

By: Carona

S.B. No. 546

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the requirement of speaking and reading the English  
3 language as a condition for the issuance of a commercial driver's  
4 license.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Sections 522.023(b) and (g), Transportation  
7 Code, are amended to read as follows:

8 (b) The knowledge test must be conducted by the department  
9 in English. The department shall provide each applicant who has a  
10 reading impairment an opportunity to take the knowledge test orally  
11 or, at the applicant's option, the applicant may have the questions  
12 read to the applicant and may answer in writing.

13 (g) The department shall test the applicant's ability to  
14 speak and read the English language, including the ability to  
15 understand highway traffic signs and signals that are written in  
16 English.

17 SECTION 2. Section 522.043, Transportation Code, is amended  
18 to read as follows:

19 Sec. 522.043. RESTRICTIONS; OFFENSE. (a) On issuing a  
20 commercial driver's license, the department for good cause may  
21 impose one or more restrictions suitable to the license holder's  
22 driving ability and limitations, including restrictions:

23 (1) prohibiting the license holder from driving a  
24 vehicle equipped with air brakes; and

1           (2) as provided by 49 C.F.R. Part 391, prohibiting  
2 driving a commercial vehicle in interstate commerce by a person  
3 who:

4                   (A) is under 21 years of age; or

5                   (B) does not meet applicable physical  
6 guidelines[~~, or~~

7                   [~~(C) cannot sufficiently read and speak the~~  
8 ~~English language.~~

9           [~~(b) For purposes of this section, the department may not~~  
10 ~~administer examinations or tests relating to the applicant's~~  
11 ~~proficiency in the English language, but if an applicant cannot~~  
12 ~~speak English sufficiently to communicate to department personnel~~  
13 ~~the applicant's need for a commercial driver's license, the~~  
14 ~~department may issue to the person a commercial driver's license~~  
15 ~~restricted to operation in intrastate commerce].~~

16           (b) [~~(c)~~] A person commits an offense if the person drives  
17 a commercial motor vehicle in violation of a restriction. An  
18 offense under this section is a Class C misdemeanor.

19           SECTION 3. Sections 522.023 and 522.043, Transportation  
20 Code, as amended by this Act, apply only to an application for a  
21 commercial driver's license that is filed on or after the effective  
22 date of this Act. An application for a commercial driver's license  
23 that was filed before the effective date of this Act is governed by  
24 the law in effect immediately before the effective date of this Act,  
25 and the former law is continued in effect for that purpose.

26           SECTION 4. This Act takes effect September 1, 2007.