No. 162, Original

In the Supreme Court of the United States

STATE OF FLORIDA,

Plaintiff,

v.

STATE OF CALIFORNIA; STATE OF WASHINGTON,

Defendants.

STATE OF CALIFORNIA'S BRIEF IN OPPOSITION

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INTRODUCTION

Florida asks the Court to exercise its original jurisdiction to enjoin the California Department of Motor Vehicles (DMV) from issuing commercial driver's licenses that, Florida claims, do not meet federal requirements. Not only does Florida fail to satisfy the basic prerequisites for establishing that a complaint implicates the kind of sovereign state interests needed to justify exercise of this Court's original jurisdiction; its claims are also patently meritless. Florida admits it does not know how California's DMV actually processes commercial driver's license applications. *See* Mot. 22 n.45. Florida's claims turn on its unfounded assumption that DMV does not verify applicants' legal presence in the United States or test for English language proficiency before issuing a commercial driver's license. *See* Mot. 23-29. But that is incorrect. California law requires DMV to verify legal presence and test for English proficiency, and DMV in fact does so. The Court should deny leave to file the complaint.

STATEMENT

1. Under federal law, to operate a commercial motor vehicle "used in commerce to transport passengers or property," a driver must have a commercial driver's license issued by a State. 49 U.S.C. §§ 31301(3)-(4), 31302. The issuance of commercial driver's licenses is governed by a program of cooperative federalism: The Commercial Motor Vehicle Safety Act authorizes the Secretary of Transportation to "prescribe regulations on minimum uniform standards for the issuance of commercial drivers' licenses . . . by the States." *Id.* § 31308. The States then each adopt and implement their own programs for testing the fitness of applicants and issuing licenses consistent with the minimum federal standards. *Id.* § 31311(a)(1)-(2). The

Secretary provides grant funding to States to assist them in implementing the federal requirements. *Id.* § 31313(a); *see also id.* § 31102.

One of the regulations adopted by the Secretary requires applicants to provide certain forms of documentation. 49 C.F.R. §§ 383.71, 383.73.[1] For a standard commercial driver's license, an applicant must provide proof of citizenship or lawful permanent residency. *Id.* § 383.71(b)(9). Under federal law, applicants who are not U.S. citizens or permanent residents may obtain a "non-domiciled" commercial driver's license; to do so, they must provide "an unexpired employment authorization document (EAD) issued by USCIS [U.S. Citizen and Immigration Services] or an unexpired foreign passport accompanied by an approved I-94 form documenting the applicant's most recent admittance into the United States." *Id.* § 383.71(f)(2)(i).

Other regulations require States, before issuing a standard or non-domiciled commercial driver's license, to conduct "driving or skills tests" that are used to deem an applicant qualified to operate a commercial motor vehicle. 49 C.F.R. § 383.71(b)(2), (f)(2)(i). One of the qualifications is the ability to "read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records." *Id.* § 391.11(b)(2). Skills tests are not required,

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[1] Unless otherwise noted, citations to the Code of Federal Regulations are to the version in effect in August 2025, when the accident alleged in the complaint occurred. *See* Mot. 21. As discussed *infra* p. 8, some regulations were later amended by an interim final rule effective September 29, 2025, but that rule applies only prospectively and is temporarily stayed pending litigation.

however, when a State issues a commercial driver's license to someone who already has such a license from another State. *See id.* §§ 383.71(c), 383.73(c).

Federal law provides an administrative process for the Secretary, through the Federal Motor Carrier Safety Administration (FMCSA), to ensure "substantial compliance" with these requirements. 49 C.F.R. § 384.307(a); *see* 49 U.S.C. § 31311(e). The FMCSA regularly reviews each State's commercial driver's license program. 49 C.F.R. § 384.307(a). If the FMCSA makes a preliminary determination that a State has failed to meet federal standards, the State has 30 days to explain what corrective action it is taking to remedy the deficiency or why the preliminary determination was incorrect. *Id.*§ 384.307(b)-(c). If, after considering the State's response, the FMCSA makes a final determination that the State is still not in substantial compliance with federal requirements, it can withhold funding to the State or rescind the State's authority to issue commercial driver's licenses. *Id.* § 384.307(d); 49 U.S.C. §§ 31312(a), 31314. States receiving an adverse decision may seek judicial review. 49 C.F.R. § 384.307(e); *see also* 49 U.S.C. § 31102(k) (review process for Motor Carrier Safety Assistance Program).

2. a. California law comports with these federal requirements. State regulations require DMV to verify proof of an applicant's legal presence, using the same documents required by federal law. Cal. Code Regs. tit. 13, § 26.01. Accordingly, for a standard commercial driver's license, an applicant must provide proof of citizenship or legal permanent residency. *Id.* § 26.01(a); *compare* 49 C.F.R. § 383.71(b)(9) tbl.1. For a non-domiciled commercial driver's license, an applicant must provide a "valid, unexpired" employment authorization document or foreign passport with an

I-94 form, as federal law requires. Cal. Code Regs. tit. 13, § 26.01(b); *compare* 49 C.F.R. § 383.71(f)(2)(i).

The California Values Act (SB 54) does not alter DMV's obligations under this regulation. Adopted in 2017, SB 54 prohibits "California law enforcement agencies" from "us[ing] agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes." Cal. Gov. Code § 7284.6(a)(1). This includes "[i]nquiring into an individual's immigration status," as well as "intentionally participating in arrests based on civil immigration warrants," "[d]etaining an individual on the basis of a hold request," or "[p]erforming the functions of an immigration officer." *Id.* § 7284.6(a)(1)(A), (B), (E), (G). Importantly, SB 54's restrictions do not apply to DMV because DMV is not a "California law enforcement agency" within the meaning of SB 54. *Id.* § 7284.4(a); *infra* pp. 18-20.

Consistent with this understanding, DMV recognizes it is bound by, and in fact complies with, federal and state law requiring proof of legal presence. Before initially issuing a standard or non-domiciled commercial driver's license to a non-citizen, DMV's policy is to verify the applicant's legal presence using the federal Systematic Alien Verification for Entitlements system (SAVE), a database administered by USCIS to provide up-to-date immigration information. Cal. DMV, *Response to September 26, 2025, Letter Regarding Commercial Learning Permit and Commercial Driver's License Issuance* (*DMV Oct. 26 Letter*) 12 (Oct. 26, 2025), https://tinyurl.com/44spnbex. [2] In fact, the

[2] Previously, DMV issued "temporary" commercial driver's licenses, valid for only 90 days, to legal, nonimmigrant applicants who had completed all other requirements and were waiting only

(continued…)

SAVE query is an automated part of DMV's processing of applications for an initial commercial driver's license. *Id.*[3] And consistent with federal regulations, *see* 49 C.F.R. § 383.71(c)(6), DMV verifies legal presence regardless of whether an applicant is already licensed in another State. Cal. Commercial Driver Handbook § 1, at 1-2, https://tinyurl.com/3bn8jmtj.

b. State law also requires DMV to administer knowledge and skills tests before issuing a commercial driver's license. Cal. Veh. Code § 12804.9(a)(1); *see id.* § 15250(b)(2)(A) (incorporating federal testing standards). These tests assess an applicant's "ability to exercise ordinary and reasonable control in operating a motor vehicle," as well as their "knowledge and understanding" of driving rules. *Id.* § 12804.9(a)(1)(A), (D). Among other things, applicants must demonstrate their "ability to read and understand simple English used in highway traffic and directional signs," as well as their "understanding of traffic signs and signals." *Id.* § 12804.9(a)(1)(B)-(C). State regulations prohibit issuing a license to anyone who cannot demonstrate this English language ability. *Id.* § 12805(a)(3), (5).

To implement these requirements, DMV requires applicants for an initial commercial driver's license to pass three skills tests: vehicle inspection, basic control skills, and a road test. Cal. Commercial Driver Handbook § 1.1.2. All skills tests must be conducted

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for DMV to complete the verification of their legal presence. *DMV Oct. 26 Letter*, *supra*, at 13. DMV has stopped this practice and no longer issues temporary commercial driver's licenses. FMCSA, *Notice of Final Determination of Substantial Noncompliance* 7 (Jan. 7, 2026), https://tinyurl.com/v6zczk3s.

[3] An "[i]nitial" license refers to commercial driver's licenses issued to new applicants. *See* 49 C.F.R. § 383.71(b). *Compare, e.g.*, *id.* § 383.71(d)-(e) (addressing renewals and upgrades).

in English, and interpreters are prohibited. *Id.* If an applicant speaks in another language or fails to understand instructions in English, they receive two verbal warnings and then an automatic failure. *Id.* §§ 11.1, 12, 13. The road test also assesses an applicant's ability to drive safely "in a variety of traffic situations," including, *e.g.*, intersections, highways, or railroad crossings where they will encounter traffic signs. *Id.* § 1.1.2. As under federal law, 49 C.F.R. § 383.73(c), DMV does not require skills tests for drivers who have a commercial driver's license from another State. *See* Cal. Veh. Code § 12804.9(a)(1)(D).

c. According to DMV's calculations based on federal data in 2023 (the last year for which full data was available), the percentage of California commercial driver's license holders (standard and non-domiciled) that were involved in fatal crashes was 39.4% less than the national average. Cal. State Transp. Agency, *Response to August 26, 2025, Notice of Proposed Determination of Nonconformity* (*Cal. Sept. 25 Letter*) 7 (Sept. 25, 2025), https://tinyurl.com/482kvu2x. By comparison, for Texas (the only State with more such licensees than California), commercial driver's license holders were involved in fatal crashes at a rate almost 50% higher than California licensees. *Id.*

Florida's complaint focuses on an accident that occurred in August 2025. Mot. 21. Florida alleges that a man with a Washington commercial driver's license and a California non-domiciled commercial driver's license made an illegal U-turn, causing a fatal accident in Florida. *Id.* at 21-22. Florida does not specifically allege that the California DMV failed to verify the driver's legal presence or test his English proficiency before issuing him a non-domiciled commercial driver's license. Instead, Florida asserts only that the

"facts surrounding California's issuance of the non-domiciled CDL here are unclear." *Id.* at 22 n.45.

In fact, the California DMV issued the driver involved in the accident a non-domiciled commercial driver's license only after complying with federal and state regulations. *See supra* pp. 1-6.[4] The driver applied for the license on July 8, 2024, and provided an employment authorization document. DMV verified through SAVE that the document was valid. Because the driver already had a Washington commercial driver's license when he applied for a California commercial driver's license, the California DMV was not required to repeat skills testing. *See* 49 C.F.R. § 383.73(c). Nonetheless, DMV did conduct a non-commercial driver's license knowledge test, which is required by state policy but not federal law. *See* Cal. Veh. Code § 12804.9(a)(1)(A). The driver took that test in English, and although he initially failed on July 8, he took it again the following day and passed. DMV issued him a non-domiciled commercial driver's license two weeks later on July 23, 2024.[5]

3. Florida filed a motion for leave to file a complaint against California and Washington, invoking this Court's original jurisdiction. The complaint asserts two counts against California. Mot. 23-29. First,

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[4] Some of the facts in this paragraph are not in Florida's complaint but are derived from DMV records. The article cited in Florida's complaint (Mot. 21 n.42), however, did report that DMV verified the driver's legal presence through SAVE. Briana Trujillo, *Truck Driver Arrested After 3 from South Florida Killed in U-turn Crash on Turnpike*, NBC 6 South Florida (Aug. 18, 2025), https://tinyurl.com/5xjusw8k.

[5] Under federal regulations, the driver was required to surrender his Washington license after he completed the process to obtain a California one. 49 C.F.R. § 383.71(c)(4).

based on an assumption that SB 54 prohibits DMV from requiring proof of legal presence, Florida claims SB 54 is preempted by federal law. *Id.* at 23-26. Second, Florida claims that California creates a public nuisance by issuing commercial driver's licenses to drivers who cannot speak English. *Id.* at 27-29. Florida claims that those licensees drive across state lines and cause accidents in other States. *Id.* at 3. Florida raises similar claims against Washington, and it seeks an injunction enjoining California and Washington from issuing commercial driver's licenses without satisfying federal requirements. *Id.* at 29-30.

4. Since Florida filed its motion, there have been several developments related to Florida's claims.

a. On September 29, 2025, the FMCSA issued an interim final rule amending the regulations governing non-domiciled commercial driver's licenses. 90 Fed. Reg. 46509 (Sept. 29, 2025). Among other things, the interim rule limits eligibility to persons with one of three visa types: "H-2A—Temporary Agricultural Workers, H-2B—Temporary Non-Agricultural Workers, or E-2—Treaty Investors." *Id.* at 46523. It also imposes additional requirements on States, including a requirement to retain copies of application documents for two years. *Id.* at 46511.

In October 2025, private parties petitioned for judicial review of the interim final rule, arguing that it is arbitrary and capricious and procedurally deficient. *Lujan v. FMCSA*, No. 25-1215 (D.C. Cir.). The D.C. Circuit granted an emergency stay of the rule pending judicial review. *Lujan*, 2025 WL 3182504 (D.C. Cir. Nov. 13, 2025). The court then granted the government's request to stay the litigation pending promulgation of a final rule. *Lujan*, Order (Dec. 3, 2025).

b. The FMCSA has also been conducting its annual review of California's commercial driver's license program. *See supra* p. 3; 49 C.F.R. § 384.307. Two administrative processes are ongoing.

First, on September 26, 2025, the State received notice that the FMCSA had made a preliminary determination that California was not compliant with some requirements for non-domiciled commercial driver's licenses. FMCSA, *Letter to Gov. Gavin Newsom* (Sept. 26, 2025), https://tinyurl.com/yu8exs9d. As relevant here, the FMCSA did not conclude that DMV was refusing to verify legal presence or that SB 54 prevented it from doing so. *See id.* Rather, it found that, of the 145 drivers' records it had reviewed, DMV had not retained documentation proving it had verified legal presence for three drivers. *Id.* at 4. It also identified errors unrelated to the claims in this complaint, such as mistakes in expiration dates for some licenses. *Id.*

DMV responded to the preliminary determination on October 26, 2025. *DMV Oct. 26 Letter*, *supra*. It initiated a comprehensive audit of all non-domiciled commercial driver's licenses. *Id.* at 8. It confirmed that, consistent with federal regulations, it verifies legal presence before initially issuing non-domiciled commercial driver's licenses, but it noted that in some cases, records documenting the verification were not retained. *Id.* at 12. It also found technical and programming limitations that caused some mistakes in the implementation of its policies. *Id.* DMV explained that it is instituting procedures to improve its record-keeping practices, as well as automation in its digital system. *Id.* It also noted that it was taking additional corrective actions to address the other implementation errors not at issue here. *See id.* at 8-15.

On January 7, 2026, the FMCSA issued a final determination of noncompliance. FMCSA, *Notice of Final Determination of Substantial Noncompliance* (Jan. 7, 2026), https://tinyurl.com/v6zczk3s. Again, as relevant here, the FMCSA did not conclude that DMV was refusing to verify legal presence. *See id.* Rather, the determination was based on the status of other corrective actions not implicated by Florida's complaint—primarily a delay in cancellation of licenses with inaccurate expiration dates. *Id.* at 9.[6] Negotiations between the FMCSA and DMV remain ongoing.

Second, on October 15, 2025, following a different, earlier preliminary determination and response, the State received a separate notice of the FMCSA's final determination that California was not compliant with certain English language proficiency requirements. FMCSA, *Notice of Final Determination of Nonconformity* (Oct. 15, 2025), https://tinyurl.com/7bv4zk9y. Notably, the FMCSA did not find that DMV failed to assess English language skills before issuing commercial driver's licenses, as Florida has alleged. *See id.* Rather, it concluded that, after issuing a license, the State has a continuing obligation to conduct roadside inspections for English proficiency and place drivers who fail out of service. *Id.* at 2.[7] In response, the California Highway Patrol has now updated its regulation

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[6] While DMV was ready to meet the FMCSA's preferred timeline, the FMCSA rejected DMV's plan to reissue corrected licenses to qualified license holders before canceling all remaining licenses.

[7] In its response to the FMCSA's preliminary determination of noncompliance, DMV explained that federal law did not previously require States to conduct roadside inspections for English proficiency. *Cal. Sept. 25 Letter*, *supra*, at 6. But the FMCSA disagreed with DMV's interpretation of federal law.

governing English language proficiency and its roadside inspection policy, developed an in-field English test that mirrors the FMCSA's testing, and begun enforcing this new requirement. *See* Cal. Code Regs. tit. 13, § 1239(b) (amended Dec. 23, 2025) (incorporating Commercial Vehicle Safety Alliance's revised out-of-service criteria, which includes lack of English language proficiency as a basis for out-of-service status).[8]

ARGUMENT

Florida seeks to invoke this Court's original jurisdiction, but it hardly attempts to satisfy the demanding standard for exercise of that jurisdiction. Florida does not claim that this case implicates uniquely sovereign interests, nor can it establish that there are no alternative forums for resolution of these issues. On the contrary, Florida's complaint focuses on a single car accident—a classic kind of personal injury that private plaintiffs can redress. And any concerns about compliance with federal law can be, and are already being, addressed by the FMCSA's review process.

In any event, Florida's claims are baseless. The allegations in the proposed complaint are notably lacking, as Florida admits that it does not even know how California's commercial driver's license program works. *See* Mot. 22 n.45. Its claims are based on assumptions about California law and practice that are wrong: DMV requires verification of legal presence and tests for English language proficiency before issuing commercial driver's licenses.

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[8] *See* Baker, *CHP begins enforcing English language rule for truckers*, KRON4 (Jan. 16, 2026), https://tinyurl.com/mumb4sn7.

I. FLORIDA FAILS TO SATISFY THE DEMANDING STANDARD FOR INVOKING THIS COURT'S ORIGINAL JURISDICTION

1. This Court's "original 'jurisdiction is of so delicate and grave a character that it was not contemplated that it would be exercised save when the necessity was absolute.'" *Mississippi v. Louisiana*, 506 U.S. 73, 76 (1992). Original actions require this Court to "exercise its extraordinary power under the Constitution to control the conduct of one state at the suit of another." *New York v. New Jersey*, 256 U.S. 296, 309 (1921). They also require the Court to assume the role of factfinder, burden the Court's resources, and constrain its capacity to address questions of national importance in cases that have proceeded through the lower courts in the ordinary course. *See Ohio v. Wyandotte Chems. Corp.*, 401 U.S. 493, 498-499 (1971).

Accordingly, the Court has "said more than once that [its] original jurisdiction should be exercised only 'sparingly.'" *Mississippi*, 506 U.S. at 76. The "threatened invasion of rights" must be "of serious magnitude." *New York*, 256 U.S. at 309. The State seeking to initiate the original proceeding "must allege . . . facts that are clearly sufficient to call for a decree in its favor." *Alabama v. Arizona*, 291 U.S. 286, 291 (1934). Jurisdiction "will not be exerted in the absence of absolute necessity." *Id.* And original jurisdiction is not appropriate where a State is "merely litigating as a volunteer the personal claims of its citizens." *Pennsylvania v. New Jersey*, 426 U.S. 660, 665 (1976) (per curiam); *see also South Carolina v. North Carolina*, 558 U.S. 256, 277 (2010) (Roberts, C.J., concurring in judgment in part and dissenting in part) ("Original jurisdiction is for the resolution of *state* claims, not private claims.").

The Court distilled these principles into two factors that guide whether to entertain an original suit. First, it examines "'the nature of the interest of the complaining State,' focusing on the 'seriousness and dignity of the claim.'" *Mississippi*, 506 U.S. at 77 (citation omitted). Second, it considers "the availability of an alternative forum in which the issue tendered can be resolved." *Id.* Florida's claims fail in both respects.[9]

2. a. In distinguishing state claims from private claims, this Court asks whether the claims implicate "'serious and important concerns of federalism,'" *Wyoming v. Oklahoma*, 502 U.S. 437, 451 (1992), or the States' "sovereign or quasi-sovereign interests," *Pennsylvania*, 426 U.S. at 666. The "'model case'" is a "'dispute between States of such seriousness that it would amount to *casus belli* if the States were fully sovereign'"—that is, just cause for declaration of war. *Mississippi*, 506 U.S. at 77. Illustrative examples include disputes over boundaries, use or pollution of shared waterways, and interstate compacts. *See, e.g.*, Shapiro et al., *Supreme Court Practice* § 10.2, p. 10-7 (11th ed. 2019) (collecting cases).

Florida's purported interest here is nothing like the types of sovereign interests that warrant this

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[9] This Court has consistently held that its original jurisdiction over disputes between States is discretionary, not mandatory. *See, e.g.*, *Wyoming v. Oklahoma*, 502 U.S. 437, 450-451 (1992). Florida does not ask this Court to overturn that settled precedent, let alone advance the kind of special justification required to do so. While amici States attempt to do so, *see* Iowa Amicus Br. 2-8, this Court does not consider arguments raised only by amici. *See, e.g.*, *FTC v. Phoebe Putney Health Sys.*, 568 U.S. 216, 226 n.4 (2013). Regardless, the Court has repeatedly declined such invitations in the recent past, even when raised by the parties. *See, e.g.*, *Alabama v. California*, No. 158, Orig., Pltf. Br. 26-27; *Arizona v. California*, No. 150, Orig., Pltf. Br. 36.

Court's exercise of original jurisdiction. Its asserted interest is in reducing car accidents in Florida, which are caused by private individuals and injure other private individuals. *See* Mot. 3-4. Florida does not contend that other States, by issuing commercial driver's licenses, somehow threaten Florida's territory or natural resources or prevent it from setting policy for its own government. Rather, the harm it seeks to prevent is personal injury to its citizens. But this Court has repeatedly declined to exercise original jurisdiction over claims that private citizens were harmed by another State's laws. *E.g.*, *Alabama v. California*, 145 S. Ct. 757 (2025); *Texas v. California*, 141 S. Ct. 1469 (2021); *Arizona v. California*, 589 U.S. 1199 (2020); *Missouri v. California*, 586 U.S. 1065 (2019); *Arizona v. New Mexico*, 425 U.S. 794, 796-798 (1976); *Pennsylvania*, 426 U.S. at 666; *Alabama*, 291 U.S. at 292.

Florida makes no effort to assert any sovereign interest in its motion or proposed complaint. *See Republic of Argentina v. NML Cap.*, 573 U.S. 134, 140 n.2 (2014) (forfeited arguments cannot be revived on reply). And for good reason. Florida's complaint is no different "from any one of a host of such actions" that States could attempt to bring on behalf of private parties. *Ohio*, 401 U.S. at 504. If States could volunteer to litigate personal claims for their citizens in the first instance in this Court, the floodgates would open and "put[] this Court into a quandary whereby [it] must opt either to pick and choose arbitrarily among similarly situated litigants or to devote truly enormous portions of [its] energies to such matters." *Id.*

b. Florida also fails to show that there is no alternative forum for addressing the issues it raises. *See, e.g.*, *Arizona*, 425 U.S. at 796-797. Again, Florida

hardly addresses this factor. *See Republic of Argentina*, 573 U.S. at 140 n.2 (discussing forfeiture).

The same issues Florida raises can be addressed through administrative enforcement and, if needed, subsequent judicial review. As explained above, it is the FMCSA's role to assess state compliance with federal standards, which it does through regular review and a statutorily prescribed administrative process. *See supra* p. 3. And the FMCSA's determination is subject to judicial review in federal district court. 49 C.F.R. § 384.307(e). Florida fails to acknowledge this review process, let alone explain why it would be inadequate to address the issues in the complaint. In fact, the two matters California is currently addressing in response to determinations from the FMCSA illustrate the process at work. DMV has audited all of its non-domiciled commercial driver's licenses and is making changes to comply with the FMCSA's requests. *See supra* pp. 9-11. The FMCSA's authority would have enabled it to raise the particular issues asserted in Florida's complaint, if it had found any such deficiency. But it did not do so because there is no merit to Florida's claims. *See infra* pp. 16-22.

Florida's only discussion of alternative forums is a cursory sentence implying that this Court has exclusive jurisdiction over claims between States. Mot. 4. But the relevant question is not whether *Florida* can sue elsewhere; it is whether there is an "alternative forum in which *the issue tendered* can be resolved." *Mississippi*, 506 U.S. at 77 (emphasis added); *see Alabama*, 291 U.S. at 292.[10] Florida not only fails to address the federal administrative process discussed

[10] Otherwise, the existence of an alternative forum would never (continued…)

above; it also makes no argument why private parties could not sue DMV officials in district court to enjoin any preempted state laws or practices for violation of the Supremacy Clause. *See generally Verizon Md. v. Pub. Serv. Comm'n of Md.*, 535 U.S. 635, 645-646 (2002); *Ex parte Young*, 209 U.S. 123 (1908).

II. FLORIDA'S PROPOSED CLAIMS ARE MERITLESS

Another reason to deny Florida leave to move forward with its original complaint is that Florida's claims are far from "clearly sufficient to call for a decree in" its favor. *Alabama*, 291 U.S. at 291.

1. Even before addressing Florida's claims on the merits, the Court would need to confront serious questions of whether Florida has standing. Florida fails to allege any cognizable injury to its own sovereign or proprietary interests. Indeed, most of the complaint's factual allegations have no relation to the claims asserted; they instead point to alleged crimes committed by undocumented immigrants in other States that have nothing to do with harms from driving, let alone California's licensing practices. *See* Mot. 15-16, 18-20.

The only direct injury Florida alleges is the cost of increasing law enforcement inspections of vehicles at state entry points, "to ensure that drivers with a CDL from other States actually meet federal CDL standards." Mot. 23. But Florida "cannot manufacture standing by choosing to make expenditures based on" highly speculative future harm. *Clapper v. Amnesty*

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be relevant to this Court's decision whether to hear an original dispute between States. But that argument is inconsistent with the Court's practice of exercising its original jurisdiction only "'sparingly,'" *Mississippi*, 506 U.S. at 76, as demonstrated by the regular denials of States' motions for leave to file complaints against other States. *See*, *e.g.*, *supra* p. 14 (collecting cases).

Int'l USA, 568 U.S. 398, 402 (2013); *see Pennsylvania*, 426 U.S. at 664. And based on the meager allegations in Florida's complaint—as well as the FMCSA's vigorous enforcement of CDL standards, *see, e.g.*, *supra* pp. 3, 9-11—it is purely speculative to think that California's practices will cause any future injury in Florida. As shown by federal data, *supra* p. 6, California commercial driver licensees are involved in far fewer fatal crashes than the national average, so it is hard to see how California's practices could legitimately justify Florida's additional expenditures.

There is also no basis in Florida's complaint to conclude that the injury, if there is any, was or would be "directly caused by the actions" of California. *Pennsylvania*, 426 U.S. at 663. Here, the single accident discussed in the complaint was caused by "'independent action of some third party not before the court.'" *Maryland v. Louisiana*, 451 U.S. 725, 736 (1981).[11]

2. a. If the Court were somehow able to reach the merits, Florida's preemption claim would immediately fail because California law is consistent with federal requirements. For both standard and non-domiciled commercial driver's licenses, state regulations require the same immigration documents as the operative federal regulations. *See supra* pp. 3-4; Cal. Code Regs. tit. 13, § 26.01(a)-(b); 49 C.F.R. § 383.71(b)(9) tbl.1,

[11] Florida's motion and proposed complaint do not purport to invoke *parens patriae* standing, but if they did, that theory would pose difficult questions as well. The *parens patria* doctrine would require Florida to show, at a minimum, that defendant States' actions "affect[] the general population of [Florida] in a substantial way," *Maryland*, 451 U.S. at 737, and that "it is not merely litigating as a volunteer the personal claims of its citizens," *Pennsylvania*, 426 U.S. at 665.

(f)(2)(i).[12] Florida concedes this was true until 2017, but it claims that California's SB 54 eliminated this requirement. Mot. 10-12. That is incorrect.

SB 54 has no effect on DMV's obligation to verify legal presence. SB 54 applies only to "California law enforcement agenc[ies]," defined as "a state or local law enforcement agency, including school police or security departments." Cal. Gov. Code § 7284.4(a); *see id.* § 7284.6(a). The relevant statutory context and DMV's own practices demonstrate that this definition does not include DMV.

SB 54 arose from concerns that involvement of state law enforcement in federal immigration matters would cause "immigrant community members [to] fear approaching police when they are victims of, and witnesses to, crimes, seeking basic health services, or attending school." Cal. Gov. Code § 7284.2(c); *see id.* § 7284.2(f) (goal of "effective policing"). The law thus addresses policing-related activities: for example, "investigat[ing], interrogat[ing], detain[ing], detect[ing], or arrest[ing] persons for immigration enforcement purposes"; "[t]ransfer[ring] an individual to immigration authorities"; or "hous[ing] individuals as federal detainees." *Id.* § 7284.6(a)(1), (4), (6). That focus on investigation, arrest, and detention evokes the definition of law enforcement in other, related provisions of the California Government Code. Those provisions, for instance, define "[l]aw enforcement official" as "any local agency or officer of a local agency authorized to

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[12] Florida does not assert any claim based on the interim rule, which is not currently in effect. *See supra* p. 8 (interim rule is stayed pursuant to ongoing action in D.C. Circuit). Regardless, SB 54 would pose no more an obstacle to compliance with that rule than it does for the federal regulations currently in effect.

enforce criminal statutes, regulations, or local ordinances or to operate jails or to maintain custody of individuals in jails." *Id.* § 7282(d); *see id.* §§ 7283(e), 53165.1(a)(1); *cf.* Cal. Penal Code § 186.34(a)(3).

DMV is not a law enforcement agency for purposes of SB 54. It does not investigate crimes, make arrests, or hold people in custody. Rather, it licenses drivers, registers vehicles, and regulates motor vehicle safety. *See, e.g.*, Cal. Veh. Code §§ 1652-1653. And DMV does not consider itself an agency bound by SB 54: for example, it does not submit the annual reports that SB 54 requires of all covered law enforcement agencies. *See* Cal. Gov. Code § 7284.6(c); Off. of Att'y Gen., *Values Act: Senate Bill 54 Annual Report for 2024*, at 2, https://tinyurl.com/mnvu8vst. And most importantly, as discussed above, DMV's policy and practice are to require immigration documentation and to verify legal presence through SAVE, *see supra* pp. 4-5. DMV did so for the driver involved in the accident Florida discusses in its complaint. *See supra* pp. 6-7. Florida's claim thus hinges on an incorrect assumption about California law. Florida even admits it does not know whether DMV verifies legal presence before issuing commercial driver's licenses. *See* Mot. 22 n.45.

Florida assumes DMV is covered by SB 54 because some DMV personnel have "'the powers of peace officers for the purpose of enforcing'" laws administered by DMV, such as for inspecting vehicles required to be registered. Mot. 11 (quoting Cal. Veh. Code § 1655). And Florida cites a list of "Law Enforcement Agencies" for purposes of peace officer training. *Id.* at 12 n.6. But that is a distinct purpose and context than the term as used in SB 54. Many agencies, like DMV, employ peace officers but plainly do not perform law enforcement functions within the

meaning of SB 54: some such agencies include the Dental Board, Horse Racing Board, and State Lottery. *See* Cal. Comm'n on Peace Officer Standards and Training, *California Law Enforcement Agencies*, https://tinyurl.com/32c6ujsu (last visited Jan. 21, 2026). There is no basis for Florida—or this Court—to treat DMV any differently.

b. Florida also fails to adequately allege a public nuisance claim. "The burden upon the plaintiff state [to] fully and clearly . . . establish all essential elements of its case is greater than that generally required to be borne by one seeking an injunction in a suit between private parties." *Alabama*, 291 U.S. at 292; *see New York*, 256 U.S. at 309. Florida's factual allegations come nowhere close.[13]

Although Florida alleges that the ability to drive safely on highways is a public right, it fails to allege any substantial interference with that right. *Cf.* Restatement (Second) of Torts § 821B (public nuisance is an "unreasonable" or "significant" interference with public right). The cases cited by Florida, which primarily address pollution, are illustrative: the plaintiff States alleged that the release of large quantities of noxious substances into the water or air resulted in widespread contamination and risk to the health of entire communities. *See* Mot. 28. For instance, in *New Jersey v. City of New York*, 283 U.S. 473, 476, 478 (1931), a State dumped "great quantities" of garbage into the ocean, which landed on other States' beaches and made bathing impracticable, damaged the fishing

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[13] *See Nebraska v. Wyoming*, 515 U.S. 1, 8 (1995) ("[T]he solicitude for liberal amendment of pleadings animating the Federal Rules of Civil Procedure . . . does not suit cases within this Court's original jurisdiction.") (citations omitted).

industry, and threatened public health.[14] In contrast, Florida alleges a single car accident caused by a driver licensed in other States. Mot. 21-22.

Even if substantial interference were assumed, Florida's claim would still fail because it cannot show that the interference is caused by any unreasonable conduct on the part of DMV. *See North Dakota v. Minnesota*, 263 U.S. 365, 388 (1923) (defendant State "not responsible" for causing floods); *New York*, 256 U.S. at 312-313; *cf.* Restatement (Second) of Torts § 821B cmt. e (unreasonable interference must be intentional, negligent or reckless, or due to abnormally dangerous activities). Florida fails to allege facts supporting its conclusory statement that DMV issues commercial driver's licenses to individuals who cannot speak English or drive safely. *See* Mot. 29. As explained above, DMV tests a driver's ability to safely operate a commercial motor vehicle—including English proficiency—before issuing a commercial driver's license. *Supra* pp. 5-6. It requires skills tests to be conducted in English and treats repeated difficulty understanding or speaking English as an automatic failure. Cal. Commercial Driver Handbook §§ 1.1.2, 11.1, 12, 13.

The accident Florida alleges is telling, as the relevant facts show that DMV did nothing wrong. Under federal law, California's DMV did not need to conduct skills tests because the driver already had a commercial driver's license issued by another State. *See* 49 C.F.R. § 383.73(c). Nevertheless, the driver took and

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[14] *See Missouri v. Illinois*, 180 U.S. 208, 241-243 (1901) (State dumped "large quantities" of sewage daily into river, threatening nearby communities with "contagious and typhoidal diseases"); *Georgia v. Tenn. Copper Co.*, 206 U.S. 230, 236, 238-239 (1907) (release of chemical gases into air "on a great scale" threatened "wholesale destruction of forests, orchards, and crops").

passed a knowledge test in English before DMV issued his California license. *See supra* p. 7. That the driver later caused an accident in Florida is deeply unfortunate, but Florida has not plausibly alleged that it was due to any wrongdoing by DMV.

Also telling is the fact that the FMCSA has carefully reviewed California's compliance with federal regulations in recent months—but has not found any deficiency in DMV's testing of English language proficiency before issuing a license. The FMCSA has focused instead on whether California conducts roadside inspections for English proficiency after licenses have been issued. *See supra* pp. 10-11. But, as the State explained to the FMCSA, such post-licensing English inspections were not previously required by federal law. *Cal. Sept. 25 Letter*, *supra*, at 6. And, regardless, the California Highway Patrol has updated its roadside inspection policies to meet the FMCSA's demands. *See supra* pp. 10-11. Beyond the lack of merit in Florida's claims, these ongoing developments make this case an exceptionally poor candidate for this Court's consideration. At a minimum, the pending changes would complicate the Court's review by injecting uncertainty. A nuisance claim requires fact-specific findings, *see, e.g.*, *New York*, 256 U.S. at 306-313, but the facts here are in flux. And even if Florida's concerns were valid (which they are not), these regulatory changes would eliminate those concerns, depriving the case of any practical, real-world significance.

CONCLUSION

The motion for leave to file a bill of complaint should be denied.

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