

House File 2700 - Introduced

HOUSE FILE 2700
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 699)

(COMPANION TO LSB 5328SV BY
COMMITTEE ON TRANSPORTATION)

A BILL FOR

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

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

16 *b.* The department shall deny the issuance or renewal of
17 a commercial driver's license or commercial learner's permit
18 unless the person applying for or renewing the license or
19 permit submits satisfactory proof, as determined by the
20 department, that the person is sufficiently proficient in
21 the English language based on successful completion of the
22 examination required under paragraph "a".

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

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

28 2. The department shall not comply with a provision of this
29 section if compliance would cause the denial of federal funds
30 or services or otherwise violate federal law. The department
31 shall comply with federal law to the extent necessary to
32 prevent the denial of federal funds or services.

33 Sec. 3. NEW SECTION. **321.449C English language proficiency**
34 **— commercial drivers and commercial motor carriers.**

35 1. A person who is not able to demonstrate proficiency in

1 the English language sufficient to meet the requirements of
2 49 C.F.R. §391.11(b)(2) shall not operate a commercial motor
3 vehicle. A person who violates this subsection commits a
4 serious misdemeanor. The court shall impose a fine of one
5 thousand dollars and the court may order imprisonment not to
6 exceed one year.

7 2. A commercial motor carrier shall not employ or engage the
8 services of a commercial driver, including as an independent
9 contractor, who is not sufficiently proficient in the English
10 language. A carrier who violates this subsection commits a
11 serious misdemeanor. In addition to any other penalty, a
12 carrier who violates this subsection is subject to a civil
13 penalty to be imposed and collected by the department and
14 deposited in the road use tax fund, as follows:

15 a. Three thousand dollars for a first violation.

16 b. Five thousand dollars for a second violation.

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

18 3. a. The commercial motor carrier who employed or
19 engaged the services of a person, including as an independent
20 contractor, who was operating a commercial motor vehicle in
21 violation of subsection 1 shall be notified of the vehicle's
22 location by the officer who made the stop, and may arrange for
23 another person, who is a commercial driver with sufficient
24 proficiency in the English language, to take possession of
25 the vehicle. Prior to taking possession of the vehicle, the
26 commercial motor carrier must pay the applicable civil penalty
27 under subsection 2.

28 b. If a commercial motor carrier fails to pay the civil
29 penalty and provide a commercial driver with sufficient
30 proficiency in the English language within twelve hours after
31 notification, the owner of any cargo being transported in the
32 commercial motor vehicle shall be notified by the officer who
33 made the stop and the owner may arrange for the transfer of the
34 cargo to another vehicle.

35 c. If a commercial vehicle is removed from a highway in

1 response to a violation of this section, the state, the local
2 authority, and the owner of the cargo inside the vehicle shall
3 not be liable for any damages that result from the removal, or
4 for any reasonable action to transfer such cargo.

5 4. The department and a person whose duty includes enforcing
6 this section shall cease all actions relating to enforcing a
7 provision of this section if enforcing the provision would
8 cause the denial of federal funds or services or otherwise
9 violate federal law.

10 Sec. 4. APPLICABILITY. The section of this Act enacting
11 section 321.187B applies on and after March 1, 2027, or
12 the date the department of transportation submits to the
13 Iowa administrative code editor for publication in the
14 Iowa administrative bulletin a statement by the director of
15 transportation that the applicable phase of the department of
16 transportation's new records system is implemented, whichever
17 is earlier. The department shall also forward a copy of the
18 statement to the Iowa Code editor.

19

EXPLANATION

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

22 This bill requires the department of transportation (DOT) to
23 deny the issuance or renewal of a commercial driver's license
24 (CDL) or commercial learner's permit (CLP) if the person
25 applying for or renewing the CDL or CLP fails to demonstrate
26 proficiency in the English language, as required in the bill.

27 The bill requires the DOT to examine the English language
28 proficiency of each person who applies for initial issuance
29 or renewal of a CDL or CLP. The examination must require the
30 person to demonstrate the person is able to read and speak the
31 English language sufficiently to converse with the general
32 public, to understand highway traffic signs and signals in
33 the English language, to respond to official inquiries, and
34 to make entries on reports and records, pursuant to federal
35 regulations. The DOT must administer the examination in a

1 computer-based format. The bill does not limit an applicant
2 from retaking the examination, subject to the availability of
3 the examination.

4 The bill prohibits a person who is not sufficiently
5 proficient in the English language from operating a commercial
6 motor vehicle (CMV). A person who violates this provision
7 commits a serious misdemeanor punishable by a \$1,000 fine and
8 imprisonment not to exceed one year. Pursuant to Code section
9 602.8108(8), all fines and fees attributable to CMV violations
10 issued by the department of public safety must be deposited in
11 the road use tax fund (RUTF).

12 Under the bill, a commercial motor carrier is prohibited
13 from employing or engaging the services of a commercial driver,
14 including as an independent contractor, who is not sufficiently
15 proficient in the English language. A carrier who violates
16 this provision commits a serious misdemeanor and is subject to
17 a civil penalty ranging from \$3,000 to \$10,000 based on the
18 number of violations, to be imposed and collected by the DOT
19 and deposited in the RUTF. A serious misdemeanor under this
20 provision is punishable by confinement for no more than one
21 year and a fine of at least \$430 but not more than \$2,500.

22 The bill provides notice requirements regarding violations
23 of the bill and provisions for a person who is sufficiently
24 proficient in the English language to take possession of a
25 stopped CMV or transfer the cargo to another CMV.

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

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

32 New Code section 321.187B applies on and after March 1, 2027,
33 or the date the department of transportation (DOT) submits
34 to the Iowa administrative code editor for publication in
35 the Iowa administrative bulletin a statement by the director

1 of transportation that the applicable phase of the DOT's new
2 records system is implemented, whichever is earlier. The DOT
3 is also required to forward a copy of the statement to the Iowa
4 Code editor.