

ISSUE NUMBER

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ISSUE NAME

English Proficiency OOSC

STATUS

Open

Driver-Traffic Enforcement Committee

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The number of non-English speaking commercial vehicle drivers has drastically increased since 2020 which poses an increased safety risk to the motoring public and to inspectors/troopers. In order to effectively enforce the federal regulation and ensure the safety of our roadways, it is recommend that 391.11B2 be reinstated in the OOSC.

JUSTIFICATION OR NEED**1. Compliance with Federal Regulation and Current Administration**

Our primary responsibility is to enforce federal regulations. FMCSR 391.11(b)(2) remains unchanged and clearly states that drivers must be able to read and speak English sufficiently to:

- Converse with the general public,
- Understand highway traffic signs and signals,
- Respond to official inquiries, and
- Make entries on reports and records.

If this were not a safety concern, FMCSA would have removed the regulation entirely—yet it remains in place.

FMCSA Memorandum MC-ECE-2016-006 is guidance, not law, and should not override the clear language of 391.11(b)(2). This violation was once included in the OOSC and, since its removal, has increasingly appeared in inspection reports across multiple states.

2. Critical Safety Concerns

Drivers unable to read English road signs pose a serious risk to public safety. In Tennessee, for example, constant road construction requires drivers to quickly comprehend updated signage. A driver who cannot read these signs endangers construction workers and fellow motorists.

Additionally, communication breakdowns during inspections increase the safety risk on inspectors and prevent inspectors/troopers from being able to conduct a thorough inspection. While translation services exist, they are impractical during hands-on inspections and inspectors are required to alter the inspection process to accommodate these drivers placing an undue risk on the inspector. Troopers cannot safely direct a driver sitting in the driver seat while under a vehicle using an app or other translation service. Our own internal polling shows Tennessee troopers consistently report safety concerns and procedural compromises when inspecting non-English-speaking drivers. It is important to note that our research in Tennessee indicates that this problem is particularly common among operators of non-CDL-required vehicles.

3. Industry Trends and Emerging Risks

The 2020 driver shortage likely led to a surge of underqualified drivers entering the industry, many of whom are not

proficient in English. While formal crash data surrounding non-English speaking drivers is very limited, the safety risks are evident and growing. Proactive measures can mitigate this issue before it escalates into a national concern.

4. Alignment with National Policy

President Trump has declared English the official language of the United States. It is reasonable and responsible for CVSA's OOSC to reflect this directive by reinstating 391.11(b)(2) as an out-of-service violation.

REQUEST FOR ACTION

Recommendation to reinstate 391.11(b)(2) in the OOSC.