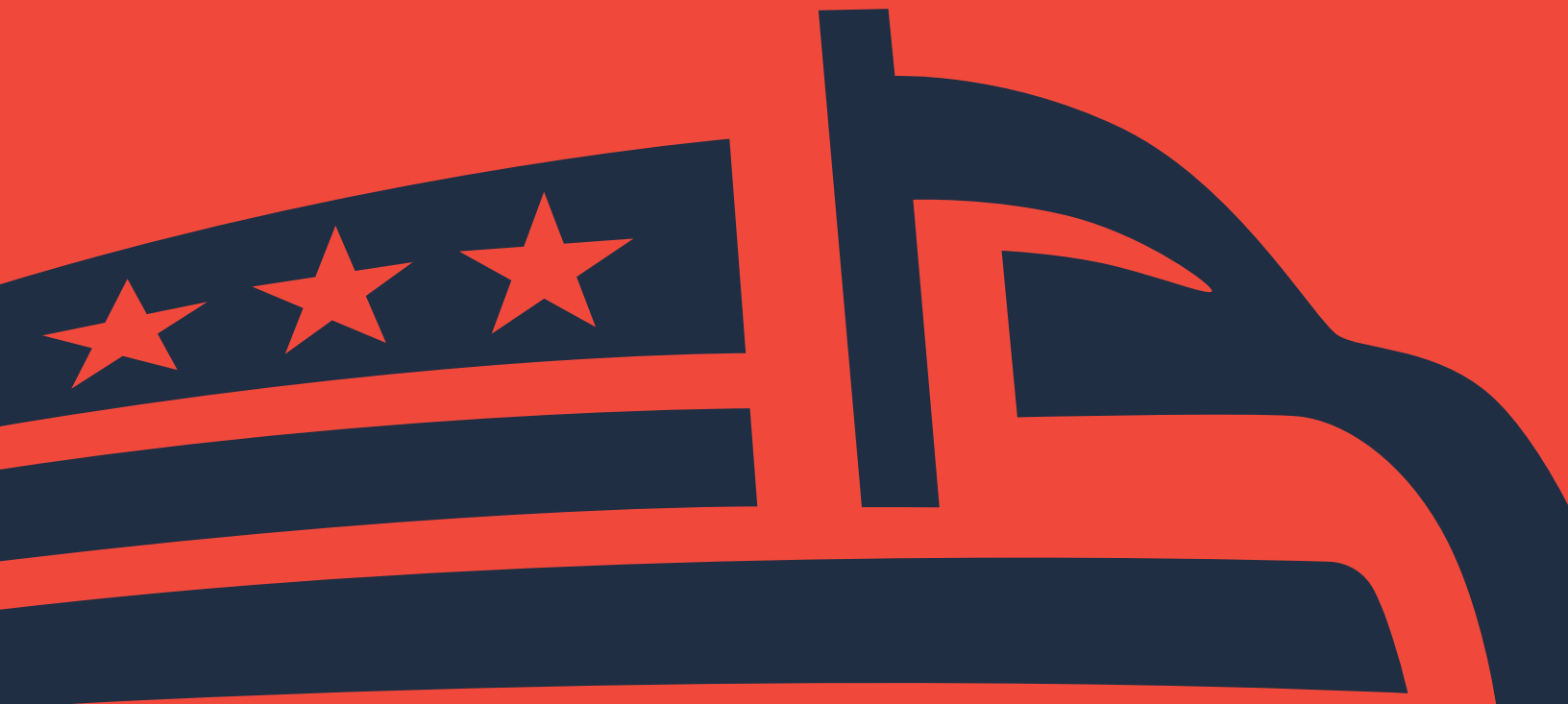


The Fight for Fairness and Safety: *Paving the Way for a Trucking Resurgence*

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

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National Tank Truck Carriers
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
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A Report by the **TAEC**
(Trucking Association Executives Council)