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Cross-Border Safety: Strengthening ELP Standards & CDL Integrity

WEDNESDAY

JANUARY 21

1-2PM CST



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Before We Begin

All attendees are in “LISTEN ONLY” mode.

You can type in questions by clicking on the question box on the top right of your GoToWebinar panel.

Q&A at the end of the webinar.

Additional questions can be emailed to: KVines@smscsafety.com

A recorded copy of the webinar and slides will be made available to all attendees.





English Language Proficiency (ELP)

Today's Agenda

1

Learn about the updates to the Federal regulations

2

Discover how enforcement will address drivers in a roadside inspection

3

Border Zones

4

Texas Intrastate Enforcement

5

Non-Domicile CDL



English Language Proficiency (ELP) – INTERSTATE Enforcement

49 CFR 391.11 (b)(2) - a person is qualified to drive a motor vehicle if he/she--
(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.

Federal Motor Carrier Safety Administration (FMCSA)

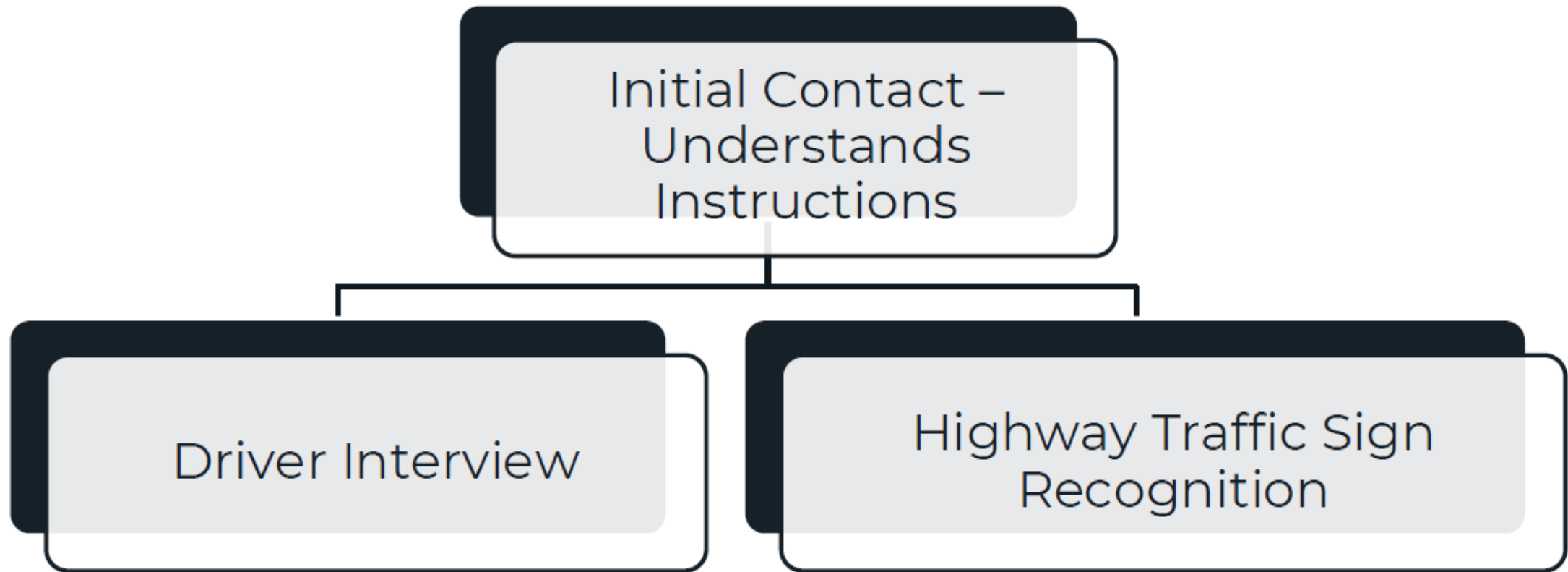
- Enforcement can begin immediately.

Commercial Vehicle Safety Alliance (CVSA)

- North American Standard Out-of-Service began 6/25/2025.



ELP Assessment during Roadside Inspections



Driver Interview:

Recommended verification for compliance

- The origin and destination of a recent or planned trip.
- The amount of time spent on duty, including driving time and the record of duty status (or logbook).
- The information contained in the driver's license.
- Information contained in shipping papers (actual or sample shipping papers, including hazardous materials shipping papers, if applicable) for the load transported/to be transported.
- Vehicle equipment subject to inspection.



Your driver has been placed out-of-service... now what?

- Enroll your drivers in an English language proficiency course
- Have a test established so you can judge when your drivers are ready to go back into a truck
- Make sure you are verifying English proficiency during your interview and new hire process
 - This can also affect your current drivers – so you should establish a process to determine if your existing drivers are in compliance



English Language Proficiency Tools/Guidance

Prohibited tools:

- Cell phones/Ear pods
- Interpreters/Related electronic devices
- Notecards/Printed materials

Compliance recommendations:

- Out-of-Service criteria and ELP Policy do not address how to come into compliance.



US-Mexico Border Commercial Zones

Drivers found in violation will be cited, but no follow-on action will be taken to place the driver out-of-service or initiate an action to disqualify the driver.

Drivers with Hearing Impaired Exemptions

In accordance with prior 2014 guidance, drivers who are hearing impaired who have obtained an exemption to the hearing standards, shall not be deemed unqualified if they are unable to communicate orally in English.



A foreign commercial vehicle is exempt from inspection certificates, emissions inspections and temporary registration permit, if:

- The vehicle is engaged solely in transportation of cargo across the border into or from a border commercial zone;
- For each load of cargo transported the vehicle remains in this state:
 - not more than 24 hours, or
 - not more than 48 hours, if the vehicle is unable to leave this state within 24 hours because of circumstances beyond the control of the motor carrier operating the vehicle; and all financial responsibility requirements applying to the vehicle are satisfied; the vehicle is registered and licensed as required by the law of another state or country as evidenced by a valid metal license plate attached to the front or rear of the exterior of the vehicle; and the country in which the person that owns or controls the vehicle is domiciled or is a citizen provides a reciprocal exemption for commercial motor vehicles owned or controlled by residents of this state.

Until the border opens, commercial vehicles are permitted to operate only within specified zones of cities located along the contiguous border with Mexico. The border commercial zones for the United States/Mexico ports of entry in Texas are based on the number of miles from the city limit boundaries and are based on the population of the city. The boundaries of a border commercial zone may be modified or established only as provided by federal law.

Texas City	Population	Travel Miles Allowed from City Limits Boundaries
Del Rio	30,705	6
Eagle Pass	20,651	4
El Paso	592,400	15
Fabens	1,599	3
Laredo	126,300	8
Presidio	3,072	4
Brownsville	266,600	*
Hidalgo	384,800	*
Rio Grande City	9,891	*
Progreso	1,951	*
Roma	8,059	*

* These cities are located in the **border commercial zone** of Cameron, Hidalgo, Starr, and Willacy counties. Therefore, mileage or population does not mandate the zone limits



Texas Intrastate ELP – Enforcement Policy

Texas Administrative Code 4.12 (Effective 12/11/2025)

391.11(b)(2) - applies to both interstate and intrastate commerce drivers.

Enforcement Guidance:

CMV's operating in **INTERSTATE COMMERCE**: Cited but not place Out-of-Service.

Note: A driver that displays a Bill of Lading with a destination of delivery outside of the border commercial zone(s) may be cited and place Out-of-Service.

CMV's Operating in **INTRASTATE COMMERCE**: Follow FMCSA Guidance.

Note: Intrastate drivers are not exempted from being cited and placed Out-of-Service while operating within a border commercial zone.





Texas Intrastate Foreign Commercial Driver License Holders

Foreign Commercial Driver License Holder Requirements

37 TAC 4.15(F)(1)/392.2

- (1) Motor carriers that employ drivers who possess a **valid foreign jurisdiction commercial driver license (CDL) or commercial driver license permit (CLP)** shall retain a legible copy of the following items:
 - (A) the commercial driver license or commercial driver license permit, front and back if applicable, and
 - (B) the Work Authorization Card (Work Visa), front and back if applicable.
- (2) These documents may be kept in printed or digital format at the motor carrier's principal place of business (PPOB) or where the motor carrier's driver qualification files are maintained



Texas Non-Domicile Commercial Driver License (CDL)

Non-Domicile Commercial Driver License (CDL) and Non-Domicile Commercial Learners Permit (CLP) issuance is temporarily halted effective 09/29/2025. Specifically, first time applications, renewals, and duplicates.

The rule **Restoring Integrity to the Issuance of Non-Domiciled CDL**, effective 09/29/2025, affects all customers who are applying for a non-domicile CLP/CDL and non-U.S. Citizens who are asylum seekers, asylees, refugees, and Deferred Action for Childhood Arrivals (DACA) recipients.

TX DPS has downgraded 5,867 CDL's with a total of 6,451 to be downgraded, once all have been notified.

Non-Domicile Commercial Driver License (CDL) and Non-Domicile Commercial Learners Permit (CLP) | Department of Public Safety (texas.gov)



Sample English Language Proficiency Exam

Sample Driver's English Language Proficiency Exam

Purpose: To verify the driver's ability to understand and communicate in English as required by FMCSA and B-1 regulations. A Passing Score of 30 out of 40 is needed to proceed with hiring process. All answers must be answered in English.

Driver Name: _____

Date: _____

Evaluator Name: _____

Section 1: Vocabulary Matching (5 pts)

Match the word to its correct meaning.

- | | |
|----------------|--|
| [A] Cargo | 1. A Written record of driving time and breaks |
| [B] Hazard | 2. Goods transported in a truck |
| [C] Detour | 3. A danger or risk on the road |
| [D] Logbook | 4. An alternate route due to road work or accident |
| [E] Inspection | 5. A check of the vehicle to ensure safety |

Answer:

A: ____ B: ____ C: ____ D: ____

Section 2: Reading Comprehension (10 pts)

Read the passage and answer the questions:

"Before starting your route, make sure to inspect your vehicle. Check the tires, lights, brakes, and mirrors. If something is wrong, report it to the mechanic. You must also record your starting mileage and log your hours. Always wear your safety vest when outside the truck."

6. What should a driver check before starting their route?

7. Who should you report issues to?

8. What must you record before driving?

9. What must the driver wear outside the truck?

10. What is the main idea of the passage?

Section 3: Fill in the Blank (10 pts)

Fill in the blank with the correct word.


11. I need to _____ the brakes before I start driving.
12. Please speak _____, I don't understand fast English.
13. My dispatcher gave me _____ to deliver to Dallas.
14. If I see a red light, I must _____.
15. A police officer may ask for my _____ and license.

Section 4: Road Sign Understanding (5 pts)

Write what each sign means:

16.  = _____

17.  = _____

18.  = _____

19.  = _____

20.  = _____

*****STOP AND WAIT FOR EVALUATOR BEFORE PROCEEDING WITH EXAM

Section 5: Spoken English Test (10 pts) (To be given in person by evaluator)

Ask the driver the following questions and note their answers.

21. What is your name?
22. Where are you going today?
23. What would you do if you had a flat tire?
24. How many hours can you drive before taking a break?
25. Tell me about your last delivery.

Evaluator Comments:

Final Score: ____ / 40

Pass/ Fail: ☐ Pass ☐ Fail

Evaluator Signature: _____

Date: _____



Contact Information

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Questions



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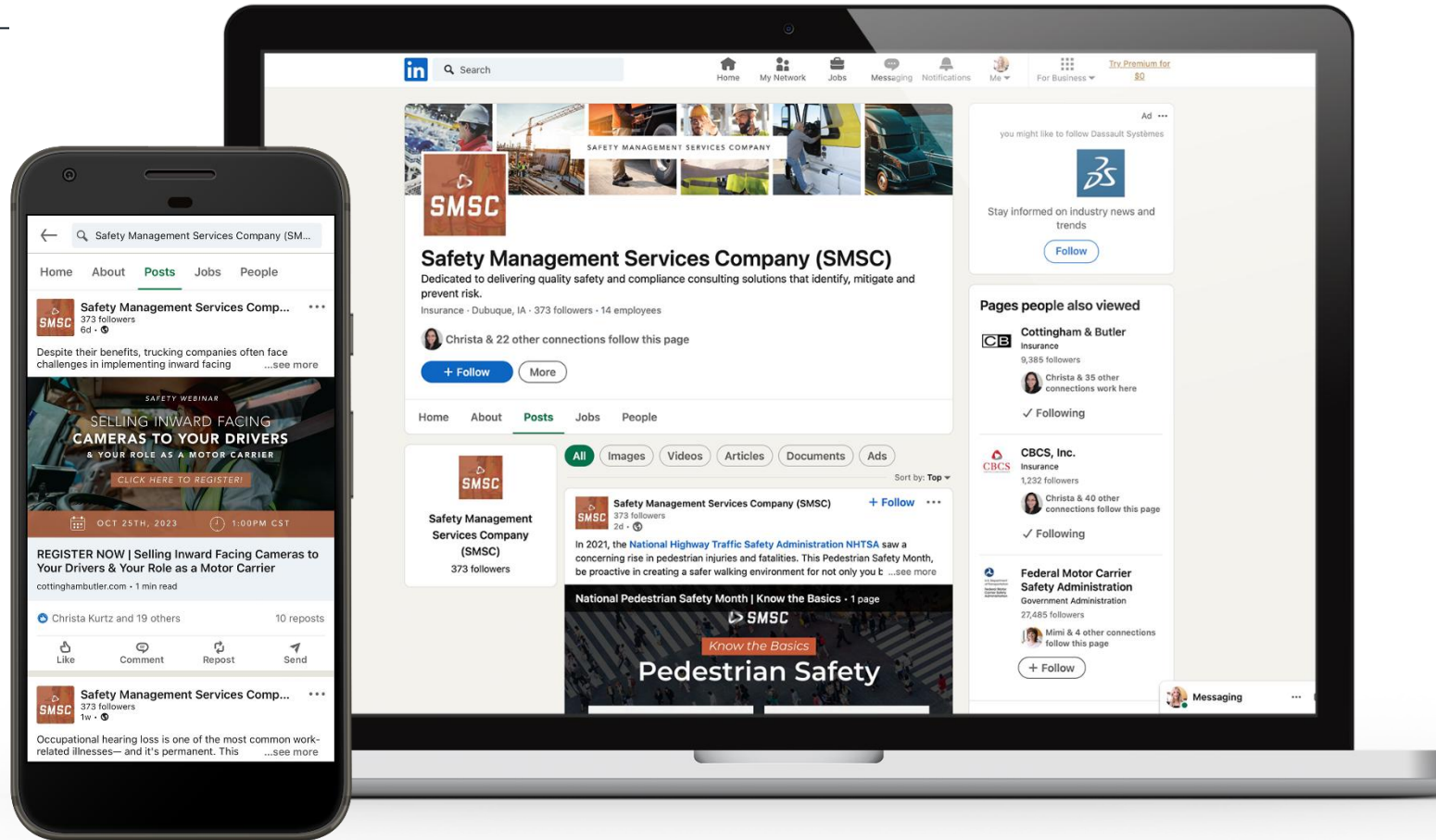


2026 Safety Webinar Series

Date	Webinar Title
January 21	TRUCKING / Cross-Border Safety: Strengthening ELP Standards and CDL Integrity
February 18	GENERAL INDUSTRY / Building a Safer Workplace: Reducing Workplace Injuries and Workers Compensation Claims for Drivers
March 17	TRUCKING / Navigating FMCSA Compliance Reviews
April 21	TRUCKING / Understanding CSA Scores and Their Impact
May 20	GENERAL INDUSTRY / Safety Leadership: Empowering Supervisors to Drive Change
June 17	TRUCKING / Crash Data Analysis: What Your Fleet's History is Telling You
July 14	TRUCKING / Mastering HOS & PC Rules: Split-Sleeper in Action
August 18	GENERAL INDUSTRY / Safety Training That Sticks: Learning Principles in Action
September 15	TRUCKING / Securing the Scene: Best Practices After a Collision
October 22	TRUCKING / The Impact of Drugs & Alcohol in Trucking
November 17	TRUCKING / FMCSA HOS Exceptions & Operational Flexibility
December 16	GENERAL INDUSTRY / OSHA Recordkeeping & ITA Compliance



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