

June 24, 2025

English Language Proficiency (ELP)

Purpose

FMCSR 391.11(b)(2) requires that drivers 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 required reports and records.

The previous FMCSA memorandum entitled “English Language Proficiency Testing and Enforcement Policy (MC-ECE-2016-006),” dated June 15, 2016, has been rescinded by the FMCSA. See the new [FMCSA Policy MC-SEE-2025-0001](#) for more information.

Effective Date

Starting June 25, 2025, if a driver cannot demonstrate (per FMCSA guidance attached) the ability to read, speak, and recognize road signs in English, the driver shall be issued a 49 CFR § 391.11(b)(2) violation and placed out of service (OOS) per the CVSA OOS criteria.

Policy

To complete any inspection, inspectors typically ask drivers such fundamental questions as:

- “Where are you coming from?”
- “Where are you going to?”
- “What company do you work for?”
- “Can I get your CDL?”
- “What are you hauling?”

If drivers can answer these questions with little to no difficulty, they sufficiently meet the 391.11(b)(2) requirement. No further action is required.

If it appears that a driver cannot understand and respond to questions, the inspector must conduct an ELP assessment to evaluate the driver’s compliance with 49 CFR § 391.11(b)(2). This assessment should consist of:

- (1) Driver interview; and
- (2) A highway traffic sign recognition assessment.

Official ELP Assessment

Step 1. Direct the driver to respond in English.

Step 2. Complete the English Language Proficiency Assessment (form 5000) in SafeSpec.

Pick seven (7) questions to ask. If the driver is struggling, consider rephrasing. Take your time and allow the driver an opportunity to reply. If the driver cannot answer the basic questions in Attachment 1, place the driver OOS and complete the assessment. There is no need to complete Step 2.

Step 3. Highway Traffic Sign Recognition Assessment

Determine a driver's ability to understand sufficiently united states highway traffic signs including changeable signs in the English language.

1. Explain to the driver that one of the qualifications to drive a CMV that the inspector is evaluating is that the driver can understand the meaning of U.S. highway signs.
2. The inspector will select four (4) signs from the [Highway Traffic Signs Examples](#).
3. The inspector will ask the driver to explain the meaning of the four selected highway signs.
4. The inspector will explain to the driver that to be considered qualified in understanding highway traffic signs in English pursuant to the regulation, the inspector is evaluating whether the driver is able to explain satisfactorily the meaning of at least three (3) of the four selected signs.

Documentation

Anytime an **official assessment** is conducted, the inspector must complete the attached assessment form and save it within SafeSpect. This must be done even if the driver passes the assessment.

If the driver fails either the interview questions or the traffic sign assessment, record a violation of 49 CFR 391.11(b)(2), place the driver OOS, complete the assessment form, and save to SafeSpect.

Frequently Asked Questions (FAQ)

Can the inspector initially introduce themselves to the driver in another language?

Yes, however the interview questions must be presented in English without using a translator or an electronic application (app). Once the inspector establishes that the driver can communicate in English, the inspector can then complete the inspection in another language or by using an app if it facilitates the inspection.

Can the inspector use an app or interpreter after placing the driver OOS?

Yes, if a driver is placed OOS for not speaking/reading English sufficiently, the inspector should use an interpreter or app to ensure the driver clearly understands that they are OOS and cannot drive.

Can the inspector continue the inspection once it has been determined the driver failed the ELP assessment?

Once the inspector determines a driver has failed the ELP, the inspection shall be converted to a Level II (if you feel safe) or Level III. At no time shall an inspector crawl under a truck operated by a driver they cannot communicate with.

What if there is a co-driver in the CMV?

Truck Inspection Safety Notice

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If the driver does not speak/read English, but the co-driver does, inform the co-driver that they must not interrupt or answer any questions during the official ELP assessment. If you must, separate the driver from the co-driver to ensure an unadulterated assessment result.

How about drivers who are on their cell phones with a company official?

Politely ask the driver to let the company official know that they can call back once the inspection is complete. Have the driver hang up and set the phone a reasonable distance away. To prevent cheating, ensure the driver does not have an earpiece.

Why is it so important to complete the assessment form and save it if the driver passes the assessment?

This is to protect the inspector and the agency. If the driver passes your assessment but is later placed OOS by a different inspector, questions and Dataq's may arise regarding the validity of either or both inspections. Good documentation will become critical in such situations.

What if I cannot understand the driver because of a heavy accent?

ELP assessments have nothing to do with accents. It's the inspector's duty to listen closely, ask clarifying questions, and produce an honest unbiased assessment.

Should I get a second opinion from another inspector?

It's never a bad idea to get a second opinion if there's one to be had. If you are working with another inspector, get their opinion. Be sure to document it on the assessment form.