

Senate File 2173 - Introduced

SENATE FILE 2173

BY SINCLAIR

A BILL FOR

1 An Act relating to sufficient English language proficiency
2 requirements for commercial drivers, and providing
3 penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.177, Code 2026, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 10. To any person to operate a commercial
4 motor vehicle if the person fails to demonstrate proficiency in
5 the English language under section 321.187B, subsection 1.

6 Sec. 2. NEW SECTION. 321.187B English language proficiency
7 — commercial drivers.

8 1. a. The department shall examine the English language
9 proficiency of each person who applies for issuance or renewal
10 of a commercial driver's license or commercial learner's
11 permit. The examination must require the person to demonstrate
12 proficiency in the English language sufficient to meet the
13 requirements of 49 C.F.R §391.11(b)(2). The department shall
14 administer the examination in a computer-based format.

15 b. The department shall not issue or renew a commercial
16 driver's license or commercial learner's permit unless the
17 person applying for or renewing the license or permit submits
18 satisfactory proof, as determined by the department, that the
19 person is sufficiently proficient in the English language based
20 on successful completion of the examination required under
21 paragraph "a".

22 c. An applicant shall not be prohibited from retaking the
23 examination under paragraph "a", subject to the availability of
24 the examination as determined by the department.

25 d. The department may adopt rules pursuant to chapter 17A
26 to administer this subsection.

27 2. A commercial motor carrier shall not employ or engage the
28 services of a commercial driver, including as an independent
29 contractor, who is not sufficiently proficient in the English
30 language. A carrier who violates this subsection is subject to
31 a civil penalty to be imposed and collected by the department
32 and deposited in the road use tax fund, as follows:

33 a. Three thousand dollars for a first violation.

34 b. Five thousand dollars for a second violation.

35 c. Ten thousand dollars for a third or subsequent violation.

1 3. A person who is not sufficiently proficient in the
2 English language shall not operate a commercial motor vehicle.
3 If a person who is not sufficiently proficient in the English
4 language is found to be operating a commercial motor vehicle,
5 the person shall exit the vehicle and shall not continue to
6 operate the vehicle. A person who violates this subsection is
7 subject to a one thousand dollar civil penalty, to be imposed
8 and collected by the department and deposited in the road use
9 tax fund. In addition, a person who violates this subsection
10 commits a serious misdemeanor.

11 4. *a.* The commercial motor carrier who employed or
12 engaged the services of a person, including as an independent
13 contractor, who is prohibited from continuing to operate the
14 commercial motor vehicle pursuant to subsection 3 shall be
15 notified of the vehicle's location by the officer who made the
16 stop, and may arrange for another person, who is a commercial
17 driver with sufficient proficiency in the English language, to
18 take possession of the vehicle. Prior to taking possession
19 of the vehicle, the commercial motor carrier must pay the
20 applicable civil penalty under subsection 2.

21 *b.* If a commercial motor carrier fails to pay the civil
22 penalty and provide a commercial driver with sufficient
23 proficiency in the English language within twelve hours after
24 notification, the owner of any cargo being transported in the
25 commercial motor vehicle shall be notified by the officer who
26 made the stop and the owner may arrange for the transfer of the
27 cargo to another vehicle.

28 *c.* If a vehicle is removed from a highway and towed pursuant
29 to this subsection, the state, the local authority, and the
30 owner of the cargo inside the vehicle shall not be liable for
31 any damages that result from the tow or impoundment, or for any
32 reasonable action to transfer such cargo.

33 5. The department shall not comply with a provision of this
34 section if compliance would cause the denial of federal funds
35 or services or otherwise violate federal law. The department

1 shall comply with federal law to the extent necessary to
2 prevent the denial of federal funds or services.

3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with
5 the explanation's substance by the members of the general assembly.

6 This bill prohibits the department of transportation (DOT)
7 from issuing or renewing a commercial driver's license (CDL) or
8 commercial learner's permit (CLP) if the person applying for or
9 renewing the CDL or CLP fails to demonstrate proficiency in the
10 English language, as required in the bill.

11 The bill requires the DOT to examine the English language
12 proficiency of each person who applies for issuance or renewal
13 of a CDL or CLP. The examination must require the person to
14 demonstrate the person is able to read and speak the English
15 language sufficiently to converse with the general public, to
16 understand highway traffic signs and signals in the English
17 language, to respond to official inquiries, and to make entries
18 on reports and records, pursuant to federal regulations.
19 The DOT must administer the examination in a computer-based
20 format. The bill does not limit an applicant from retaking the
21 examination, subject to the availability of the examination.

22 A commercial motor carrier is prohibited from employing or
23 engaging the services of a commercial driver, including as an
24 independent contractor, who is not sufficiently proficient in
25 the English language. A carrier who violates this provision is
26 subject to a civil penalty ranging from \$3,000 to \$10,000 based
27 on the number of violations, to be imposed and collected by the
28 DOT and deposited in the road use tax fund (RUTF).

29 The bill prohibits a person who is not sufficiently
30 proficient in the English language from operating a commercial
31 motor vehicle (CMV). If a person who is not sufficiently
32 proficient in the English language is found to be operating
33 a CMV, the person must exit the CMV and is prohibited from
34 continuing to operate the CMV. A person who violates this
35 provision is subject to a \$1,000 civil penalty, to be imposed

1 and collected by the DOT and deposited in the RUTF. In
2 addition, the person commits a serious misdemeanor. A serious
3 misdemeanor is punishable by confinement for no more than one
4 year and a fine of at least \$430 but not more than \$2,560.

5 The bill provides notice requirements regarding violations
6 of the bill and provisions for a person who is sufficiently
7 proficient in the English language to take possession of a
8 stopped CMV or transfer the cargo to another CMV.

9 The bill limits liability for damages that result from the
10 tow or impoundment of a CMV if the driver did not possess
11 sufficient English language proficiency.

12 The DOT is prohibited from complying with a provision of the
13 bill if compliance would cause the denial of federal funds or
14 services or otherwise violate federal law.