

The Trump Administration and FMSCA Increase Enforcement of English Proficiency Requirements for Commercial Motor Vehicle Drivers

Litigation | Litigation & Dispute Resolution | Motor vehicles | Transportation and Logistics | Trump

2 June 2025

On 28 April 2025, U.S. President Donald J. Trump issued an Executive Order entitled “Enforcing Commonsense Rules of the Road for America’s Truck Drivers.” The stated purpose of this Executive Order is to improve the safety, reliability and efficiency of America’s motor carrier industry, by emphasizing and enforcing existing Federal regulations that impose a threshold for English Language Proficiency (“ELP”) on commercial motor vehicle drivers.

Specifically, the Executive Order required the Secretary of Transportation to rescind existing guidance from the Federal Motor Carrier Safety Administration (“FMCSA”) on ELP testing and enforcement, and to, “...issue new guidance to FMCSA personnel outlining revised inspection procedures...” that would ensure compliance with the following regulation prescribed under the U.S. *Code of Federal Regulations*, at 49 C.F.R. § 391.11 (the “**Regulation**”):

(a) A person shall not drive a commercial motor vehicle unless he/she is qualified to drive a commercial motor vehicle Except as provided in § 391.63, a motor carrier shall not require or permit a person to drive a commercial motor vehicle unless that person is qualified to drive a commercial motor vehicle

(b) Except as provided in subpart G of this part, a person is qualified to drive a motor vehicle if he/she—

...

(2) Can 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

...

[emphasis added]

The New Test

On 20 May 2025, U.S. Secretary of Transportation Sean P. Duffy signed an order announcing [new guidelines for all FMCSA enforcement personnel](#) pursuant to President Trump’s Executive Order. The revised guidance is effective immediately, and prescribes a new ELP assessment that should be applied in roadside inspections by FMCSA personnel on commercial motor vehicle drivers entering and operating in the United States.

If an inspector’s initial contact with a driver “indicates that the driver may not understand the inspector’s initial instructions,” the officer should administer a new two-step ELP assessment, consisting of:

1. A Driver Interview; and
2. A Highway Traffic Sign Recognition Assessment.

During the Driver Interview, the inspector will evaluate the driver's ability to respond sufficiently to official inquiries and directions in English, as required by the Regulation. Drivers should be informed by inspectors that they should respond to the inspector's inquiries in English, and tools to facilitate communication in English will not be permitted. If a driver demonstrates during the Driver Interview that they cannot respond to official inquiries, the inspector may cite the driver for a breach of the Regulation after Step 1.

If a driver responds to official inquiries in satisfaction of the Regulation, or further inquiries are needed to determine a driver's proficiency in English, the inspector will proceed to step 2 of the ELP assessment. At this stage, the inspector should conduct a Highway Traffic Sign Assessment, where the driver will be asked to identify highway traffic signs and electronic display message signs that they may encounter while operating a commercial motor vehicle. If a driver demonstrates that they cannot understand highway traffic signs and signals in the English language in accordance with the Regulation, they should be cited by the inspector for a breach.

Penalties for breaches of the Regulation are significant for drivers and motor carriers alike. The FMCSA's new guidelines contain the Administration's position that an inspector who cites a driver for a breach of the Regulation should take follow-on action, which may include:

1. placing the driver immediately out-of-service, once a breach of the Regulation is incorporated into the Commercial Vehicle Safety Alliance's Out-of-Service Criteria; and
2. when warranted, initiating an action to disqualify the driver from operating commercial motor vehicles in interstate commerce.

In addition to the above penalties in the revised guidelines, a breach of the Regulation may necessarily result in a roadside arrest of a commercial motor vehicle that was being operated by an unqualified driver. Moreover, as the Regulation additionally requires motor carriers to ensure its drivers are qualified, any compliance failure(s) could invite further sanctions against a carrier itself.

Motor carriers who are conducting, or considering, operations within the United States should therefore review the FMCSA's newly-minted revised guidelines, and implement internal policies and procedures to ensure compliance. A PDF version is available for download [here](#).

(This blog is provided for educational purposes only, and does not necessarily reflect the views of Gardiner Roberts LLP).

Author



Tyler O'Henly

Associate

416.865.6665

tohenly@grllp.com



Bay Adelaide Centre — East Tower
22 Adelaide Street West, Suite 3600
Toronto, ON M5H 4E3

Phone: 416.865.6600
Fax: 416.865.6636
contactGR@grllp.com