

House Amendment to
Senate File 2426

S-5148

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 simple misdemeanor punishable as a scheduled violation under
10 section 805.8A, subsection 13, paragraph "0c". Each person
11 employed or engaged in violation of this subsection constitutes
12 a separate offense.

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

17 (1) That the carrier is allowing, or has allowed within
18 the previous twelve months, a person who is not sufficiently
19 proficient in the English language in accordance with 49 C.F.R.
20 §391.11(b)(2) to operate a commercial motor vehicle.

21 (2) That the carrier was issued an out-of-service
22 order by another state or the federal motor carrier safety
23 administration for allowing a person who is not sufficiently
24 proficient in the English language in accordance with 49 C.F.R.
25 §391.11(b)(2) to operate a commercial motor vehicle.>

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

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

1 English language to take possession of the vehicle or transfer
2 the cargo to another vehicle, as applicable.>
3 3. Page 3, line 15, by striking <c.> and inserting <b.>
4 4. Page 3, line 20, after <department> by inserting <of
5 public safety>
6 5. Page 3, after line 24 by inserting:
7 <Sec. _____. Section 805.8A, subsection 13, Code 2026, is
8 amended by adding the following new paragraph:
9 NEW PARAGRAPH. *0c.* For each violation of section 321.449C,
10 subsection 2, paragraph `a`, the scheduled fine is ten thousand
11 dollars.>
12 6. By renumbering as necessary.>