



DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2025-0886]

Commercial Driver's License: Jenifer Sanchez Vilchis; Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA requests public comment on Jenifer Sanchez Vilchis's application for an exemption to permit Deferred Action for Childhood Arrivals (DACA) recipients with valid Employment Authorization Documents to obtain and hold a Class B passenger-vehicle Commercial Driver's License (CDL) under the same conditions as other lawfully work-authorized individuals. Ms. Sanchez Vilchis requests an immediate, temporary exemption to allow States to issue Class B CDLs to DACA holders. FMCSA is required by statute to publish a notice explaining each exemption request. This notice does not indicate that FMCSA intends to grant the requested exemption. FMCSA reviews the application, safety analyses, and public comments submitted and may grant or deny the exemption.

DATES: Comments must be received on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: You may submit comments identified by Docket Number FMCSA-2025-0886 by any of the following methods:

- **Federal eRulemaking Portal:** www.regulations.gov. See the Public Participation and Request for Comments section below for further information.
- **Mail:** Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58-213, Washington, DC 20590-0001.

- **Hand Delivery or Courier:** Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58-213, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.
- **Fax:** (202) 493-2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments. Each submission must include the Agency name and the docket number (FMCSA-2025-0886) for this notice. Note that DOT posts all comments received without change to www.regulations.gov, including any personal information included in a comment. Please see the Privacy Act heading below.

Privacy Act: In accordance with 49 U.S.C. 31315(b), DOT solicits comments from the public to better inform its exemption process. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL-14 FDMS (Federal Docket Management System (FDMS)), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notice>. The comments are posted without edit and are searchable by the name of the submitter.

FOR FURTHER INFORMATION CONTACT: Richard Clemente, Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards, FMCSA; (771) 216-2436; or richard.clemente@dot.gov. If you have questions on viewing or submitting material to the docket, contact Dockets Operations at (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA-2025-0886), indicate the specific section of this document to which the comment applies, and provide a reason for your suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2025-0886/document>, click on this notice, click “Comment,” and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important

that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590-0001 or via email at brian.g.dahlin@dot.gov. At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to <https://www.regulations.gov/docket/FMCSA-2025-0886/document> and choose the document to review. To view comments, click this notice, then click “Document Comments.” If you do not have access to the internet, you may view the docket by visiting Docket Operations in room W58-213 of the DOT West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590--0001, between 9 a.m. and 5 p.m., ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the Federal Register (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the

application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the Federal Register (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Applicant's Request

Current Regulatory Requirements

On February 13, 2026, FMCSA published a final rule amending the Federal regulations for State Driver's Licensing Agencies (SDLAs) issuing commercial driving credentials to foreign-domiciled individuals, effective March 16, 2026 (91 FR 7044).¹ Under 49 CFR 383.73(f)(3)(ii)(A), as amended, SDLAs must not issue non-domiciled commercial learner's permit or CDL privileges unless the applicant provides evidence of lawful immigration status, as defined under 49 CFR 383.5. Section 383.5 provides that "evidence of lawful immigration status" means a Form I-94/94A with an unexpired Admit Until Date indicating a classification of H-2A-Temporary Agricultural Workers,

¹ The final rule reaffirms, with minor changes, the provisions of the interim final rule (IFR) published on September 29, 2025 (90 FR 46509). However, as explained in the final rule, the U.S. Court of Appeals for the District of Columbia Circuit issued an Order on November 10, 2026 that administratively stayed the effective date of the IFR in response to two Petitions for Review challenging the IFR (91 FR 7047). FMCSA is therefore treating Ms. Sanchez Vilchis' exemption application as both a comment on the IFR and as a request for relief from the final rule provision, as amended (as opposed to the IFR provision). Various comments from Ms. Sanchez Vilchis were posted to the docket at <https://www.regulations.gov/docket/FMCSA-2025-0622/document> (retrievable by entering "Vilchis" into the comments search box) and addressed in the final rule response to comments (91 FR 7054-7055).

H-2B-Temporary Non-Agricultural Workers, or E-2-Treaty Investors. DACA recipients who do not possess evidence of lawful immigration status are thus ineligible for a non-domiciled CLP or CDL (91 FR 7044, 7055).

Applicant's Request

Ms. Sanchez Vilchis states that she is a DACA recipient residing in California. She states that California denied her application for Class B CDL with Passenger and School Bus endorsements because of FMCSA's amended regulations limiting eligibility for non-domiciled CDLs. She requests an exemption to obtain and hold a Class B passenger-vehicle CDL under the same conditions as other lawfully work-authorized individuals, stating that the denial was based solely on her immigration category, not on any safety or qualification deficiency.

The applicant's exemption application also included a petition to amend FMCSA's regulations to allow SDLAs to issue CDLs to DACA recipients with valid work authorization under federal immigration programs. That petition was added to FMCSA's rulemaking docket, FMCSA-2025-0622, during the comment period and was considered as a filed comment.

Applicant's Equivalent Level of Safety

Ms. Sanchez Vilchis believes the exemption would not compromise safety, as she states that she lawfully possesses a DACA-based Employment Authorization Document and has completed all of the California and Highway Patrol requirements for a Class B CDL with a Passenger and School-Bus endorsement.

The applicant asserts that she trained five days a week for six hours a day, passed the General Knowledge, Passenger, and Air Brakes tests, and passed the pre-trip and road exams on her first attempt. Ms. Sanchez Vilchis states that the training she received was rigorous, safety-focused, and conducted under State and Federal standards. She further

provides the following information to support what she believes is an equivalent level of safety:

- 1) She has resided in the U.S. since the age of one;
- 2) She holds three associate degrees and one bachelor's degree with honors;
- 3) Class B training is held to a higher standard than Class A [training] and focuses on the transport of human passengers with zero risk tolerance;
- 4) She has no criminal record or traffic violations.

Ms. Sanchez Vilchis further added that FMCSA's amended regulations arose from incidents involving Class A tractor-trailer drivers engaged in freight transport.

Conversely, Class B licensing governs passenger vehicles such as school buses and coaches, which are subject to more stringent testing, supervision, and background-check requirements.

A copy of Ms. Sanchez Vilchis' application for exemption is available for review in the docket for this notice.

IV. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on Jenifer Sanchez Vilchis' application for an exemption from the restrictions on State issuance of non-domiciled CDLs in 49 CFR 383.73(f) and/or the definition of "evidence of lawful immigration status" in 49 CFR 383.5. The requested exemption would allow States to issue non-domiciled Class B CDLs to DACA recipients who have valid Employment Authorization Documents. All comments received before the close of business on the comment closing date will be considered and will be available for examination in the docket at the location listed under the Addresses section of this notice.

Larry W. Minor,

Associate Administrator of Policy.

