



Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

October 22, 2025

The Honorable Derek D. Barrs
Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE
6th Floor, West Building
Washington, DC 20590-9898

RE: Petition for Rulemaking – Require Failure to Meet the English Language Proficiency Requirements in Title 49 CFR § 391.11(b)(2) to Result in a Driver Being Placed Out of Service.

Dear Administrator Barrs,

Pursuant to Title 49 Code of Federal Regulations (CFR) § 389.31, the Commercial Vehicle Safety Alliance (CVSA) is petitioning the Federal Motor Carrier Safety Administration (FMCSA) to amend the Federal Motor Carrier Safety Regulations (FMCSR) by requiring that noncompliance with the English language proficiency requirements in Title 49 CFR § 391.11(b)(2) result in a driver being placed out of service.

CVSA is a nonprofit association comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives. The Alliance aims to achieve uniformity, compatibility and reciprocity of commercial motor vehicle inspections and enforcement by certified inspectors dedicated to driver and vehicle safety. Our mission is to improve commercial motor vehicle safety and uniformity throughout Canada, Mexico and the United States, by providing guidance and education to enforcement, industry and policy makers.

Justification

On April 28, 2025, President Donald J. Trump issued the “Enforcing Commonsense Rules of the Road for America’s Truck Drivers Executive Order,” which directed FMCSA to “take all necessary and appropriate actions, consistent with applicable law, to ensure that the out-of-service criteria are revised such that a violation of the English language proficiency requirement results in the driver being placed out-of-service, including by working with the relevant entities responsible for establishing the out-of-service criteria.”

Pursuant to the executive order, the CVSA Board of Directors voted to add non-compliance with Title 49 CFR § 391.11(b)(2) to the CVSA North American Standard Out-of-Service Criteria, effective June 25. As the change to the CVSA North American Standard Out-of-Service Criteria came as a result of a directive from the Administration,

CVSA is petitioning the agency to amend the FMCSR to require that noncompliance with the English language proficiency requirements in Title 49 CFR § 391.11(b)(2) result in a driver being placed out of service. Doing so will bring the FMCSR in line with the Administration’s stated priority in the executive order.

CVSA recognizes that the Administration has prioritized reducing the regulatory burden faced by industry and the public, as outlined in the Jan. 31, 2025 “Unleashing Prosperity Through Deregulation Executive Order,” which requires agencies to identify 10 regulations for elimination for each new regulation put in place. However, given that the direction to require that drivers be placed out of service for noncompliance with the English language proficiency requirements in Title 49 CFR § 391.11(b)(2) came from the President’s executive order, it is appropriate to waive this requirement in order to ensure the regulations reflect the Administration’s priorities and directives.

In addition, because noncompliance with the English language proficiency requirements in Title 49 CFR § 391.11(b)(2) has already been added to the CVSA North American Standard Out-of-Service Criteria, as noted above, updating the regulations to be consistent will have no economic impact on the motor carrier industry.

Recommended Language

CVSA is asking FMCSA to amend Title 49 CFR § 390.5T and § 391.11(b)(2), as noted in red below.

§ 390.5T Definitions.

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Out-of-service order means a declaration by an authorized enforcement officer of a Federal, State, Canadian, Mexican, or local jurisdiction that a driver, a commercial motor vehicle, or a motor carrier operation is out of service pursuant to 49 CFR 386.72, **391.11(b)(2)**, 392.5, 392.9a, 395.13, or 396.9, or compatible laws, or the North American Standard Out-of-Service Criteria.

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§ 391.11 General qualifications of drivers.

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- (b) Except as provided in subpart G of this part, a person is qualified to drive a motor vehicle if he/she—
- (1) Is at least 21 years old;
 - (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;
 - (3) Can, by reason of experience, training, or both, safely operate the type of commercial motor vehicle he/she drives;
 - (4) Is physically qualified to drive a commercial motor vehicle in accordance with subpart E—Physical Qualifications and Examinations of this part;
 - (5) Has a currently valid commercial motor vehicle operator's license issued only by one State or jurisdiction;

- (6) Is not disqualified to drive a commercial motor vehicle under the rules in § 391.15; and
- (7) Has successfully completed a driver's road test and has been issued a certificate of driver's road test in accordance with § 391.31, or has presented an operator's license or a certificate of road test which the motor carrier that employs him/her has accepted as equivalent to a road test in accordance with § 391.33.

(c) Any driver who is found to be in violation of the provisions of subparagraph (b)(2) of this section shall be placed out of service immediately.

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CVSA works to closely monitor, evaluate and identify potentially unsafe transportation processes and procedures as well as to help facilitate and implement best practices for enhancing safety on our roadways. Commercial motor vehicle safety continues to be a challenge, and we need the involvement of all affected parties to help us better understand these issues and put into place practical solutions. We appreciate the agency's consideration of this request.

If you have further questions or comments, please do not hesitate to contact me at 202-998-1008 or collin.mooney@cvsa.org.

Respectfully,



Collin B. Mooney, MPA, CAE
Executive Director
Commercial Vehicle Safety Alliance