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[4910-EX-P]

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2026-2740]

Commercial Driver's License: Yehonatan Kapach; 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 Yehonatan Kapach's application for an exemption from the documentation required to issue a standard Commercial Driver's License (CDL) or, in the alternative, a non-domiciled CDL, so as to permit the State of North Carolina Division of Motor Vehicles (DMV) to reinstate the applicant's Class A Commercial Driver's License (CDL) with the Passenger (P) and School Bus (S) endorsements. FMCSA is required by statute to publish a notice explaining each exemption request. This notice does not indicate what decision FMCSA will ultimately reach on the request. After reviewing the application, safety analyses, and public comments submitted, FMCSA will 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-2026-2740 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, West Building, Washington, DC 20590-0001.

- **Hand Delivery or Courier:** 1200 New Jersey Avenue SE, W58-213, West Building, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- **Fax:** (202) 493-2251. Each submission must include the Agency name and the docket number (FMCSA-2026-2740) 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-notices. The comments are posted without edit and are searchable by the name of the submitter.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; richard.clemente@dot.gov.

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-2026-2740), 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 the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to https://www.regulations.gov/docket/FMCSA-2026-2740/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 Sarah Stella, Chief, Regulatory Development Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590-0001 or via email at sarah.stella@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 preamble as being available in the docket, go to https://www.regulations.gov, insert FMCSA-2026-2740 in the keyword box, select the document tab and choose the document to review. To view comments, click this notice, then click "Browse Comments." If you do not have access to the internet, you may view the docket by visiting Dockets Operations in the DOT West Building, 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.

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 (FMCSRs). 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(s) from which the exempted party 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

To obtain a standard CDL, a person must provide proof of citizenship or lawful permanent residence as specified in Table 1 to 49 CFR 383.71; otherwise, a person seeking to obtain a CDL would need to apply for a non-domiciled CDL (49 CFR 383.71(b)(9) and (f)). 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). Under 49 CFR 383.73(f)(3)(ii)(A), as amended, SDLAs must not issue non-domiciled commercial learner's permits (CLPs) or CDLs 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*, for applicants domiciled in foreign jurisdictions (other than U.S. territories), consists of an unexpired foreign passport and a Form I-94/94A issued by the U.S. Department of Homeland Security with an unexpired Admit Until Date indicating a classification of H-2A-Temporary Agricultural Workers, H-2B-Temporary Non-Agricultural Workers, or E-2-Treaty Investors. (91 FR 7044, 7055).

Applicant's Request

Mr. Kapach states that he was born in Israel and resides in North Carolina. He adds that he holds an unexpired Employment Authorization Document (EAD), which was issued under category C08 due to his pending asylum application. He previously held a Class A CDL with Passenger (P) and School bus (S) endorsements issued by the State of North Carolina in August 2023. The CDL, which bore the designation "LIMITED-TERM," was due to expire in July 2028. In August 2026, the North Carolina DMV

downgraded Mr. Kapach's Class A CDL to a Class C CDL. He states that the DMV did not offer any explanation of the legal basis for doing so in writing; rather, he was told orally that this was based on his lack of lawful permanent resident status.

Mr. Kapach requests a 5-year exemption from 49 CFR 383.71(b)(9) and Table 1 to 49 CFR 383.71 (to the extent they exclude an unexpired Employment Authorization Document issued by U.S. Citizenship and Immigration Services) to allow the State of North Carolina to reinstate his Class A CDL with the P and S endorsements despite that he is not a U.S. citizen or lawful permanent resident. He also requests an exemption from the corresponding verification duties in 49 CFR 383.73(b)(6), (c)(7), (d)(7), and (e)(5) and the requirement in 49 CFR 384.201(a) for a State to administer its licensing program in accordance with the minimum standards in 49 CFR part 383, to the extent that standard includes 49 CFR 383.71(b)(9) and Table 1. In the alternative, Mr. Kapach requests an exemption from 49 CFR 383.73(f)(3)(ii)(A) and paragraph (1)(ii) of the definition of *evidence of lawful immigration status* in 49 CFR 383.5, to the extent that paragraph confines qualifying classifications to H-2A, H-2B, and E-2, to allow the State to issue him a non-domiciled CDL.

Mr. Kapach reasons that the Agency granted relief from the CDL list of acceptable proofs of citizenship or lawful permanent residency in Table 1 in an exemption to the Oregon Department of Transportation (89 FR 78428) (now superseded) that allowed Oregon to issue standard, full-term CDLs to the covered class and in a similar exemption (filed by the Hawaii Department of Transportation) that allows all SDLAs to issue a non-domiciled CDL to citizens of Freely Associated States who reside in the United States (91 FR 27481). Mr. Kapach argues that although the latter exemption did not allow citizens of Freely Associated States to receive standard CDLs, he should be eligible for a standard, rather than non-domiciled, CDL because North Carolina is his

State of domicile within the meaning of 49 CFR 383.4—it is where he has his true, fixed, and permanent home and principal residence.

Applicant's Equivalent Level of Safety

Mr. Kapach believes the exemption would not compromise safety, as "the provision at issue is a documentary status provision, not a performance provision." He states that the provision for which he seeks an exemption does not measure "knowledge, skill, vision, hearing, physical fitness, sobriety, rest, or driving history" and that exempting him removes nothing that measures safe operation. Mr. Kapach further indicates that he has satisfied every performance requirement the Agency imposes on him and has a safe operating record during the period he held and used the credential—from August 31, 2023 to August 12, 2026—with no record of crashes or citations for any violation of the FMCSRs. Lastly, Mr. Kapach states that the school bus endorsement is among the most demanding credentials in the licensing system, and the State of North Carolina also conducts a State criminal record check for pupil transportation.

He states that the exemption would achieve a greater level of safety than the level achieved absent the exemption and requests terms and conditions that would include automatic termination of the exemption on the date his employment authorization lapses, is revoked, or is not renewed. He states that he will notify FMCSA in writing within 10 days of any change in his immigration or work authorization status, including the resolution of his pending asylum application. He will also obtain a medical examiner's certificate annually (without regard to whether he would be otherwise exempt under 49 CFR 390.3(f)), submit his complete State driving record to FMCSA annually, remain enrolled in, and compliant with, the Drug and Alcohol Clearinghouse, and report any accidents and convictions required by the specified provisions to FMCSA within 30 days. He also states he will not operate as an owner-operator, motor carrier, or lessor, will consent to the credential being marked in any manner FMCSA directs, will consent to its

period of validity being limited to one year at a time, and acknowledges the exemption may be revoked without prior notice to him. He believes these conditions place him under closer supervision than a driver holding an unrestricted credential and that this shows the exemption would achieve a "greater" level of safety.

A copy of Mr. Kapach's 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 Mr. Kapach's application for an exemption from the specified regulations that would permit the State of North Carolina DMV to issue and maintain for the applicant a Class A standard CDL (or, in the alternative, a non-domiciled CDL) with the P and S endorsements that he once held. 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. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Larry W. Minor,
Associate Administrator for Policy.

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