

# Lost in Translation: Trump Administration Overhauls Compliance Requirements for English Language Proficiency

Article

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On April 28, 2025, President Donald Trump published an executive order ("EO") requiring the secretary of transportation to overhaul the compliance process of certifying a commercial driver's English proficiency.

As set forth in 49 C.F.R. § 391.11(b)(2), the Federal Motor Carrier Safety Regulations require a driver operating a commercial motor vehicle 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." This change has many implications for the transportation industry.

## What Trump's Executive Order Changes for Truck Drivers

Prior to President Trump's EO, English proficiency was a part of the minimum qualifications for drivers of commercial motor vehicles operating in interstate commerce, however, the Federal Motor Carrier Safety Administration ("FMCSA") policy did not require drivers to be taken out of service if they failed an English Language Proficiency ("ELP") exam. With the new EO, all FMCSA personnel will be required to conduct roadside inspections in English. Drivers suspected of not being proficient in the English language will then be subject to an ELP assessment in order to determine the driver's compliance with the FMCSA.

The roadside assessment consists of two steps: (1) a driver interview; and (2) a highway traffic sign recognition assessment. Interpretation tools are not to be used during the ELP test. If a driver fails either portion of the assessment, they will be found in violation of 49 CFR § 391.11(b)(2) and immediately placed out-of-service. In addition, an action to disqualify the driver from operating commercial motor vehicles in interstate commerce may be initiated. Whether a driver passes or fails the ELP assessment in the driver interview is solely at the discretion of the FMCSA inspector.

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## Impact of New Compliance Requirements on the Transportation Industry

This rule has many implications on the transportation industry, including:

- **Potential labor shortages.** Strict enforcement of English language requirements may significantly diminish available drivers, in turn leading to slow growth within the trucking and motor carrier industry.
- **Operations disruptions.** Drivers taken out of service due to an inability to pass the ELP assessment may lead to delays or otherwise disrupt logistics.
- **Lack of consistency.** Because each violation is at the discretion of the individual FMCSA inspector, motor carriers will face compliance hurdles with a lack of uniformity and consistency.
- **Contract compliance.** Drivers being taken out of service could disrupt logistics schedules, which may result in motor carriers facing breach of contract claims.

Inspectors will start issuing out-of-service violations for truckers beginning June 25, 2025. Motor carriers that are concerned about these issues should seek legal counsel to avoid disruptions in business that could open them up to investigations and lawsuits.

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