

Senate File 2426 - Introduced

SENATE FILE 2426
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 2173)

(COMPANION TO LSB 5328HV BY
COMMITTEE ON TRANSPORTATION)

A BILL FOR

1 An Act relating to sufficient English language proficiency
2 requirements for commercial drivers, providing penalties, and
3 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 or
10 renewal 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 deny the issuance or renewal of
16 a commercial driver's license or commercial learner's permit
17 unless the person applying for or renewing the license or permit
18 submits satisfactory proof, as determined by the department, that
19 the person is sufficiently proficient in the English language
20 based 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 to
26 administer this subsection.

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

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

34 1. A person who is not able to demonstrate proficiency in
35 the English language sufficient to meet the requirements of

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

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

14 a. Three thousand dollars for a first violation.

15 b. Five thousand dollars for a second violation.

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

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

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

33 c. If a commercial vehicle is removed from a highway in
34 response to a violation of this section, the state, the local
35 authority, and the owner of the cargo inside the vehicle shall

1 not be liable for any damages that result from the removal, or
2 for any reasonable action to transfer such cargo.

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

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

17 EXPLANATION

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

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

25 The bill requires the DOT to examine the English language
26 proficiency of each person who applies for initial issuance or
27 renewal of a CDL or CLP. The examination must require the
28 person to demonstrate the person is able to read and speak
29 the English language sufficiently to converse with the general
30 public, to understand highway traffic signs and signals in the
31 English language, to respond to official inquiries, and to make
32 entries on reports and records, pursuant to federal regulations.
33 The DOT must administer the examination in a computer-based
34 format. The bill does not limit an applicant from retaking the
35 examination, subject to the availability of the examination.

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

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

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

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

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

29 New Code section 321.187B applies on and after March 1,
30 2027, or the date the department of transportation (DOT) submits
31 to the Iowa administrative code editor for publication in the
32 Iowa administrative bulletin a statement by the director of
33 transportation that the applicable phase of the DOT's new records
34 system is implemented, whichever is earlier. The DOT is also
35 required to forward a copy of the statement to the Iowa Code

1 editor.

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