



Owner-Operator Independent Drivers Association

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October 9, 2026

The Honorable Derek Barrs
Administrator
Federal Motor Carrier Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Re: Docket # FMCSA-2025-0826, “English Language Proficiency; Out of Service Criteria”

Dear Administrator Barrs:

The Owner-Operator Independent Drivers Association (OOIDA) is the nation’s largest trade association representing the views of small-business truckers and professional truck drivers. OOIDA’s mission is to promote and protect the interests of its members on any issues that might impact their economic well-being, working conditions, and the safe operation of commercial motor vehicles (CMVs) on our highways.

OOIDA supports FMCSA’s Notice of Proposed Rulemaking (NPRM) to codify English Language Proficiency (ELP) driver qualification requirements as an out-of-service (OOS) violation. We agree that the proposed rule would ensure uniform enforcement by aligning the Federal Motor Carrier Safety Regulations (FMCSR) with the current enforcement tolerances in the North American Standard Out-of-Service Criteria issued by the Commercial Vehicle Safety Alliance (CVSA). Codifying ELP requirements into the OOS will take unsafe drivers off the road and prevent unqualified individuals from getting behind-the-wheel.

On March 13th, 2025, OOIDA submitted an Issue/Request for Action with CVSA seeking to place drivers OOS if they did not comply with the ELP regulations listed in 49 CFR 391.11(b)(2).¹ On April 28th, President Trump issued Executive Order 14286, “Enforcing Commonsense Rules of the Road for America’s Truck Drivers,” which directed FMCSA to rescind a 2016 ELP guidance document and issue new enforcement guidance to FMCSA personnel, outlining inspection procedures necessary to ensure compliance with the requirements of 49 CFR 391.11(b)(2). The Executive Order instructed FMCSA to take all necessary and appropriate actions, consistent with applicable law, to ensure that an ELP violation results in the driver being placed OOS. Shortly following the Executive Order, OOIDA coordinated with

¹ <https://cvsa.org/issues/25-022-DRV>

FMCSA and CVSA to urgently implement President Trump's directives. On May 1, 2025, CVSA voted to incorporate violations of 49 CFR 391.11(b)(2) into the North American Standard OOS Criteria, effective June 25, 2025.

Over the last two years, OOIDA has also worked with numerous lawmakers to advance legislation that would strengthen ELP enforcement. These legislative measures include:

- H.R. 5688 (Dalilah's Law), introduced by Congressman David Rouzer.
- H.R. 3608/S. 2991 (Connor's Law), introduced by Congressman Dave Taylor and Senator Cynthia Lummis.
- S. 2114 (Commercial Motor Vehicle English Proficiency Act), introduced by Senator Roger Marshall.

ELP enforcement is critical because there's no margin for error on the road. Truckers drive 80,000-pound vehicles through all kinds of terrain—steep mountain passes, narrow turns, and busy city streets. The only thing separating safe trips from deadly ones can be a simple road sign. These signs are not suggestions. They're warnings. They save lives—but only if they're understood. That's why ELP isn't some bureaucratic requirement—it's a life-and-death safety standard. Truckers must be able to read road signs, communicate with law enforcement, and respond in emergencies. When that doesn't happen, people get hurt—or worse. Complying with ELP standards doesn't mean you can recite an encyclopedia, but it should mean you can comprehend routine safety messages. English Language Proficiency isn't optional. It's essential.

That's why codifying the ELP requirement as an OOS violation is so important. Amending 49 CFR Part 390.5 indicates that the U.S. Department of Transportation (USDOT) and FMCSA agree that English Language Proficiency is necessary to safely operate a CMV. The NPRM sends the message that if you cannot read, speak, or understand English, then you will not be allowed behind-the-wheel. The agency is also protecting against any potential attempts to weaken ELP requirements. When CVSA removed 49 CFR 391.11(b)(2) from the North American Standard OOS Criteria in 2015, ELP violations went largely unenforced and unreported for a decade. In 2014, there were over 100,000 ELP violations at roadside; yet in 2024, there were just 9,700 ELP violations reported. The lack of ELP enforcement, in conjunction with the growth of States issuing Non-Domiciled Commercial Driver's Licenses to foreign drivers during the same period, permitted hundreds of thousands of unqualified drivers to work on our nation's roads. This needlessly resulted in numerous fatal crashes. FMCSA must fully implement the proposed regulatory modifications as soon as possible and help prevent these critical safety provisions from ever being watered down again.

President Trump's Executive Order was an overdue step towards restoring a commonsense safety standard. However, inconsistent ELP enforcement and compliance is still prevalent throughout the country more than a year after CVSA reinstated ELP violations as an OOS order. Since the start of enforcement in June 2025, there have been 97,113 ELP violations issued with only 28,030 resulting in an OOS violation. This is a 28.9 percent overall OOS rate. There remains varying enforcement among States, especially those on the U.S.-Mexico border such as California (54.2 percent OOS rate), Arizona (16.6 percent OOS rate), New Mexico (42.6 percent OOS rate), and Texas (6.8 percent OOS rate). While some of these rates are attributable to ELP

violations within commercial border zone areas, there is no question that FMCSA and CVSA must strengthen ELP training and enforcement across the board. We support the agency's efforts to hold training sessions for FMCSA and State partner enforcement personnel upon publication of a final rule that would include provisions that may differ from prior practices. If ELP enforcement is not an utmost priority for all FMCSA and State law enforcement personnel, then unqualified and unsafe drivers will continue wreaking havoc on our nation's roads.

Of course, the burden of highway safety does not fall solely on law enforcement and inspection officers. Industry stakeholders, including motor carriers, must not hire drivers who cannot meet ELP standards. Some carriers have contributed to this safety crisis by putting unqualified drivers behind-the-wheel to satisfy their insatiable appetite for cheap labor and compensate for excessive driver turnover rates. These carriers have demonstrated they will use every loophole available and peddle false narratives, such as the myth of a driver shortage, to continue bringing the cheapest labor into the industry regardless of safety implications. In the NPRM, the agency seeks comments on the average cost of delays associated with driver OOS orders and if carriers would be less likely to place unqualified drivers behind-the-wheel, but history has shown that many carriers have no problems continue hiring unqualified drivers. Rather than quantifying the specific costs of driver OOS orders, the agency should consider strict penalties against carriers who repeatedly employ drivers that receive ELP violations, including permanently revoking their authority.

On August 31st, USDOT and FMCSA announced the emergency removal of 110 commercial driver's licensing schools from the federal Training Provider Registry (TPR). FMCSA reviewed roadside inspection records for drivers who were cited for not meeting ELP requirements. The agency then compared those drivers with records in the TPR to identify training providers that certified individuals who did not meet federal qualification standards.² The schools that egregiously signed off on drivers who later failed ELP tests were forced to immediately cease all operations as a training provider, including administering curricula, utilizing facilities for instruction, and conducting behind-the-wheel training. USDOT and FMCSA should coordinate with the Department of Labor to execute a similar course of action for motor carriers who are recurrently linked to drivers with ELP violations. If a motor carrier continues hiring drivers who receive OOS orders, it must be shut down.

49 CFR 391.11(b)(2) mandates English Language Proficiency so professional drivers can sufficiently understand road signs, converse with the general public, comprehend highway traffic signs/signals, respond to official inquiries, and make entries on reports and records, but there are other parts of the job where communicating in English is just as important.

For example, ELP regulations maintain occupational workplace security when drivers are entering/exiting other facilities or performing additional on-duty functions. When truckers are picking up/dropping off loads at industrial centers, warehouses, or commercial locations, they must carefully maneuver in and out of loading docks and other areas where clear communication with onsite staff is necessary to safely transfer freight. Drivers must properly communicate with

² <https://www.fmcsa.dot.gov/newsroom/us-transportation-secretary-duffy-us-homeland-security-secretary-mullin-white-house-fraud>

fueling attendants and other truckers to navigate safely in a crowded truck stop where parking is often limited. There are further risks when drivers are transporting hazardous materials (hazmat). Hazmat drivers must be able to immediately explain cargo contents and other shipment details to police, firefighters, and emergency crews. Drivers must be able to read shipping manifests, data sheets, safety warnings, and temperature control parameters, and again must be able to clearly relay such information to first responders. If a hazmat accident occurs, the driver is often the primary source of real-time information. A driver must immediately communicate what substance is onboard, the volume of the material, and the contamination risks. Additionally, hazmat vehicles are restricted from specific highways, residential areas, and water supply reservoirs. Misinterpreting these warning signs can cause a catastrophic incident.

English Language Proficiency is not optional, it is essential. OOIDA fully supports FMCSA's NPRM to codify ELP driver qualification requirements as an OOS violation. Moving forward, FMCSA should take additional actions that will strengthen training, licensing, registration, and qualification protocols for all stakeholders that will prevent unqualified and unscrupulous entities from ever entering the industry. Ensuring that only well-trained, competent individuals can operate 80,000-pound commercial vehicles will make trucking a safer, more attractive, more rewarding, and more sustainable career.

Thank you,

A handwritten signature in black ink, appearing to read "Todd Spencer". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Todd Spencer
President & CEO
Owner-Operator Independent Drivers Association, Inc.