



SENATE BILL 1748

By Bowling

AN ACT to amend Tennessee Code Annotated, Title 55 and Title 65, Chapter 15, relative to commercial driver licenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-50-403, is amended by adding the following as a new subdivision (3) and redesignating the existing subdivisions accordingly:

(3) In which the employee is unable to read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals, to respond to official inquiries, and to make entries on reports and records as required by 49 CFR 391.11(b)(2); provided, that it is not a violation under this subdivision (3) if an employee who fails to meet the hearing standard under 49 CFR 391.41(b)(11) but has obtained an exemption from that requirement and is capable of reading and writing in the English language is unable to speak the English language sufficiently;

SECTION 2. Tennessee Code Annotated, Section 55-50-405, is amended by adding the following as a new subsection:

(j)

(1)

(A) The commissioner shall suspend the commercial driver license of a driver who is issued an out-of-service order pursuant to § 65-15-111(g) or is otherwise found to be unable to read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals, to respond to official

inquiries, and to make entries on reports and records as required by 49 CFR 391.11(b)(2).

(B) Subdivision (j)(1)(A) does not apply if the driver:

(i) Is unable to speak the English language sufficiently;

(ii) Is capable of reading and writing in the English language; and

(iii) Presents documentation that the driver fails to meet the hearing standard under 49 CFR 391.41(b)(11) and has obtained an exemption from that requirement.

(2) A commercial driver license suspended pursuant to subdivision (j)(1) remains suspended until the driver demonstrates an ability to read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals, to respond to official inquiries, and to make entries on reports and records as required by 49 CFR 391.11(b)(2) by means of a test administered by the department of safety and not by a third party. The commissioner shall reinstate a commercial driver license suspended pursuant to subdivision (j)(1) upon the driver passing the test described in subdivision (j)(3).

(3) The department shall develop and administer an English language proficiency test that meets the requirements of 49 CFR 391.11(b)(2).

(4) The employer of the driver is liable for any fines or fees resulting from the suspension or reinstatement of a commercial driver license in accordance with this subsection (j).

SECTION 3. Tennessee Code Annotated, Section 65-15-111, is amended by adding the following as a new subsection:

(g)

(1) If an enforcement officer determines during the course of a safety inspection that a driver is unable to read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals, to respond to official inquiries, or to make entries on reports and records as required by 49 CFR 391.11(b)(2), then the officer shall issue an out-of-service order to the driver that also prevents the vehicle from being operated until a substitute driver who is capable of reading and speaking the English language sufficiently, as required by 49 CFR 391.11(b)(2), is present to operate the vehicle in place of the original driver.

(2) Subdivision (g)(1) does not apply if the driver:

(A) Is unable to speak the English language sufficiently;

(B) Is capable of reading and writing in the English language; and

(C) Presents documentation that the driver fails to meet the hearing standard under 49 CFR 391.41(b)(11) and has obtained an exemption from that requirement.

(3) In addition to issuance of the out-of-service order, a violation of this subsection (g) is a Class C misdemeanor attributable to the employer of the driver, and a citation must be issued to the employer, punishable only by a fine of five hundred dollars (\$500); provided, that the employer is subject to civil penalties pursuant to 49 CFR 383.53(b)(2). The citation is considered a nonmoving traffic violation and points must not be added to the driver's record for a violation of this subsection (g).

SECTION 4. For purposes of promulgating rules and developing the English language proficiency test, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2027, the public welfare requiring it.

Amendment No. 1 to SB1748

Massey
Signature of Sponsor

AMEND Senate Bill No. 1748*

House Bill No. 1817

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 55-50-405, is amended by adding the following as a new subsection:

(j)

(1)

(A) The commissioner shall suspend the commercial driver license of a driver who is issued an out-of-service order pursuant to § 65-15-111(g) or is otherwise found to be unable to read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals, to respond to official inquiries, and to make entries on reports and records as required by 49 CFR 391.11(b)(2).

(B) Subdivision (j)(1)(A) does not apply if the driver:

(i) Is unable to speak the English language sufficiently;

(ii) Is capable of reading and writing in the English language; and

(iii) Presents documentation that the driver fails to meet the hearing standard under 49 CFR 391.41(b)(11) and has obtained an exemption from that requirement.

(2) A commercial driver license suspended pursuant to subdivision (j)(1) remains suspended until the driver takes and passes the written commercial driver license test administered in English by the department.

SECTION 2. Tennessee Code Annotated, Section 65-15-111, is amended by adding the following as a new subsection:

(g)

(1) If an enforcement officer determines during the course of a safety inspection that a driver is unable to read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals, to respond to official inquiries, or to make entries on reports and records as required by 49 CFR 391.11(b)(2), then the officer must issue an out-of-service order to the driver that also prevents the vehicle from being operated until a substitute driver who is capable of reading and speaking the English language sufficiently, as required by 49 CFR 391.11(b)(2), is present to operate the vehicle in place of the original driver.

(2) Subdivision (g)(1) does not apply if the driver:

- (A) Is unable to speak the English language sufficiently;
- (B) Is capable of reading and writing in the English language; and
- (C) Presents documentation that the driver fails to meet the hearing standard under 49 CFR 391.41(b)(11) and has obtained an exemption from that requirement.

SECTION 3. This act takes effect ninety (90) days following transmission of written notification by the commissioner of safety to the executive secretary of the Tennessee Code Commission that either legislation is passed by the United States Congress, or a regulation is promulgated by the United States Department of Transportation, that authorizes state action contemplated by this act without jeopardizing receipt of federal funds, the public welfare requiring it. The commissioner of safety shall notify the executive secretary of the Tennessee

Code Commission in writing of the occurrence of such legislation or regulation taking effect only if the commissioner of safety has received written assurances from the Federal Motor Carrier Safety Administration that the state action contemplated by this act will not jeopardize receipt of federal funds to the department of safety or department of transportation.