiration date of February 27, 2025. However, DMV issued a non-domiciled CDL with an expiration date of December 17, 2032, more than seven years after the EAD’s expiration date.
67. On August 21, 2023, DMV issued a non-domiciled CDL with an expiration date of July 9, 2027 to a driver with the initials “IY.” At the time the transaction occurred, IY’s EAD credential showed an expiration date of December 16, 2023. However, DMV issued a non-domiciled CDL with an expiration date of July 9, 2027, more than three years after the EAD’s expiration date.
68. On December 9, 2024, DMV issued a non-domiciled CDL with an expiration date of September 14, 2028 to a driver with the initials “RK.” At the time the transaction occurred, RK’s EAD credential showed an expiration date of September 17, 2025. However, DMV issued a non-domiciled CDL with an expiration date of September 14, 2028, more than two years after the EAD’s expiration date.
69. On January 5, 2024, DMV issued a non-domiciled CDL with an expiration date of January 21, 2030 to a driver with the initials “GS.” At the time the transaction occurred, GS’s EAD credential showed an expiration date of December 14, 2028.

- However, DMV issued a non-domiciled CDL with an expiration date of January 21, 2030, more than one year after the EAD's expiration date.
70. On March 28, 2024, DMV issued a non-domiciled CDL with an expiration date of March 20, 2028 to a driver with the initials "SS." At the time the transaction occurred, SS's EAD credential showed an expiration date of January 24, 2025. However, DMV issued a non-domiciled CDL with an expiration date of March 20, 2028, more than three years after the EAD's expiration date.
 71. On March 28, 2024, DMV issued a non-domiciled CDL with an expiration date of September 15, 2028 to a driver with the initials "JS." At the time the transaction occurred, JS's EAD credential showed an expiration date of May 9, 2026. However, DMV issued a non-domiciled CDL with an expiration date of September 15, 2028, more than two years after the EAD's expiration date.
 72. On April 12, 2024, DMV issued a non-domiciled CDL with an expiration date of September 10, 2032 to a driver with the initials "ML." At the time the transaction occurred, ML's EAD credential showed an expiration date of March 21, 2025. However, DMV issued a non-domiciled CDL with an expiration date of September 10, 2032, more than seven years after the EAD's expiration date.
 73. On November 21, 2022, DMV issued a non-domiciled CDL with an expiration date of November 3, 2028 to a driver with the initials "CR." At the time the transaction occurred, CR's EAD credential showed an expiration date of December 31, 2022. However, DMV issued a non-domiciled CDL with an expiration date of November 3, 2028, more than five years after the EAD's expiration date.
 74. On March 18, 2024, DMV issued a non-domiciled CDL with an expiration date of December 16, 2025 to a driver with the initials "SB." At the time the transaction occurred, SB's EAD credential showed an expiration date of September 5, 2024. However, DMV issued a non-domiciled CDL with an expiration date of December 16, 2025, more than one year after the EAD's expiration date.
 75. On January 22, 2021, DMV issued a non-domiciled CDL with an expiration date of January 31, 2029 to a driver with the initials "RS." At the time the transaction occurred, RS's EAD credential showed an expiration date of May 7, 2022. However, DMV issued a non-domiciled CDL with an expiration date of January 31, 2029, more than six years after the EAD's expiration date.
 76. On June 11, 2021, DMV issued a non-domiciled CDL with an expiration date of September 2, 2028 to a driver with the initials "CF." At the time the transaction occurred, CF's EAD credential showed an expiration date of December 3, 2021. However, DMV issued a non-domiciled CDL with an expiration date of September 2, 2028, more than six years after the EAD's expiration date.
 77. On January 10, 2022, DMV issued a non-domiciled CDL with an expiration date of February 26, 2030 to a driver with the initials "NI." At the time the transaction occurred, NI's EAD credential showed an expiration date of April 11, 2023. However, DMV issued a non-domiciled CDL with an expiration date of February 26, 2030, more than six years after the EAD's expiration date.

78. On July 8, 2025, DMV issued a non-domiciled CDL with an expiration date of December 9, 2031 to a driver with the initials "AG." At the time the transaction occurred, AG's EAD credential showed an expiration date of August 6, 2025. However, DMV issued a non-domiciled CDL with an expiration date of December 9, 2031, more than six years after the EAD's expiration date.
79. On August 29, 2022, DMV issued a non-domiciled CDL with an expiration date of January 19, 2027 to a driver with the initials "JY." At the time the transaction occurred, JY's EAD credential showed an expiration date of July 20, 2023. However, DMV issued a non-domiciled CDL with an expiration date of January 19, 2027, more than three years after the EAD's expiration date.
80. On December 17, 2019, DMV issued a non-domiciled CDL with an expiration date of September 20, 2028 to a driver with the initials "PS." At the time the transaction occurred, PS's EAD credential showed an expiration date of August 18, 2021. However, DMV issued a non-domiciled CDL with an expiration date of September 20, 2028, more than seven years after the EAD's expiration date.
81. On December 11, 2024, DMV issued a non-domiciled CDL with an expiration date of September 12, 2026 to a driver with the initials "DP." At the time the transaction occurred, DP's EAD credential showed an expiration date of August 14, 2025. However, DMV issued a non-domiciled CDL with an expiration date of September 12, 2026, more than one year after the EAD's expiration date.
82. On March 2, 2023, DMV issued a non-domiciled CDL with an expiration date of October 15, 2025 to a driver with the initials "JF." At the time the transaction occurred, JF's EAD credential showed an expiration date of December 13, 2024. However, DMV issued a non-domiciled CDL with an expiration date of October 15, 2025, more than 10 months after the EAD's expiration date.
83. On January 23, 2025, DMV issued a non-domiciled CDL with an expiration date of May 20, 2029 to a driver with the initials "AS." At the time the transaction occurred, AS's EAD credential showed an expiration date of March 28, 2025. However, DMV issued a non-domiciled CDL with an expiration date of May 20, 2029, more than four years after the EAD's expiration date.
84. On September 27, 2024, DMV issued a non-domiciled CDL with an expiration date of October 24, 2027 to a driver with the initials "GS." At the time the transaction occurred, GS's EAD credential showed an expiration date of May 24, 2025. However, DMV issued a non-domiciled CDL with an expiration date of October 24, 2027, more than two years after the EAD's expiration date.
85. On November 1, 2018, DMV issued a non-domiciled CDL with an expiration date of November 8, 2026 to a driver with the initials "FB." At the time the transaction occurred, FB's EAD credential showed an expiration date of January 5, 2020. However, DMV issued a non-domiciled CDL with an expiration date of November 8, 2026, more than six years after the EAD's expiration date.
86. On May 6, 2024, DMV issued a non-domiciled CDL with an expiration date of July 28, 2028 to a driver with the initials "AS." At the time the transaction occurred, AS's EAD credential showed an expiration date of November 15, 2024. However, DMV

- issued a non-domiciled CDL with an expiration date of July 28, 2028, more than three years after the EAD's expiration date.
87. On March 28, 2024, DMV issued a non-domiciled CDL with an expiration date of December 9, 2029 to a driver with the initials "SM." At the time the transaction occurred, SM's EAD credential showed an expiration date of December 31, 2022. However, DMV issued a non-domiciled CDL with an expiration date of December 9, 2029, more than six years after the EAD's expiration date.
 88. On November 13, 2024, DMV issued a non-domiciled CDL with an expiration date of January 27, 2029 to a driver with the initials "SM." At the time the transaction occurred, SM's EAD credential showed an expiration date of September 13, 2025. However, DMV issued a non-domiciled CDL with an expiration date of January 27, 2029, more than three years after the EAD's expiration date.
 89. On September 24, 2025, DMV issued a non-domiciled CDL with an expiration date of April 12, 2029 to a driver with the initials "FL." At the time the transaction occurred, FL's EAD credential showed an expiration date of March 7, 2026. However, DMV issued a non-domiciled CDL with an expiration date of April 12, 2029, more than three years after the EAD's expiration date.
 90. On December 14, 2022, DMV issued a non-domiciled CDL with an expiration date of June 13, 2031 to a driver with the initials "GS." At the time the transaction occurred, GS's EAD credential showed an expiration date of March 23, 2024. However, DMV issued a non-domiciled CDL with an expiration date of June 13, 2031, more than seven years after the EAD's expiration date.
 91. On April 2, 2025, DMV issued a non-domiciled CDL with an expiration date of August 3, 2032 to a driver with the initials "PM." At the time the transaction occurred, PM's EAD credential showed an expiration date of May 1, 2029. However, DMV issued a non-domiciled CDL with an expiration date of August 3, 2032, more than three years after the EAD's expiration date.
 92. On August 8, 2024, DMV issued a non-domiciled CDL with an expiration date of December 15, 2028 to a driver with the initials "IP." At the time the transaction occurred, IP's EAD credential showed an expiration date of April 19, 2025. However, DMV issued a non-domiciled CDL with an expiration date of December 15, 2028, more than three years after the EAD's expiration date.
 93. On March 21, 2022, DMV issued a non-domiciled CDL with an expiration date of February 14, 2026 to a driver with the initials "CD." At the time the transaction occurred, CD's EAD credential showed an expiration date of April 9, 2022. However, DMV issued a non-domiciled CDL with an expiration date of February 14, 2026, more than three years after the EAD's expiration date.
 94. On April 19, 2021, DMV issued a non-domiciled CDL with an expiration date of April 19, 2029 to a driver with the initials "JC." At the time the transaction occurred, JC's EAD credential showed an expiration date of October 4, 2021. However, DMV issued a non-domiciled CDL with an expiration date of April 19, 2029, more than seven years after the EAD's expiration date.

95. On May 27, 2025, DMV issued a non-domiciled CDL with an expiration date of May 5, 2030 to a driver with the initials “AM.” At the time the transaction occurred, AM’s EAD credential showed an expiration date of October 20, 2029. However, DMV issued a non-domiciled CDL with an expiration date of May 5, 2030, more than six months after the EAD’s expiration date.
96. On December 5, 2024, DMV issued a non-domiciled CDL with an expiration date of December 6, 2028 to a driver with the initials “VY.” At the time the transaction occurred, VY’s EAD credential showed an expiration date of September 21, 2026. However, DMV issued a non-domiciled CDL with an expiration date of December 6, 2028, more than two years after the EAD’s expiration date.
97. On January 13, 2025, DMV issued a non-domiciled CDL with an expiration date of May 5, 2029 to a driver with the initials “VK.” At the time the transaction occurred, VK’s EAD credential showed an expiration date of November 12, 2025. However, DMV issued a non-domiciled CDL with an expiration date of May 5, 2029, more than three years after the EAD’s expiration date.
98. On November 25, 2024, DMV issued a non-domiciled CDL with an expiration date of August 18, 2029 to a driver with the initials “EB.” At the time the transaction occurred, EB’s EAD credential showed an expiration date of September 20, 2026. However, DMV issued a non-domiciled CDL with an expiration date of August 18, 2029, more than two years after the EAD’s expiration date.
99. On July 8, 2025, DMV issued a non-domiciled CDL with an expiration date of January 17, 2028 to a driver with the initials “GA.” At the time the transaction occurred, GA’s EAD credential showed an expiration date of December 26, 2026. However, DMV issued a non-domiciled CDL with an expiration date of January 17, 2028, more than one year after the EAD’s expiration date.
100. On June 6, 2025, DMV issued a non-domiciled CDL with an expiration date of April 17, 2028 to a driver with the initials “EB.” At the time the transaction occurred, EB’s EAD credential showed an expiration date of April 12, 2026. However, DMV issued a non-domiciled CDL with an expiration date of April 17, 2028, more than two years after the EAD’s expiration date.
101. On September 23, 2024, DMV issued a non-domiciled CDL with an expiration date of June 28, 2026 to a driver with the initials “VA.” At the time the transaction occurred, VA’s EAD credential showed an expiration date of February 14, 2025. However, DMV issued a non-domiciled CDL with an expiration date of June 28, 2026, more than one year after the EAD’s expiration date.

b. Finding: 49 CFR § 384.212—The New York DMV Issued Non-Domiciled CLPs or CDLs Without Providing Evidence of lawful Presence Verification Under the Standards of 49 CFR Part 383.

During the 2025 APR, FMCSA discovered that six of the driver records sampled showed that DMV issued non-domiciled CDLs to drivers 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 driver’s most recent admittance into the United States. These transactions are described below.

1. On November 4, 2024, DMV issued a non-domiciled CDL with an expiration date of October 17, 2033 to a driver with the initials “IM.” At the 2025 APR, DMV provided IM’s EAD credential that showed an expiration date of November 3, 2024. However, DMV did not provide any evidence that IM presented an unexpired EAD or an unexpired foreign passport accompanied by an approved I-94 form, as required under 49 CFR § 383.71(f) at the time the transaction occurred. Thus, DMV issued a non-domiciled CDL with an expiration date of October 17, 2033, more than eight years after the EAD’s expiration date.
2. On September 3, 2025, DMV issued a non-domiciled CDL with an expiration date of October 15, 2033 to a driver with the initials “MV.” At the 2025 APR, DMV provided MV’s EAD credential that showed an expiration date of April 9, 2025. However, DMV did not provide any evidence that MV presented an unexpired EAD or an unexpired foreign passport accompanied by an approved I-94 form, as required under 49 CFR § 383.71(f) at the time the transaction occurred. Thus, DMV issued a non-domiciled CDL with an expiration date of October 15, 2033, more than eight years after the EAD’s expiration date.
3. On November 4, 2025, DMV issued a non-domiciled CDL with an expiration date of August 11, 2029 to a driver with the initials “MJ.” At the 2025 APR, DMV provided MJ’s EAD credential that showed an expiration date of October 31, 2023. However, DMV did not provide any evidence that MJ presented an unexpired EAD or an unexpired foreign passport accompanied by an approved I-94 form, as required under 49 CFR § 383.71(f) at the time the transaction occurred. Thus, DMV issued a non-domiciled CDL with an expiration date of August 11, 2029, more than five years after the EAD’s expiration date.
4. On October 20, 2025, DMV issued a non-domiciled CDL with an expiration date of January 6, 2028 to a driver with the initials “JS.” At the 2025 APR, DMV provided JS’s EAD credential that showed an expiration date of April 27, 2025. However, DMV did not provide any evidence that JS presented an unexpired EAD or an unexpired foreign passport accompanied by an approved I-94 form, as required under 49 CFR § 383.71(f) at the time the transaction occurred. Thus, DMV issued a non-domiciled CDL with an expiration date of January 6, 2028, more than two years after the EAD’s expiration date.
5. On January 12, 2022, DMV issued a non-domiciled CDL with an expiration date of December 16, 2025 to a driver with the initials “GS.” At the 2025 APR, DMV provided GS’s EAD credential that showed an expiration date of July 10, 2021. However, DMV did not provide any evidence that GS presented an unexpired EAD or an unexpired foreign passport accompanied by an approved I-94 form, as required under 49 CFR § 383.71(f) at the time the transaction occurred. Thus, DMV issued a non-domiciled CDL with an expiration date of December 16, 2025, more than four years after the EAD’s expiration date.

6. On November 23, 2023, DMV issued a non-domiciled CDL with an expiration date of May 3, 2026 to a driver with the initials “ND.” At the 2025 APR, DMV provided ND’s EAD credential that showed an expiration date of October 6, 2022. However, DMV did not provide any evidence that ND presented an unexpired EAD or an unexpired foreign passport accompanied by an approved I-94 form, as required under 49 CFR § 383.71(f) at the time the transaction occurred. Thus, DMV issued a non-domiciled CDL with an expiration date of May 3, 2026, more than three years after the EAD’s expiration date.

IV. Required Corrective Action

Approximately 32,000 drivers hold an unexpired CLP or CDL issued by DMV. In light of the errors and deficiencies in DMV’s issuance of non-domiciled CLPs and CDLs uncovered by the 2025 APR, FMCSA determines that New York 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 New York under 23 U.S.C. § 104(b)(1) and (2).¹⁴ Accordingly, upon a final determination of substantial noncompliance, New York risks losing up to approximately \$73,500,000 for FY 2027.¹⁵ Further, if the substantial noncompliance persists beyond the first fiscal year, FMCSA may withhold up to eight percent of these funds; therefore, New York risks losing up to approximately \$147,000,000 in the second and subsequent FY(s) of noncompliance.¹⁶ Once funds are withheld following a substantial noncompliance determination, they are no longer available for apportionment to New York.¹⁷

In addition, if FMCSA issues a final determination of substantial noncompliance, the Agency may decertify New York's CDL program. Decertification of New York's CDL program would prohibit the State from issuing, renewing, transferring, or upgrading CLPs and CDLs until such time as FMCSA determines that DMV is in substantial compliance with 49 U.S.C. § 31311 and 49 CFR Part 384, Subpart B.¹⁸

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

¹⁵ FMCSA estimates this amount based on FY 2026 funding levels.

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

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

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

VII. Conclusion

The 2025 APR uncovered 107 non-domiciled CDL issuances sampled by FMCSA that failed to comply with Parts 383 and 384. This is a grossly unacceptable deviation from FMCSA's regulations when issuing credentials to operate commercial motor vehicles. DMV 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.

New York is an important partner in FMCSA's mission to reduce crashes, injuries and fatalities involving large trucks and buses. However, the State's failure to issue non-domiciled CLPs and CDLs in accordance with Federal regulations jeopardizes these shared safety goals. FMCSA issues this preliminary determination of substantial noncompliance with a clear understanding of the gravity of the findings, but also with the expectation that New York will act expeditiously to achieve substantial compliance. To continue in that spirit of partnership, my staff stands ready to assist DMV in resolving these serious issues.

Please note that this letter addresses noncompliance with DMV'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