CLIENT ALERTS & INSIGHTS

English Language Regulatory Requirement - Coming Enforcement for Truck Drivers

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Recent headlines about President Trump's Executive Order on "Enforcing Commonsense Rules of the Road for America's Truck Drivers" ("EO") raised questions across the trucking industry and in the media. Many were left wondering whether there has been a change in driver qualification requirements under the Federal Motor Carrier Safety Regulations ("FMCSRs"). This client bulletin clarifies the coming regulatory enforcement impact on trucking companies and their drivers.

1. Does the EO Impose a New English Language Requirement for Driver Qualification under the FMCSRs?

No, the EO does not change the FMCSRs. The FMCSRs require motor carriers to qualify drivers against several standards shown at 49 CFR § 391.11. One of those requirements is that a driver 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 the English language, to respond to official inquiries, and to make entries on reports and records" 49 CFR § 391.11(b)(2).

The EO expressly recognizes that this requirement is and remains in force. The EO does not change the existing English proficiency requirement. It does, however, suggest that federal enforcement of this requirement has been absent in recent years, and the White House believes that the roads are less safe as a result.

The EO seeks to address this perceived government enforcement gap by directing the U.S. Department of Transportation's ("DOT") Federal Motor Carrier Safety Administration ("FMCSA") to take new actions to enforce the existing English language proficiency requirement. The EO further requires the DOT to rescind its 2016 guidance limiting enforcement of this requirement and to issue new guidance in its place with procedures for FMCSA and law enforcement personnel. The Secretary of Transportation is authorized to take actions necessary to ensure that violations of the English language proficiency requirement result in the driver being placed out-of-service and to review non-domiciled commercial driver's licenses ("CDLs") issued by State agencies.

2. What New Regulatory Enforcement Posture Can Trucking Companies Anticipate?

The FMCSA will issue new agency guidance to interpret Section 391.11 within sixty (60) days, or by June 27, 2025. Indeed, the Commercial Vehicle Safety Alliance ("CVSA") has already taken action in response to the EO. CVSA is a nonprofit organization comprised of local, state, provincial, territorial, and federal commercial motor vehicle safety officials and industry representatives. On May 1, 2025, the board of directors of the CVSA voted to add noncompliance with 49 CFR § 391.11(b)(2) to CVSA's "North American Standard Out-of-Service Criteria." These criteria, which will be effective on June 25, 2025, are used by certified inspectors across the nation in making "pass-fail" out-of-service ("OOS") determinations during roadside inspections.

Increased regulatory enforcement may lead to more frequent OOS orders for non-compliance, replacing the citations that have been common in recent years. These OOS orders risk the consequence of swift and immediate interruption to the business operations of drivers and their motor carriers. Shippers, brokers, and other commercial users of those services may also face interruption on a load-by-load basis where service providers are not compliant.

The message out of the White House is clear that motor carriers and drivers must prepare for increased scrutiny of driver qualification files over the coming months. It is time for trucking companies to review their driver qualification practices, policies, and recordkeeping to ensure that all drivers meet this requirement and can withstand stricter enforcement.

Benesch's Transportation and Logistics team remains available to proactively advise on current best practices for safety compliance programs and to defend enforcement actions when those occur.

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