

By: Berman

H.B. No. 253

A BILL TO BE ENTITLED

AN ACT

relating to language requirements for engaging in certain regulated activities.

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

SECTION 1. Subchapter A, Chapter 656, Government Code, is amended by adding Section 656.002 to read as follows:

Sec. 656.002. SECOND LANGUAGE PROFICIENCY REQUIREMENTS PROHIBITED. (a) In this section, "state agency" means a board, commission, office, department, or other agency in the executive, judicial, or legislative branch of state government, including an institution of higher education as defined by Section 61.003, Education Code.

(b) A state agency may not require a person to be proficient in a language in addition to English as a prerequisite to obtaining:

(1) employment with the agency; or

(2) an employment promotion within the agency.

SECTION 2. Subchapter C, Chapter 21, Labor Code, is amended by adding Section 21.1205 to read as follows:

Sec. 21.1205. CERTAIN ENGLISH-ONLY POLICIES. (a) An employer does not commit an unlawful employment practice by adopting a policy requiring its employees to speak only English in conducting the employer's business when necessary to:

(1) promote safety or efficiency; or

(2) ensure effective communication with the employer's

1 customers or among the employer's employees.

2 (b) Subsection (a) does not apply to a policy adopted or  
3 applied with the intent to discriminate because of race, color,  
4 sex, national origin, religion, age, or disability.

5 SECTION 3. Section 521.161, Transportation Code, is amended  
6 by amending Subsections (a) and (b) and adding Subsection (f) to  
7 read as follows:

8 (a) Except as otherwise provided by this subchapter, the  
9 department shall examine each applicant for a driver's license.  
10 The examination shall be held:

11 (1) in English; and

12 (2) in the county in which the applicant resides or  
13 applies not later than the 10th day after the date on which the  
14 application is made.

15 (b) The examination must include:

16 (1) a test of the applicant's:

17 (A) vision;

18 (B) ability to identify and understand highway  
19 signs ~~[in English]~~ that regulate, warn, or direct traffic; and

20 (C) knowledge of the traffic laws of this state;

21 (2) a demonstration of the applicant's ability to  
22 exercise ordinary and reasonable control in the operation of a  
23 motor vehicle of the type that the applicant will be licensed to  
24 operate; and

25 (3) any additional examination the department finds  
26 necessary to determine the applicant's fitness to operate a motor  
27 vehicle safely.

1        (f) An applicant may not use an interpreter to translate any  
2 portion of an examination administered under this section.

3        SECTION 4. Section 522.023, Transportation Code, is amended  
4 by amending Subsections (a) and (g) and adding Subsection (j) to  
5 read as follows:

6            (a) The tests required by Section 522.022 must:

7                (1) be prescribed by the department; and

8                (2) be in English.

9            (g) The department shall test the applicant's ability to  
10 understand highway traffic signs and signals [~~that are written in~~  
11 ~~English~~].

12        (j) An applicant may not use an interpreter to translate any  
13 portion of an examination administered under this section.

14        SECTION 5. Section 522.043, Transportation Code, is amended  
15 to read as follows:

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

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

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

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

26                    (B) does not meet applicable physical  
27 guidelines[~~, or~~

1                   ~~[(C) cannot sufficiently read and speak the~~  
2 ~~English language.~~

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

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

13           SECTION 6. Section 521.162, Transportation Code, is  
14 repealed.

15           SECTION 7. The changes in law made by this Act to Sections  
16 521.161, 521.162, 522.023, and 522.043, Transportation Code, apply  
17 only to an application for a driver's license that is filed on or  
18 after the effective date of this Act. An application for a driver's  
19 license that was filed before the effective date of this Act is  
20 governed by the law in effect immediately before the effective date  
21 of this Act, and the former law is continued in effect for that  
22 purpose.

23           SECTION 8. This Act takes effect September 1, 2009.