



# Non-Domiciled CDLs & English Language Proficiency (ELP): What Carriers Must Know Now

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**Gary Petty**  
President & CEO  
National Private Truck Council

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Thank You for Joining Us!

- This webcast will cover ...
  - A regulatory overview
  - Best practices in compliance
  - A case study in implementation
  - Question & Answer session
- You will be muted during the event.
- Please use the Q&A feature to send in questions. We'll try to answer them during the Q&A period if they are not covered in the presentation.
- The slides and recording will be posted within 7 days at: [www.jjkeller.com/nptcinfo](http://www.jjkeller.com/nptcinfo)

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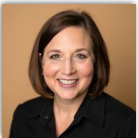
Meet Your Speakers



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**Tim Adam, CTP**  
 Industry Business Advisor  
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Poll

Where is your organization experiencing the greatest challenge related to English language proficiency and non-domiciled CDL drivers?

- a. Assessing English proficiency during hiring
- b. Documenting ELP evaluations in the DQ file
- c. Understanding requirements for non-domiciled CDLs
- d. Maintaining the driver fleet during the transition

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English Language Proficiency

- Not a new regulation
- ICC regulation prior to 2000
- FMCSA adopted it in 391.11(b)
  - "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"*
- Downgraded in 2016
  - No standardized test, uneven enforcement

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English Language Proficiency

- Executive order signed May 20, 2025
- Effective June 25, 2025
  - 2025 nearly 11,000 drivers placed OOS
  - 2026 nearly 4,000 to date
- Does not apply to drivers in a Border zone
- Still a violation, not an OOS order

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English Language Proficiency

- 2 step enforcement
  - Driver interview conducted in English
  - Questions pertain to the current load
  - Translation apps and interpreters prohibited
  - Reading assessment
  - Driver will be asked to explain common road signs
  - Includes Dynamic message signs

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English Language Proficiency

- OOS until the problem is resolved
- Document the resolution
- Each OOS violation raises CSA scores
- States assess fines
  - \$1,000 to the driver
  - \$5,000 to the carrier

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Non-Domiciled CDL

- Restoring Integrity to the Issuance of Non-domiciled CDLs IFR September 2025
  - Limits the authority of states to issue or renew CDLs or CLPs
  - States were prohibited from issuing these CDLs
  - U.S. Circuit Court of Appeals put a pause on enforcement until the Final Rule
  - Did not apply to states that were not compliant
  - Final rule effective March 16, 2026

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Non-Domiciled CDL

- Non-domiciled CDL holders must now
  - Provide a valid I-94/passport and Visa
    - H2-A, H2-B or E-2 are the only acceptable visas
  - Must appear in person at time of renewal
  - NON-DOMICILED is now clearly marked on the CDL
  - Does not apply to drivers holding Mexican or Canadian equivalent

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Non-Domiciled CDL

- Under the new regulations states must:
  - Query Systematic Alien Verification for Entitlements (SAVE)
  - Retain copies of the application documents for 2 years
  - Limit expiration date to 1 year or expiration of passport or visa
  - Downgrade CDL/CLP

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Non-Domiciled CDL

- What carriers need to do
  - Identify drivers holding ND CDLs
  - Log expiration dates of immigration docs
  - Confirm CDL expiration date
  - Have a monitoring system in place

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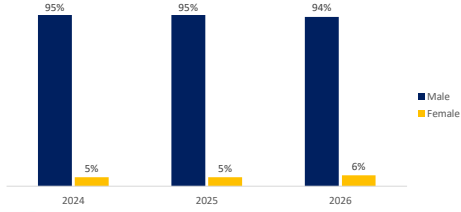
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Driver Demographics



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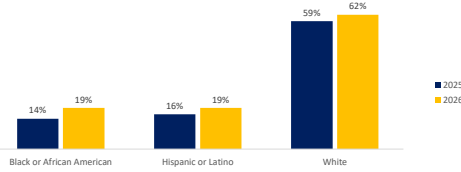
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Driver Ethnicity



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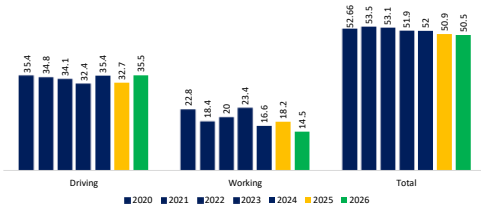
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The Typical Driver's Work Week



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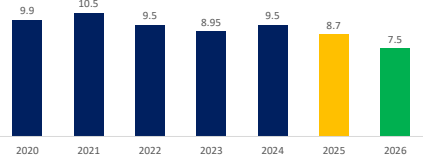
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### Driver Retention



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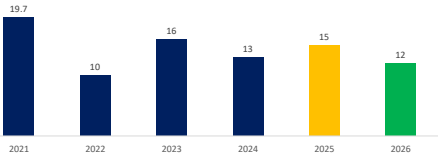
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### Average Number of Candidates Screened



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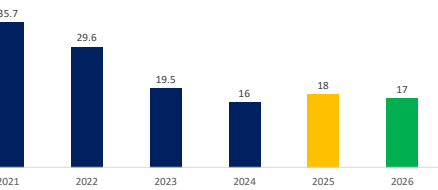
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### Days to Recruit and Screen a Driver



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- Limited Liability Company
  - Based out of Green Bay, Wisconsin
  - Founded in 1996 by American Foods Group (AFG)
  - Acquired Midwest Express in 2019; merged as America's Service Line in 2026
    - Grand Island, Nebraska
  - Largest carrier for sister company, America's Logistics (AML)
    - Serving >40% of its shipments
  - 40% of America's Service Line (ASL) shipments serve AFG
- Over 225 tractors and 350 trailers
  - 250 drivers – OTR, I/C, Local and Regional
  - Award-winning drivers and high driver retention
  - Award-winning safety
  - Outstanding service
  - Provide in-house fleet maintenance
  - Provide a great deal of flexibility to sales
  - Private fleet and trucking company

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**Building a DOT-Compliant English Proficiency Program**  
 Ensuring Driver Safety & Regulatory Compliance

**Ellen Ingram, CTP, SHRM-SCP**  
 VP, Human Resources & Safety



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**Plan to Build a Compliant Program**

- **Inventory/Identify:** Assess current driver population for risk.
  - **Respond:** Determine next steps for those drivers not displaying safety-focused functional fluency.
- **Update Hiring:** Incorporate English assessments into talent acquisition and onboarding.
- **Internal Testing:** Conduct mock roadside inspections.
- **Training Implementation:** Provide targeted ESL (English as a Second Language) training.
- **Documentation:** Document all testing/training in driver qualification files.
- **Review/Monitor:** Monitor CSA scores and OOS rates.

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Auditing & Identifying Risk

- Review all Driver Qualification (DQ) files.
- Identify drivers who often rely on colleagues for interpretation.
- Interview managers/dispatchers: "Which drivers struggle with English instructions?"

Note: Do not discriminate – test all drivers consistently based on job requirements.

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Strengthening Hiring & Onboarding

- **Job Description and Marketing Open Positions:** Define English language proficiency or adherence to FMCSA regulations as a minimum qualification.
- **Pre-Hire Assessment:** Implement standardized testing for reading, speaking, and sign recognition (e.g., eSkill, ACTFL).
- **Do Not Rely on Interviews Only:** Conversational skills can mask inability to read road signs.
- **Job-Related Tests:** Use industry-specific scenarios (e.g., understanding a "No Trucks" sign).

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Implementing Internal "Mock" Inspections

- **Train** safety managers to act as inspectors.
- **Mock Scenario:** Ask about load, destination, and HOS logs.
- **Mock Scenario:** Use a flashcard set of traffic signs.
- **Goal:** Familiarize drivers with the pressure, reducing anxiety during real inspections.

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Providing Language Support & Training

- Offer voluntary ESL classes focused on transportation vocabulary.
- Create "I-Speak" cards for non-English speakers to use for basic needs but train them that these cannot be used in inspections.
- Provide training on key traffic signs and legal documentation requirements.

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Documenting Compliance

- **Crucial:** "If it wasn't documented, it didn't happen."
- Create a "Safety-focused Functional Proficiency" section in the driver qualification file.
- Include: Results of internal assessment, certificates from training, and sign recognition scores.
- This documentation can help defend against false OOS violations.

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Summary & Key Takeaways

- Strict enforcement is in effect – OOS orders are likely if ignored.
- Focus on functional proficiency: Reading signs, understanding dispatch, and answering inspectors.
- Proactive training and assessment are cheaper than a stranded load.

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Non-Domiciled CDL Program

Katie Reffke, CTP, SHRM-SCP  
Sr. Human Resources Manager



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Internal Policy & Procedure Updates

- Drivers must maintain valid CDL and Visa
  - Only accept H-2A, H-2B, E-2
  - Employment Authorization Documents not accepted
- Qualifications
  - Ensure job description updates to include valid CDL in requirements

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Recruiting – Pre Employment

- After offer acceptance, recruiter validates the CDL
  - Requests a copy of the CDL
  - Requests a copy of the Visa, if a non-domiciled CDL holder
- Need to make sure we are paying attention to the expiration on the Visa and the CDL. Limit expiration to one year or the expiration of the Passport or Visa, if less than one year.

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Ongoing Compliance

- Tracking and Documenting
  - Retain copy of CDL and Visa for verification
  - Add Non-domiciled driver to tracker
- Ongoing audit of Non-domiciled CDL
  - Review records monthly for expiration dates
  - Put drivers on notice at 180, 90, 60, and 30 days out from Visa expiration

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**Non-Domiciled CDL Expiration Notice**

To: Employee/Independent Contractor Name  
 Re: Non-Domiciled CDL Expiration Notice

Our records indicate your Non-Domiciled CDL is scheduled to expire on \_\_\_\_\_

Document Received  H 2A  I-98  I-92

Visa Expiration Date \_\_\_\_\_

**REMINDERS**

- You must notify Safety immediately upon receiving your renewed Visa.
  - H 2A
  - I-98
  - I-92
- You should contact the appropriate governmental agency, if necessary, to ensure timely processing and to obtain the required physical documentation needed for your Non-Domiciled CDL renewal.
- You must renew your Non-Domiciled CDL (E, I, I-98, I-92) of your state Department of Motor Vehicles (DMV).

Please note, failure to provide the necessary documentation prior to the expiration date of your current CDL or Visa may result in disqualification from driving.

**OFFICE USE ONLY**

Reminder	Signature	Date Sent
180 Days		
90 Days		
60 Days		
30 Days		

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Summary & Key Takeaways

- Review your internal policies and procedures, to include driver qualifications.
- Remember to keep your employment authorization process separate from the CDL verification process.
- Consider how you want to support your CDL-holders through the process.

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Questions and Answers



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More Questions?



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# THANK YOU!

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Join us next time!

## Driver Qualification File Compliance: Requirements, Risks, and Best Practices

May 20<sup>th</sup> – 10:00 AM Central

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