

Senate File 2426

H-8265

1 Amend Senate File 2426, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 2, by striking lines 21 through 32 and inserting:

4 <2. a. A commercial motor carrier shall not employ or
5 engage the services of a commercial driver, including as an
6 independent contractor, who is not sufficiently proficient
7 in the English language in accordance with 49 C.F.R.
8 §391.11(b)(2). A carrier who violates this subsection commits
9 a serious misdemeanor. The court shall impose a fine of ten
10 thousand dollars and the court may order imprisonment not to
11 exceed one year for each violation.

12 b. In addition to any other penalty, a peace officer shall
13 issue an out-of-service order to a commercial motor carrier if
14 an investigation, safety audit, or normal business activity
15 reveals any of the following:

16 (1) That the carrier is allowing, or has allowed within
17 the previous twelve months, a person who is not sufficiently
18 proficient in the English language in accordance with 49 C.F.R.
19 §391.11(b)(2) to operate a commercial motor vehicle.

20 (2) That the carrier was issued an out-of-service
21 order by another state or the federal motor carrier safety
22 administration for allowing a person who is not sufficiently
23 proficient in the English language in accordance with 49 C.F.R.
24 §391.11(b)(2) to operate a commercial motor vehicle.>

25 2. By striking page 2, line 33, through page 3, line 14, and
26 inserting:

27 <3. a. The commercial motor carrier who employed or
28 engaged the services of a person, including as an independent
29 contractor, who was operating a commercial motor vehicle in
30 violation of subsection 1 and the owner of any cargo being
31 transported in the commercial vehicle shall be notified of
32 the vehicle's location by the officer who made the stop. The
33 carrier or owner of the cargo may arrange for another person
34 who is a commercial driver with sufficient proficiency in the
35 English language to take possession of the vehicle or transfer

1 the cargo to another vehicle, as applicable.>

2 3. Page 3, line 15, by striking <c.> and inserting <b.>

3 4. Page 3, line 20, after <department> by inserting <of
4 public safety>

A. MEYER of Webster