

English Language Proficiency

May 2025

There has been a requirement in [federal regulations](#) since 1936 that commercial drivers must be able to “read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in English, respond to official inquiries, and to make entries on reports and records.” While this regulation has a long history, it has recently come under scrutiny.

On April 28, President Trump issued an [Executive Order](#) calling for more action to ensure drivers meet English Language Proficiency (ELP) standards to comply with regulations, and communicate effectively with authorities and the public. The order outlined several key components to be accomplished within 60 days of the order:

- Directs the Secretary of Transportation to rescind previous [FMCSA guidance issued in 2016](#) that provided guidance on ways to effectively communicate with drivers with limited English proficiency and directed enforcement not to place those drivers out-of-service. In doing so, the EO also directed the secretary to develop updated enforcement guidance in light of the view communicated in the EO that the regulation “has not been enforced in years”.
- Directs the Secretary of Transportation, working with relevant entities, to revise the out-of-service (OOS) criteria to ensure drivers violating English proficiency rules are placed out-of-service.
- Instructs the Secretary of Transportation to review state issuance of non-domiciled commercial driver’s licenses to identify any irregularities and ensure American drivers are qualified and hold a valid license.
- Directs the Secretary of Transportation to carry out additional administrative, regulatory, or enforcement actions to improve the working conditions of America’s truck drivers.

For its part, on May 1 the Commercial Vehicle Safety Alliance (CVSA) made three decisions as a result of the Executive Order:

- To add the violation to its Out of Service Criteria (OOSC) for drivers that are unable to communicate in English. An OOS condition will exist only in the United States when “a driver cannot read and speak the English language sufficiently to communicate with the safety official to respond to official inquiries and directions in accordance with FMCSA enforcement guidance.”

The OOS provision will take effect on June 25, 2025, to correspond with the 60-day mandate in the Executive Order.

- To petition FMCSA to amend the Federal Motor Carrier Safety Regulations (FMCSR) to reflect that a driver's lack of English proficiency is an out of service condition.
- To petition FMCSA to harmonize the standards for English proficiency in Part 391 with the CDL standards in Part 383.

What should carriers and drivers do to be prepared?

There are several key factors to be aware of in preparation for the OOS condition going into effect. The first is that on May 20, 2025 [FMCSA issued guidance](#) for enforcement agencies on how to assess compliance with the ELP rule, as there currently is no national standard to measure compliance in English proficiency. The FMCSA guidance memo outlines a 2-step procedure that enforcement will be implementing roadside to assess a driver's English proficiency. The first step is the driver interview, where the officer will ask the driver questions to evaluate their ability to sufficiently respond to official inquiries and directions in English. Should the driver be able to successfully pass this step, the second step will be for the officer to assess the driver's ability to understand US Highway Traffic signs including changeable message signs in the English language. If the driver is unable to pass either of these assessments, they likely will be placed Out of Service. Carriers should become familiar with this policy, adjust any policies and procedures accordingly, implement education and training as necessary with drivers, and be prepared to effectively demonstrate compliance.

In the interim, carriers should also continue their processes for complying with the regulation and proactively review their onboarding, training, and compliance programs for their drivers and take steps to ensure they are able to read and understand highway signs, converse with and respond to questions from traffic safety officials (police, DOT, border agents, etc.), and understand and make entries on appropriate and relevant work-related documents (logbooks, ELDs, DVIRs, etc.) in English. As a resource for this exercise, carriers should consider using guidance issued by FMCSA in a [2007 Enforcement Memo](#).

Relatedly, enforcement officers will need to be trained on how to uniformly and fairly assess driver compliance with this rule during roadside stops. Presumably, enforcement will use the FMCSA guidance for this purpose. However, in practice there may be some subjectivity and inconsistency in its applicability between states,

so carriers and drivers need to prepare for this should enforcement stray from the FMCSA guidance. Should drivers be placed OOS at a roadside inspection, they should request the officer to instruct them on what they need to do to cure the OOS condition so they can be put back into service and continue to drive. If the officer fails to provide this direction/guidance, drivers should document this and inform their carriers. In addition, drivers should not refuse to converse with law enforcement roadside when they are stopped for inspection, as some officers may view that as non-compliance with the rule and issue a violation or put the driver OOS.

Lastly, if drivers are issued violations or OOS violations they believe are unwarranted or inconsistent with the FMCSA guidance, they or their carriers should submit a Request for Data Review through [FMCSA's DataQs system](#) to remove the violation from their record. The submission should include evidence of the driver's English proficiency.