



# **Commercial Vehicle Safety and Nondomiciled CDLs**

## **Senate Transportation Committee**

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### **Introduction**

Chairwoman Ward, Chairman Flynn, and members of the Committee, thank you for the invitation to testify today. My name is Rebecca Oyler, and I serve as President and CEO of the Pennsylvania Motor Truck Association. With me today is Jeff Mercadante, Chief Safety and Risk Management Officer for PITT OHIO, who will speak after my remarks. I also want to introduce Anthony Cloud, PMTA's Director of Safety and Education. Anthony brings extensive real-world safety experience—as a former police officer and as a safety professional with several nationally known carriers. He will be available for questions following our testimony.

PMTA represents about 1,200 trucking and transportation-related companies across the Commonwealth. Our members range from small family-owned businesses to some of the most sophisticated fleets in the nation. Despite their diversity, they share a common commitment to safety—because their drivers operate alongside the motoring public every hour of every day, and ensuring those drivers are properly trained, licensed, and qualified is essential to protecting everyone on the road.

The Committee has convened this hearing to examine commercial vehicle safety and, in particular, the risks that arise when individuals enter the system without adequate training, without lawful authorization, or through fraudulent or inconsistent licensing processes. This includes issues surrounding non-domiciled CDL holders, low-quality or fraudulent CDL training programs, and broader regulatory gaps that undermine the integrity of the commercial driver licensing system.

These issues matter because the CDL is the gateway to the trucking profession. It is the credential that assures employers, law enforcement, and the traveling public that a driver has met the minimum standards required to safely operate an 80,000-pound vehicle.

Over the past year, several high-profile cases across the country have drawn attention to weaknesses in the CDL system—including improperly issued licenses, inconsistencies in lawful-presence verification, and training programs that failed to deliver necessary behind-the-wheel instruction. These incidents have revealed vulnerabilities that were not widely understood before and demonstrated how inconsistent state processes and uneven oversight can allow unqualified individuals to enter a safety-sensitive profession.

This morning, I will provide an overview of how we arrived at this point, the current national landscape, and potential policy solutions to strengthen the licensing framework going forward.

## Overview of Today's Trucking Landscape

To understand how we arrived at the challenges before us today, it is important to look at how rapidly the commercial driving landscape changed over the past several years. During the height of the COVID-19 pandemic, consumer goods spending surged, freight volumes soared, and supply chains strained under unprecedented demand. At the same time, many older, experienced drivers retired earlier than expected, leaving the industry with fewer seasoned professionals at the exact moment freight rates were hitting historic highs.

This created a unique imbalance: very high demand for freight movement and a rapidly shrinking pool of qualified drivers. With freight rates extremely high, thousands of new trucking companies and new drivers entered the industry almost overnight, many with little understanding of regulatory obligations or the safety requirements that come with operating a commercial vehicle. The job market was flooded not only with new drivers, but also with new carriers, training providers, and brokers—many of whom were chasing opportunity, not building long-term, compliant businesses.

Most of these new entrants played by the rules. But as in any industry, some did not. The sheer volume of new participants exposed gaps in oversight and revealed how inconsistent enforcement could be exploited. The combination of high demand, rapid growth, and weaknesses in verification systems created conditions where unqualified drivers and noncompliant operators could enter a safety-sensitive profession more easily than they should have been able to.

These pressures were not limited to Pennsylvania; they occurred nationwide. But because Pennsylvania is consistently ranked among the top states for freight movement—due to our interstate corridors, warehousing hubs, and geographic position—any weaknesses in the CDL system have amplified effects here.

Pennsylvania's CDL system, like every state's, operates within a larger national framework. PennDOT issues CDLs, but so does every other state, and each depends on the others to uphold consistent standards. A driver licensed improperly in one state becomes a risk in every state.

Overlaying all of this is the Federal Motor Carrier Safety Administration (FMCSA), which regulates commercial motor vehicles at the national level. FMCSA maintains national training standards, oversees the Entry-Level Driver Training Provider Registry, conducts audits of state driver licensing agencies, and manages the federal databases that states rely on to confirm driver eligibility and status. FMCSA's responsibilities overlap with the states, and the system only works when both sides carry out their roles consistently.

Within Pennsylvania specifically, several entities have distinct but interconnected roles:

- **PennDOT**, which verifies identity, lawful presence, qualifications, and issues CDLs.
- The **Pennsylvania State Police**, which enforces safety regulations through roadside inspections and compliance reviews.
- The **Pennsylvania Department of Education**, which—through the State Board of Private Licensed Schools—licenses private postsecondary CDL training programs that charge tuition to students. This licensure authorizes a school to operate in Pennsylvania, but it does *not* certify training quality, evaluate compliance with federal ELDT standards, or determine whether a provider belongs on FMCSA's Training Provider Registry.

- **Third-party testing centers and examiners**, which administer the skills tests required for CDL issuance under PennDOT's oversight.
- **Carriers**, who depend on all these entities to ensure that drivers entering the workforce are properly vetted, trained, and prepared.

When each component performs as intended, the system works. But when any part—state verification, federal database accuracy, training oversight, or testing consistency—fails to function reliably, the entire safety chain becomes vulnerable. The pandemic-era market pressures, combined with recent national incidents involving improperly issued CDLs, have exposed how fragile this interconnected system can be when even one link weakens.

These are the conditions that set the stage for the issues we are discussing today: challenges with nondomiciled CDL issuance, inconsistent training standards, weak oversight of some training providers, and gaps in identity and lawful-presence verification that affect not just Pennsylvania, but every state.

### **Non-Domiciled CDLs**

One of the most widely discussed issues this year involves non-domiciled CDLs—commercial licenses issued to individuals who are legally present in the United States but are not citizens or permanent residents. These credentials matter to many Pennsylvania employers, who rely on lawful, fully vetted foreign-national drivers to meet workforce needs in a tight labor market.

For many years, federal regulations required states to verify identity, lawful presence, and eligibility before issuing these CDLs. But prior to September, the federal rules did not include a standardized list of acceptable documents or a uniform process for validating lawful presence. States interpreted the requirements differently, which led to variations in how documentation was reviewed and what was accepted from applicants.

When federal auditors raised concerns about whether lawful presence had been verified consistently, PennDOT paused issuance, renewal, transfer, and upgrade of non-domiciled CDLs while it evaluated its procedures. The pause created operational challenges for carriers, but it also highlighted a broader issue: every state issues CDLs, and the reliability of the national licensing system depends on consistent practices across all 50 states.

This situation brought several longstanding vulnerabilities into clearer focus:

- **Federal rules lacked uniform documentation requirements**, leading to inconsistent state practices.
- **Some immigration-related documents are difficult to verify**, especially when states lack real-time access to federal systems.
- **Federal and state databases do not always communicate seamlessly**. For example, the Commercial Driver's License Information System (CDLIS) — the national database connecting all states — is designed to ensure that a driver has only one CDL and that disqualifications follow them across state lines. When information does not flow accurately or promptly through CDLIS, gaps can open that allow a driver to be licensed in one state despite issues in another.

In response to concerns nationwide, the U.S. Department of Transportation issued an Interim Final Rule (IFR) in September designed to create greater uniformity in documentation, verification, and state procedures for issuing non-domiciled CDLs. The rule outlined standardized documentation requirements, strengthened lawful-presence verification, and provided clearer direction for how states should respond when a driver's legal status changes.

However, the IFR is currently under an administrative stay issued by the U.S. Court of Appeals for the D.C. Circuit, meaning it is not in effect while the court considers whether the rule can proceed. States therefore remain under the pre-September federal requirements, which continue to lack the consistency and clarity the IFR was intended to provide.

This uncertainty reinforces a key point: the challenges we are discussing today did not originate with any single state or agency. They stem from gaps in federal guidance, uneven state-level implementation, and data systems that do not yet function as a fully integrated national network. For Pennsylvania employers, the integrity of this system matters tremendously. Carriers must be able to rely on the CDL as a comprehensive safety credential — one that confirms not only skill and training, but identity, lawful presence, and eligibility to work in the United States.

Strengthening verification processes and establishing nationally consistent standards are essential steps toward restoring that confidence — not only in Pennsylvania, but across the country.

### **Gaps in CDL Training**

Another significant challenge affecting the safety and integrity of the commercial driving workforce is the growth of low-quality CDL training providers, often referred to as “CDL mills.” These programs may meet the minimum federal requirements on paper, but do not provide the depth of training needed to prepare students for real-world commercial driving.

To understand the issue, it is helpful to briefly explain the federal framework. In 2022, FMCSA implemented the Entry-Level Driver Training (ELDT) rule, which requires new CDL applicants to complete a registered theory course and behind-the-wheel instruction from a provider listed on the national Training Provider Registry (TPR). The rule establishes a curriculum, but it does not require a minimum number of training hours or specify how behind-the-wheel instruction must be delivered. This has resulted in significant variation in quality from one training provider to another.

This is where the distinction between legitimate, credentialed training programs and CDL mills becomes clear. Pennsylvania's Department of Education licenses private postsecondary CDL training schools that charge tuition to individual students. Many of those schools offer structured programs with experienced instructors and maintain professional standards. But a large number of CDL programs operating in Pennsylvania are *not* licensed postsecondary institutions. They register with FMCSA solely to appear on the Training Provider Registry, yet they are not subject to PDE's oversight or its student-protection requirements.

As a result, Pennsylvania has a fragmented training environment where high-quality schools operate alongside providers that offer only minimal instruction. Some students report receiving very limited behind-the-wheel practice or training with multiple students in the cab at the same time. Others are taught only “to the test” instead of receiving the hands-on training needed to succeed and stay safe on the job. Carriers like PITT OHIO routinely invest seven to eight weeks and roughly

400 hours of structured instruction to prepare a new driver, but many CDL applicants arrive from programs that provide far less preparation.

Oversight challenges contribute to this problem.

- FMCSA regulates the ELDT curriculum and maintains the Training Provider Registry, but investigations generally occur only if a provider fails to upload required student records.
- PennDOT oversees the third-party CDL testing process, but it does not regulate training providers themselves.
- PDE licenses only a subset of private CDL schools and has no jurisdiction over most ELDT-listed providers.

The recent federal action removing nearly 3,000 noncompliant ELDT providers from the national registry — and placing thousands more on notice — is an encouraging step forward. It reflects growing recognition at the federal level that gaps in training quality undermine public safety and put responsible carriers at a disadvantage.

Low-quality training programs contribute directly to new-entrant crash rates, distort competition, and erode public confidence in the industry. While federal regulators have taken important steps toward strengthening oversight, much more work remains to ensure that every new driver entering the workforce has the skills, experience, and judgment required for safe operations.

### **Industry Impacts**

The weaknesses in CDL training, verification, and oversight are not abstract or theoretical. They have broad implications for public safety and for the stability and competitiveness of the trucking industry as a whole.

From an industry-wide perspective, the entry of inadequately trained or improperly vetted drivers increases the risk of serious crashes on our highways. Commercial driving is a safety-sensitive profession that requires judgment, skill, and experience. When drivers enter the workforce without those fundamentals, the consequences can be severe—not only for the companies that employ them, but for every motorist sharing the road.

These systemic weaknesses also drive up costs across the industry. Even carriers that invest heavily in training, onboarding, and compliance feel the effects of higher insurance premiums, increased litigation exposure, and reputational harm when high-profile incidents occur. Safety failures in one corner of the industry affect all carriers, because the public and policymakers do not distinguish between responsible operators and those who cut corners.

Competitive pressures compound these challenges. When low-quality training providers or noncompliant operators enter the marketplace, they distort competition. Companies that meet high standards face higher operating costs, while those that avoid training investments or exploit regulatory gaps can underbid responsible carriers. This creates a dynamic that is especially difficult for smaller operators, who may struggle to compete when the regulatory playing field is uneven.

Public perception is another major concern. Crashes involving unqualified or improperly licensed drivers undermine confidence in trucking as a profession and overshadow the significant progress the industry has made in safety, technology, and professional development. Maintaining public

trust requires that the entry point to the profession reflect the seriousness and skill required of commercial drivers.

These broad industry impacts are essential context for understanding why reforms matter. But they are only part of the picture. Jeff Mercadante will speak next about what these vulnerabilities look like in day-to-day operations—how they affect hiring, training, safety programs, and the ability of carriers to ensure that every driver who walks through their door is truly qualified to operate safely. His firsthand experience illustrates why strengthening the CDL system is not just a policy issue, but a practical one for companies of all sizes.

### **PMTA's Recommendations**

The vulnerabilities we have discussed today are serious, but they are also solvable. Recent federal enforcement actions — including the removal of nearly 3,000 noncompliant ELDT providers and strengthened scrutiny of non-domiciled CDL issuance — show that meaningful progress is already underway. Pennsylvania now has an opportunity to reinforce these national efforts and address state-level factors that contribute to CDL system weaknesses.

#### *PMTA's Guiding Principle: CDL Standards Should Be National, Not Fragmented*

Before outlining specific recommendations, PMTA emphasizes one central principle:

Commercial driving is an interstate profession. The CDL system works best when core standards — such as lawful presence verification, English-language proficiency testing, ELDT oversight, and documentation requirements — are implemented uniformly at the federal level.

Many of the weaknesses that have recently emerged stem from inconsistent state processes and uneven interpretations of federal requirements. To avoid repeating those patterns, Pennsylvania should prioritize alignment with national rules rather than creating unique state-specific requirements that could further fragment the system.

At the same time, Pennsylvania has important responsibilities of its own. There are several administrative and legislative steps the Commonwealth can take now that support, rather than duplicate, the national framework.

#### Administrative Steps Pennsylvania Can Take Now

##### **1. Strengthen and Support PennDOT's Verification Systems**

Consistent, accurate verification of identity, lawful presence, and eligibility is foundational to CDL integrity. Ensuring PennDOT has sufficient staffing, training, and technology will help maintain compliance with federal requirements and ensure that employers can rely on the CDL as a trustworthy credential.

##### **2. Reinforce Oversight of CDL Training Providers**

PMTA strongly supports the Pennsylvania Department of Education's work to license private postsecondary CDL schools, approve curriculum, increase transparency for students, and take action against unlicensed CDL training providers.

A major challenge, however, is the federal self-certification loophole that allows training providers to add themselves to FMCSA's Training Provider Registry without first demonstrating state authorization. This loophole enables non-compliant schools to quickly reappear under new identities. PMTA supports stronger coordination among PDE, PennDOT, FMCSA, and law enforcement to close this gap and ensure that only legitimate training providers are preparing new drivers.

### 3. Maintain Confidence in Pennsylvania's CDL Testing Process

PMTA has not heard widespread concerns regarding Pennsylvania's third-party CDL examiners. Instead of calling for new mandates, we recommend maintaining open communication among PennDOT, examiners, and federal regulators to ensure continued consistency with national skills-testing requirements as federal rules evolve.

### 4. Invest in Safety Infrastructure

Truck parking, rest facilities, and well-maintained roadways are essential for safe operations and hours-of-service compliance. Continued investment in these areas improves safety for all commercial drivers and supports broader freight mobility.

### Legislative Solutions That Complement Federal Reforms

Pennsylvania's General Assembly can reinforce the integrity of the CDL system through targeted legislative actions that align with — rather than diverge from — national standards.

#### 1. Clear Authority to Shut Down Noncompliant Training Providers

The General Assembly can strengthen the Commonwealth's ability to take action against training providers that operate without a license, misrepresent their programs, or fail to meet basic expectations for student protection and transparency.

#### 2. Enhanced Penalties for Intentional Fraud

Identity fraud, falsified training records, improper document acceptance, and other intentional violations pose serious risks to public safety. Enhanced penalties would deter these behaviors and reinforce the seriousness of the CDL credentialing process.

### Federal-Level Reforms PMTA Supports

Because CDL credentialing is inherently interstate, PMTA strongly prefers that core requirements be set at the federal level to ensure national uniformity. Pennsylvania should avoid establishing its own independent verification or training mandates and instead ensure it has the systems and resources to implement future federal requirements effectively.

PMTA supports several federal reforms outlined in *The Fight for Fairness and Safety: Paving the Way for a Trucking Resurgence* (attached) and related national trucking safety initiatives, including:

- Implementing the Interim Final Rule on nondomiciled CDLs once legal challenges are resolved.
- Enforcing English-language proficiency at the point of CDL testing.

- Requiring CDL applicants to hold a standard driver's license for at least one year before applying (with reasonable exceptions).
- Prioritizing removal of noncompliant CDL schools from the Training Provider Registry.
- Strengthening interstate data-sharing to ensure accurate, timely CDL history information.

These reforms will help close longstanding gaps and ensure that all states — not just Pennsylvania — operate under uniform safety standards.

Together, these administrative and legislative solutions support responsible carriers, protect the motoring public, and strengthen confidence in the CDL system. PMTA and its members stand ready to work with Pennsylvania's agencies, the General Assembly, and our federal partners to advance these reforms.

### **Conclusion**

Thank you for your attention and for the seriousness with which you approach these issues. Commercial vehicle safety is one of PMTA's most important priorities, and the recent national developments have made clear that we are at a pivotal moment. The vulnerabilities that have come to light — whether in CDL training, verification, or cross-state consistency — represent not only risks, but opportunities for meaningful improvement.

Pennsylvania has a strong foundation, supported by agencies that share our commitment to safety and professionalism, and whose partnership PMTA deeply values. Strengthening this system requires coordination at every level: clear and consistent federal rules, well-supported state processes, and an industry dedicated to maintaining the highest standards of professionalism. PMTA and its 1,200 members stand ready to work collaboratively with all of our partners to advance these goals.

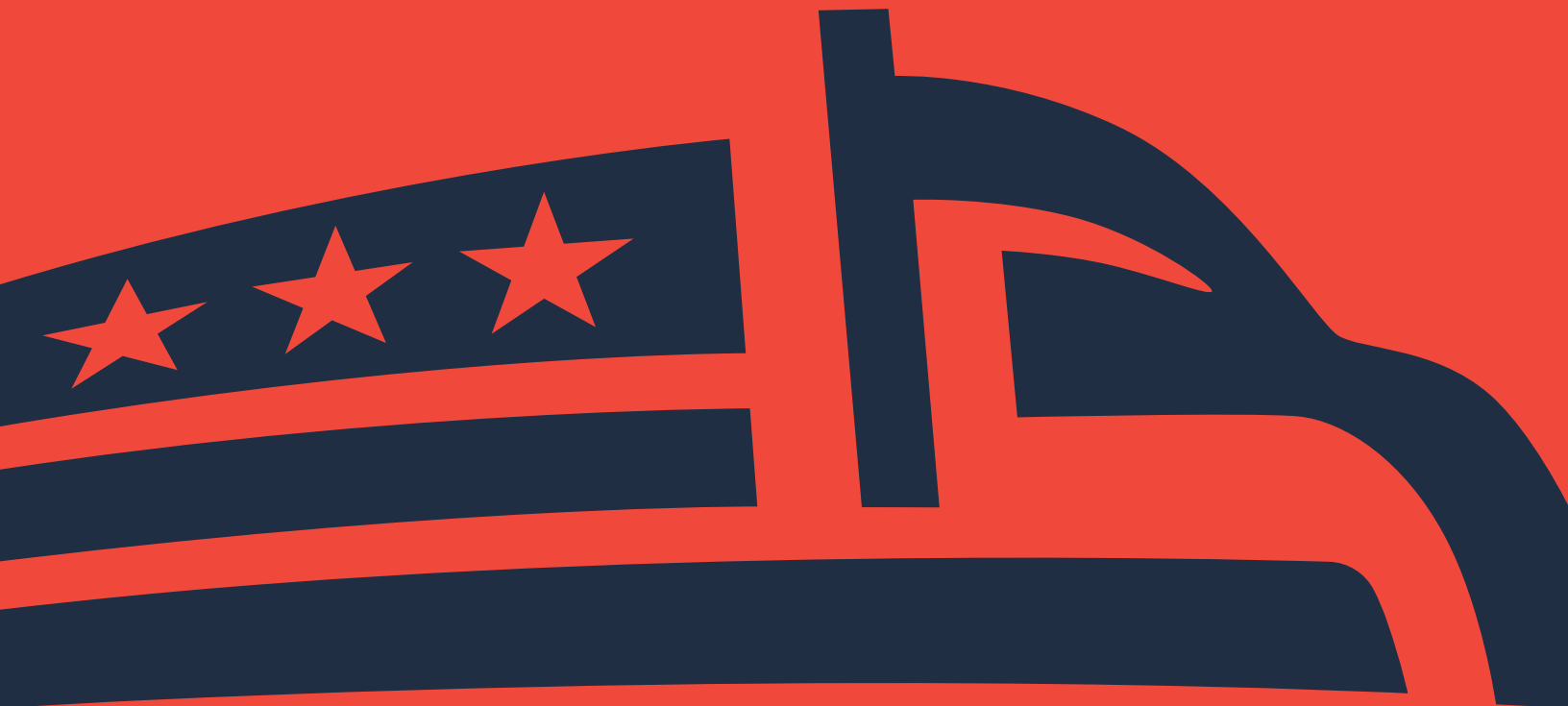
At this point, I would like to turn to Jeff Mercadante, Chief Safety and Risk Management Officer at PITT OHIO, who will speak about how these system vulnerabilities affect daily operations and why a reliable, consistent CDL framework is essential for carriers of every size.

Thank you again for the opportunity to testify today. I look forward to your questions.



## The Fight for Fairness and Safety: *Paving the Way for a Trucking Resurgence*

The Trucking Association Executives Council (**TAEC**) is comprised of state trucking association and industry association executives from around the United States with the mission of promoting the trucking industry and improving the associations and organizations established to serve the trucking industry.



**The Problem:** America's trucking industry is primarily comprised of a healthy mix of family owned small and medium sized business, independent owner operators, and national motor carriers that proudly and safely move most American goods and provide successful careers for millions of Americans. However, due to a confluence of circumstances and factors, bad actors have entered the trucking industry and exploit gaps in programs, systems and laws to operate in a manner, sometimes criminally, that undermine the individuals and companies that uphold the highest standards in trucking. This is unacceptable. While these nefarious actors represent only a small fraction of the industry, their actions have an outsized negative impact on safety, fairness, public image, and the morale of the professionals working in trucking.

**Mission and Objective:**

A task force within TAEC was formed with the mission to clearly identify the main issues that allow bad actors to enter and operate in the commercial trucking industry. The objective is to summarize these findings in a briefing document that crisply defines the problems and recommend an action plan to eliminate these rogue elements from the industry and prevent their entrance into the industry going forward.

**Task Force members:** Tony Bradley, Arizona Trucking Association; Mark Colson, Alabama Trucking Association; Paul Enos, Nevada Trucking Association; John Esparza, Texas Trucking Association; Shannon Newton, Arkansas Trucking Association; Brenda Neville, Iowa Motor Truck Association; Rebecca Oyler, Pennsylvania Motor Truck Association, Eric Sauer, California Trucking Association.

**Scope of Issues:**

- 1.** CDL Integrity is Crucial for Safety
- 2.** MCMIS Overhaul: Fixing America's Broken Trucking Safety Data
- 3.** Assuring Cross-Border Workforce Integrity
- 4.** Non-Domiciled CDL Reform and Enforcement
- 5.** English Language Proficiency: A Critical CDL Safety Gap
- 6.** Combating Trucking Fraud
- 7.** Strengthening Electronic Log Integrity

# CDL Integrity Is Crucial for Safety

## 1. The Big Picture

Safety foundation at risk: CDLs serve as the primary qualification verification for millions of commercial drivers, but fraud cases in numerous states reveal licenses are being issued without proper qualifications.

**Data silos create loopholes:** Federal and state databases operate independently, allowing disqualified drivers to obtain CDLs in other states undetected.

**Quality control missing:** Entry Level Driver Training (ELDT) programs, truck driving schools, and CDL testers lack standardized quality analysis of the drivers they certify.

## 2. Why It Matters

Commercial Driver's Licenses (CDLs) are the foundation for ensuring 3.5 million drivers operating commercial motor vehicles are qualified — but current systems have dangerous gaps that enable fraud and put public safety at risk. To understand the scale, there are 21,368 providers registered at 37,743 locations. 10% are educational institutions, 38% are government institutions, and 40% are motor carriers.

## 3. What Needs to Happen

### **Establish a waiting period:**

- Require individuals to hold a standard driver's license for at least one year before becoming eligible for a CDL (with limited exceptions for certain workforce training programs)

### **Integrate state databases:**

- Connect currently standalone state CDL systems for cross-checking
- Prevent multi-state CDL fraud (similar to existing national databases for drug/alcohol testing and roadside violations)

### **Track and Enforce training quality:**

- Expedite the removal of non-compliant training providers from the FMCSA Training Provider Registry (TPR)
- Add ELDT provider, driving school, and examiner data to individual CDL records limited to a two-year lookback
- Enable objective analysis of training and testing effectiveness based on their drivers' subsequent performance
- Model after existing national medical examiner database

### **Monitor process timing:**

- Track timeline from ELDT through permit, testing, and CDL issuance
- Identify fast-tracking inconsistent with legitimate processes
- Flag suspicious timing patterns that indicate potential fraud

## 4. The Bottom Line

Without integrated databases and quality tracking systems, the current CDL process leaves dangerous gaps that compromise road safety for everyone. Standardizing and connecting existing data resources could close these loopholes while maintaining the integrity of commercial driver qualifications.

# MCMIS Overhaul: Fix Trucking's Safety Data

## 1. The Big Picture

The Motor Carrier Management Information System (MCMIS) fails to protect public safety due to incomplete data, outdated methods, and regulatory loopholes that allow dangerous carriers to operate unchecked.

## 2. Why It Matters

When 90% of carriers operate without safety ratings and dangerous operators can easily evade detection, every driver shares the road with potentially unsafe commercial vehicles. Lives depend on accurate data.

## 3. The Data Crisis

### System-wide failures:

- 90% of trucking carriers remain unrated for safety
- Current system relies on onsite reviews by understaffed agencies instead of data analysis
- 2023 GAO study documents widespread incomplete public data and outdated guidance
- Unreliable information undermines both safety analysis and enforcement

### Gaming the system:

- “Chameleon Carriers” shut down and reopen under new names/DOT IDs to escape bad safety records
- Carriers systematically under-report vehicles on MCS-150 forms
- Data manipulation hides dangerous trucks and companies from oversight

## 4. The Solution: AI-powered data integration

### Comprehensive carrier evaluation:

- Implement proposed SMS (Safety Management System) to rate 100% of carriers using data analytics
- Enhance limited onsite reviews with continuous data-driven assessment

### Vehicle tracking and accountability:

- VIN-based system to connect all trucks to their actual carriers or long-term lease holders
- AI analysis linking crash and inspection data through VIN/carrier relationships
- Cross-reference VIN data with MCS-150 reporting to catch under-reporting

### Chameleon carrier detection:

- AI analysis of VIN patterns in new entrant applications
- Flag suspicious vehicle transfers between related entities
- Block safety record laundering through corporate shell games

**Enhanced entry activation and transfer standards:**

- Law enforcement urges creation of minimum qualification standards for motor carrier entry which should also apply to the transfer of DOT numbers
- Establish a minimum fee for establishing a DOT number and the acquisition or reactivation of an existing DOT number
- Improve new motor carrier review and approval program
- Return focus to motor carrier education and preparation

**System integration:**

- Query PRISM (Performance and Registration Information System) for comprehensive view
- Deactivate dormant carriers to maintain Motor Carrier Authority integrity and require new entry standards to activate a dormant carrier
- Create unified database linking all safety-relevant information

## 5. The Bottom Line

America's trucking safety system is only as strong as its data. Moving from a 90% blind spot to 100% carrier visibility through AI-powered analysis isn't just smart policy—it's a life-saving necessity.

# Assuring Cross-Border Workforce Integrity

## 1. The Big Picture

Aligning visa authorization with commercial driving standards protects highway safety, eliminates unfair competitive advantages from non-compliance, and ensures U.S. carriers are not penalized for legal USMCA operations. Reform must close the gap between immigration status and driving authorization.

There have also been widespread reports of legitimate Mexican LFC's (CDL equivalent) being issued via digital download fraudulently to unqualified individuals by the Mexican government.

## 2. Why It Matters

Cross-border trucking under the United States-Mexico-Canada Agreement (USMCA) allows for the transport of freight, but inconsistent enforcement undermines workforce integrity and fair competition.

## 3. The Problem

Cabotage, the domestic transportation of goods by a foreign-based carrier or vehicle, is already illegal however lax enforcement and the misunderstanding of the definition allow for exploitation of cabotage related activities.

### **Current state of the B1 Visa Problem:**

- Mexican and non-citizen Canadian drivers use B1 visas for international freight into/out of U.S.

- They operate with Mexican/Canadian CDL equivalents due to reciprocity granted in USMCA
- Border Trade Zone (BTZ) drayage drivers need only B1 (no I-94 required)
- Drivers outside BTZ need both B1 and I-94
- No standardized English Language Proficiency (ELP) testing exists at U.S. consulates for B1 visa applicants, creating roadside enforcement chaos

**Result:** There is nothing to stop drivers authorized for BTZ-only from operating beyond the zone without proper authorization or language proficiency verification, creating safety and enforcement issues.

**Problem compounded:** English Language Proficiency (ELP) violations within the Border Trade Zone (BTZ) carry 4-point CSA penalties against U.S. carriers—even when drivers legally operate under drayage agreements with Mexican carriers.

## 4. The Solution

### **Strengthen visa authorization and ensure qualifications before authorizing entry:**

- Require ELP testing for Mexican commercial drivers to be completed prior to exiting U.S. Customs.
- Use FMCSA ELP policy questions in testing for consistency with highway safety requirements.

- The USMCA should recognize the uniqueness of the border trade zone and its contributions to the free movement of trade by commercial drivers conducting cross-border drayage operations strictly within the BTZ boundaries.

**Improve enforcement:**

- Strengthen enforcement and penalties against cabotage
- Audit SDLAs for compliance with interpreter prohibition during CDL skills testing
- (§383.133(c)(5))
- Conduct monthly random CBP inspections at CMV checkpoints to enforce cabotage rules
- Enable state police to enforce or coordinate with U.S. Customs

**Fix penalty structure:**

- Review application of CSA violations within the BTZ to ensure alignment with current foreign trade policies
- Update “come to rest” definition to account for customs processing time southbound into Mexico
- FMCSA should also request the removal of the Riojas Policy provision that requires the Department of Justice to independently settle FMCSA economic enforcement cases. Eliminating this policy would strengthen FMCSA’s enforcement authority and ensure consistent application of penalties and compliance actions under FMCSA oversight.
- Combating fraud within the issuance of Mexican LFC’s by accompanying the proper worker authorization would help ensure compliance.

## 5. The Bottom Line

Current visa processes for cross-border truck drivers create enforcement gaps, safety risks, and unfair compliance burdens—requiring immediate reform to align immigration authorization with commercial driving standards.

# Non-Domiciled CDL Reform and Enforcement

## 1. The Big Picture

Non-domiciled CDLs—licenses issued by some states to foreign nationals on temporary visas—have been exploited due to weak oversight, leading to unsafe drivers on U.S. roads. A recent FMCSA audit revealed systemic non-compliance, prompting emergency federal reforms.

## 2. The Problem

- **Widespread abuse:** Some states issued CDLs to drivers with expired legal status and/or to drivers who did not meet the long-standing English Proficiency Standard
- **Training failures:** Lack of proper oversight of some CDL training programs and inadequate standards let unqualified drivers onto highways
- **Data gaps:** No transparent reporting on how many non-domiciled CDLs are issued, or to whom. Some states continue to refuse to release how many have been issued
- **Public safety risk:** Fatal crashes have been linked to improperly issued licenses

## 3. Current Actions

- **Interim final rule (2025):** FMCSA tightened eligibility, limiting non-domiciled CDLs to specific visa categories (H-2A, H-2B, E-2)
- **Verification mandate:** States must now use DHS's SAVE database to confirm lawful status and retain documents for two years

- **Shorter terms:** Licenses must expire with work authorization or after one year—whichever comes first
- **Annual in-person renewals:** Non-domiciled CDL holders must appear every year to revalidate status
- **Revocation powers:** States must downgrade licenses immediately if eligibility lapses

## 4. What's Next

- **Public reporting:** Require states to disclose how many non-domiciled CDLs are issued
- **Audit compliance:** Expand FMCSA audits to penalize states that willfully issue licenses outside federal limits
- **Training upgrades:** Ensure entry-level driver training standards and stricter oversight of CDL schools
- **System integration:** Develop a unified, federally monitored database to track issuance and renewals across states

## 5. The Bottom Line

The FMCSA's emergency rule is a major step toward closing dangerous loopholes. Stronger reporting, auditing, and training reforms will further enhance the integrity and safety of the licensing system nationwide. *A recent federal court ruling stayed the enforcement of this rule, but this ruling must be overcome to enact these important reforms.*



# English Language Proficiency: A Critical CDL Safety Gap

## 1. The Big Picture

The English Language Proficiency (ELP) standard has been in existence in some form since 1937, and Federal law, specifically 49 CFR § 391.11(b)(2), has for decades required commercial drivers to “read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs, to respond to official inquiries, and to make entries on reports and records.” Additionally, Federal Law, 49 CFR § 383.131, requires that CDL applicants must be able to understand and respond to verbal commands and instructions in English by a skills test examiner. Neither the applicant nor the examiner may communicate in a language other than English during the skills test.

## 2. The Problem

Due to a lack of enforcement of these standards throughout the CDL lifecycle, a growing crisis has emerged. When commercial drivers can’t understand basic English instructions, road signs, or safety communications, everyone’s life is at risk. Current CDL requirements fail to ensure adequate language proficiency. For many years, failing the English Language Proficiency standard was categorized as an Out of Service (OOS) violation by law enforcement; however, due to a 2016 memo issued by the federal government, the OOS violation was essentially removed.

## 3. The Safety Crisis

### **Motoring public at risk:**

- 150,000 commercial drivers lack English language proficiency (FMCSA data)
- Road signs misunderstood (documented cases in Florida)
- Message board warnings ignored during traffic incidents
- Worst accidents occur at traffic queues where clear communication is critical

### **Inspector safety compromised:**

- Roadside inspection directions not understood
- Communication breakdowns during safety checks
- Enforcement effectiveness diminished

## 4. Recent Progress

In May 2025, Transportation Secretary Sean Duffy issued an order to strictly enforce existing federal regulations requiring commercial truck drivers to be proficient in English. This policy rescinded previous, more lenient guidance from 2016 and mandated that drivers who fail an English language proficiency (ELP) assessment be immediately placed out-of-service. In the first several months of enforcement, more than 5,000+ drivers were put out-of-service for failing the English Language Proficiency standard.

## 5. The Solution: Uniform Standards and Enforcement

Codify the President's Executive Order on ELP for truck drivers and implement tiered English proficiency standards throughout the CDL lifecycle, from initial licensing through return-to-service processes. This problem should be primarily addressed on the front end of the CDL lifecycle, not the back end at roadside which puts the public and law enforcement in danger.

### **At CDL entry:**

- Proficiency requirements for written exam
- English comprehension testing for practical exam
- Road sign recognition and understanding
- Verbal communication assessment

### **Return-to-service requirements:**

- English proficiency verification before returning to service
- Language skills assessment after safety violations

### **Escalating penalties:**

- Progressive sanctions for return-to-service without language remediation
- Penalties applied to both driver and employing company
- Accountability across the entire supply chain

## 6. The Bottom Line

English proficiency isn't about discrimination—it's about safety. Clear communication saves lives, and CDL standards must reflect this reality through comprehensive language requirements and enforcement.

# Combating Trucking Fraud

## 1. The Big Picture

Unscrupulous freight brokers are exploiting weak oversight to defraud trucking companies and shippers through sophisticated scams that threaten supply chain integrity. Bad actors are infiltrating the trucking industry by impersonating legitimate businesses leaving carriers unpaid and cargo stolen or hostage.

## 2. How the Scams Work

- **Double brokering:** Fraudsters pose as carriers to book loads from shippers, then secretly re-broker the freight to actual truckers for less money — pocketing the difference while stiffing the real drivers.
- **Identity theft:** Criminals steal legitimate carrier credentials to book shipments, then either steal the cargo outright or demand ransom payments.
- **Nonpayment schemes:** Brokers take loads from shippers but never pay the carriers who actually haul the freight.
- **Fake load traps:** Scammers post attractive but fake shipping jobs, then demand upfront “fuel” or “clearance” payments before disappearing with the money.

## 3. Solutions

- **Stronger enforcement:** FMCSA has requested increased enforcement authority to crack down on fraudulent brokers.

- **Tougher entry requirements:** Apply the same strict vetting standards to new brokers that currently exist for motor carriers.
- **AI-powered detection:** Deploy artificial intelligence to scan broker databases for suspicious patterns like duplicate addresses or shell company structures.
- **Increased accountability:** Increase broker bonds from the current \$75,000 minimum.
- **Enforcement Parity:** Brokers should meet minimum standards similar to motor carriers including establishing a principal place of business and compliance with FMCSA investigations.

## 4. The Bottom Line

The trucking industry’s rapid digitization has created new fraud opportunities that current \$75,000 bonds and light oversight can’t address — putting both financial losses and road safety at risk as unauthorized operators often lack proper safety oversight and verifiable business operations.

# Strengthening Electronic Log Integrity

## 1. The Big Picture

The Hours-of-Service system is at risk. Law enforcement reports that ELD manipulation is a large and increasing problem—motor carriers and some ELD providers are modifying or erasing driving time after the fact, enabling fatigued driving without roadside detection. Closing certification loopholes and holding both providers and carriers accountable is essential to protecting highway safety and maintaining industry fairness.

## 2. The Problem

This practice creates serious safety risks, undermines regulatory compliance, and gives rule-breakers a competitive advantage.

ELD providers currently self-certify their devices with FMCSA.

### **Critical gaps include:**

- Re-certification loophole – Decertified providers can reapply under new business names, mirroring the “chameleon carrier” problem
- Insufficient oversight – No regular auditing of ELD systems or verification of data integrity
- Limited consequences – Repeated complaints don’t automatically trigger permanent removal from approved lists

## 3. Solutions

### **Strengthen certification:**

- End self-certification; require independent third-party testing
- Mandate tamper-resistance documentation before approval

### **Increase accountability:**

- Establish automatic decertification thresholds based on substantiated complaints
- Require routine audits of ELD providers, including forensic system integrity checks
- Audit carriers for suspicious data modification patterns with penalties for abuse

## 4. The Bottom Line

Back-end tampering of ELD data undermines highway safety, enables illegal driver overwork, and erodes trust in Hours-of-Service enforcement—requiring immediate policy action.

Alabama Trucking Association  
Alaska Trucking Association  
American Trucking Associations  
Arizona Trucking Association  
Arkansas Trucking Association  
Colorado Motor Carriers  
Association  
Motor Transport Association  
of Connecticut  
Florida Trucking Association  
Georgia Motor Trucking  
Association  
Hawaii Transportation  
Association  
Idaho Trucking Association  
Illinois Trucking Association  
Indiana Motor Truck Association  
Iowa Motor Truck Association  
Kansas Motor Carriers  
Association  
Kentucky Trucking Association

Louisiana Motor Transport  
Association  
Trucking Association  
of Massachusetts  
Michigan Trucking Association  
Minnesota Trucking Association  
Mississippi Trucking Association  
Missouri Trucking Association  
Montana Trucking Association  
National Tank Truck Association  
Nebraska Trucking Association  
Nevada Trucking Association  
New Jersey Motor  
Truck Association  
New Mexico Trucking Association  
Trucking Association of New York  
North Carolina Trucking  
Association  
North Dakota Motor  
Carriers Association  
Ohio Trucking Association

Oklahoma Trucking Association  
Oregon Trucking Associations  
Pennsylvania Motor  
Truck Association  
Rhode Island Trucking  
Association  
South Carolina Trucking  
Association  
Tennessee Trucking Association  
Texas Trucking Association  
Truckload Carriers Association  
Utah Trucking Association  
Virginia Trucking Association  
West Virginia Trucking  
Association  
Wisconsin Motor  
Carriers Association  
Wyoming Trucking Association



A Report by the **TAEC**  
(Trucking Association Executives Council)