

Express Terms

Title 13, Division 1, Chapter 1

Article 2.1 – Commercial Driver’s Licenses

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§ 26.04. English Language Proficiency Requirements for Commercial Driver’s License Applicants.

(a) Prior to administering the commercial driving skills test as required by California Vehicle Code §15250(b)(2)(C) and §383.23 of Title 49, Code of Federal Regulations, the department shall conduct an English Language Proficiency (ELP) assessment. The ELP assessment shall be administered by the department and consist of oral questions and a highway traffic signs test. The driver is allowed three attempts to pass the ELP assessment before they must reapply for a CDL. The purpose of the test is to determine whether the driver is able to speak English sufficiently to converse with the public, understand highway traffic signs and signals, and respond to official inquiries as required by §391.11 of Title 49, Code of Federal Regulations.

Note: Authority cited: Sections 1651 and 15250 Vehicle Code; 49 CFR 383.23 and 391.11. Reference: 49 CFR 391.11.

§ 26.06. English Language Proficiency Requirements for Existing Commercial Driver’s License Holders.

(a) Upon receipt of a notice issued by the California Highway Patrol that a commercial driver has not demonstrated English language proficiency, the department shall schedule an English Language Proficiency assessment. The English Language Proficiency (ELP) assessment shall be administered by the department and consist of oral questions and a highway traffic signs test. The purpose of the test is to determine whether the driver is able to speak English sufficiently to converse with the public, understand highway traffic signs and signals, and respond to official inquiries.

(b) The department shall notify the driver by U.S. mail of the date, time, and location of the ELP assessment, the reason the test is required, and the consequences of failing or not appearing for the test. The test date shall be scheduled approximately seven days after the date the notice is mailed.

(1) If the driver successfully passes the ELP assessment, the department shall issue a No Action Letter (NAL) indicating a satisfactory language assessment and that no further action is required. The Driver Safety case shall be closed.

(2) If the driver does not pass the ELP assessment, the department shall offer the driver the opportunity to take a second assessment on the next available test date.

(3) If the driver fails the second ELP assessment, the driver shall be required to take and pass a written CDL knowledge test administered in the English language only.

(4) If the driver does not take or fails to schedule the second ELP assessment when offered, absent good cause as determined by the department, the department shall notify the driver that their driver's license has been restricted to Class C operation only, limiting the driver to operating non-commercial vehicles.

(5) If the driver successfully passes the written CDL knowledge test, the department shall issue a NAL indicating a satisfactory language assessment and that no further action is required. The Driver Safety case shall be closed.

(6) If the driver fails or does not take the written CDL knowledge test, the driver shall be required to report to a departmental field office to downgrade the driver's license to non-commercial status and obtain a new photograph. The driver shall be informed of the right to contest the Class C restriction at a hearing before a Driver Safety Hearing Officer, which may be requested in accordance with department procedures.

Note: Authority cited: Sections 1651, 12818, and 15250, Vehicle Code; 49 CFR 391.11.

Reference: Section 14100, Vehicle Code; 49 CFR 391.11.

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