

By: Kleinschmidt

H.B. No. 615

A BILL TO BE ENTITLED

AN ACT

relating to requiring that certain tests required for the issuance of a driver's license or a commercial driver's license be conducted in English.

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

SECTION 1. Section 521.161(a), Transportation Code, is amended to read as follows:

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

(1) conducted in English; and

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

SECTION 2. Section 522.023(b), Transportation Code, is amended to read as follows:

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

SECTION 3. Section 522.043, Transportation Code, is amended to read as follows:

Sec. 522.043. RESTRICTIONS; OFFENSE. (a) On issuing a

commercial driver's license, the department for good cause may impose one or more restrictions suitable to the license holder's driving ability and limitations, including restrictions:

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

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

(A) is under 21 years of age; or

(B) does not meet applicable physical guidelines[~~; or~~

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

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

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

SECTION 4. Section 521.162, Transportation Code, is repealed.

SECTION 5. The changes in law made by Sections 521.161(a), 522.023(b), and 522.043, Transportation Code, as amended by this

1 Act, and by the repeal of Section 521.162, Transportation Code,
2 apply only to an application for a driver's license or a commercial
3 driver's license that is filed on or after the effective date of
4 this Act. An application for a driver's license or a commercial
5 driver's license that was filed before the effective date of this
6 Act is governed by the law in effect immediately before the
7 effective date of this Act, and the former law is continued in
8 effect for that purpose.

9 SECTION 6. This Act takes effect September 1, 2011.