

HCS HB 2741 -- COMMERCIAL DRIVER'S LICENSES (Caton)

COMMITTEE OF ORIGIN: Standing Committee on Transportation

ENGLISH PROFICIENCY REQUIREMENTS (Section 302.733)

This bill requires an operator of a commercial motor vehicle to speak English sufficiently to:

- (1) Converse with the general public;
- (2) Understand highway traffic signs and signals in English;
- (3) Respond to official inquiries; and
- (4) Make entries on reports and records.

These requirements must be interpreted consistently with Federal motor carrier safety regulations.

The bill creates the offense of operating a commercial motor vehicle without sufficient English language proficiency. Drivers who operate a commercial motor vehicle and fail to demonstrate the required proficiency:

- (1) Commit a class D misdemeanor for a first offense and a class B misdemeanor for a second or subsequent offense, and a class D felony for a third or subsequent offense;
- (2) Must not operate a commercial motor vehicle in this State until they are able to meet the English language proficiency requirement; and
- (3) Must pay a fine of \$1,000. A commercial motor carrier whose driver is found to be in violation of the English language proficiency requirement must pay a fine of \$3,000.

A commercial motor carrier must be notified of the location of any commercial motor vehicle involved in a violation of the English language proficiency requirement.

Upon payment of the \$3,000 fine, the commercial motor carrier can present a qualified driver to take possession of the vehicle. If the commercial motor carrier is unable to either pay the fine or present a driver within 12 hours after notification, the owner of any cargo being transported by the commercial vehicle must be notified and allowed to arrange for a transfer of the cargo.

Neither the State or the owner of the cargo will be liable for any reasonable action to transfer the cargo.

#### NONDOMICILED COMMERCIAL DRIVER'S LICENSES (Section 302.735)

The bill requires a person holding a nondomiciled commercial driver's license or nondomiciled commercial instruction permit within this State to possess a valid work visa or provide proof of citizenship to validate his or her identity while operating a commercial motor vehicle. Proof of citizenship must be demonstrated through presentation of a birth certificate, naturalization certificate, or valid passport. A driver found to be in violation of these documentation requirements will be guilty of a class B misdemeanor punishable by a fine of no more than \$1,000, or imprisonment of no more than 90 days, or both. Such a driver will be prohibited from operating a motor vehicle in the State until they possess the required documentation.

This bill provides that a commercial motor carrier whose driver violates the documentation requirements will be subject to a fine of \$3,000.

Upon payment of the \$3,000 fine, the commercial motor carrier can present a qualified driver to take possession of the vehicle. If the commercial motor carrier is unable to either pay the fine or present a driver within 12 hours after notification, the owner of any cargo being transported by the commercial vehicle must be notified and allowed to arrange for a transfer of the cargo. Neither the State or the owner of the cargo will be liable for any reasonable action to transfer the cargo.

The bill specifies that nothing in these requirements will be construed to require State and local law enforcement to independently determine immigration status beyond verification of compliance with applicable Federal commercial motor vehicle regulations.

#### UNLAWFUL OPERATION OF A MOTOR VEHICLE (Section 302.738 and 302.739)

The bill creates the offense of unlawful commercial motor vehicle operation if a driver operates a commercial motor vehicle while not authorized under applicable Federal law to engage in employment as a commercial motor vehicle operator within the United States.

A person guilty of this offense commits a class D misdemeanor for a first offense, a class B misdemeanor for a second offense, and a class D felony for a third or subsequent offense. However, any such offense that is discovered after a "major violation of traffic law", as that term is defined in the bill, will be a class D felony.

A person guilty of this offense must be placed out of service until compliance with Federal law is demonstrated.

This bill also provides that commercial motor carriers operating in this State will have an affirmative duty to ensure that each driver operating under their authority within the State is authorized under applicable Federal law to engage in employment as a commercial motor vehicle operator within the United States.

A commercial motor carrier that permits or dispatches a driver to operate in violation of Section 302.736, RSMo, must pay a civil penalty of at least \$15,000 per violation. If a violation results in the serious physical injury of another person, the penalty must not be less than \$25,000. If a violation results in the death of another person, the penalty must not be less than \$50,000. Upon a second violation within a five-year period, the commercial motor carrier's authority to operate within the State may be suspended for up to one year. Upon a third violation within a five-year period, the commercial motor carrier's authority to operate within the State can be revoked.

The bill provides that a commercial motor carrier that has been assessed a fine or prohibition remains liable for such fine or prohibition regardless of any change in business name, structure, ownership, or formation of a new entity. Any successor entity with substantial continuity of ownership, management, officers, directors, or operations with the violating carrier will be jointly and severally liable for the unpaid fine and subject to the same prohibitions and out-of-service requirements. The Department of Transportation must not issue, renew, or transfer any commercial vehicle registration, authority, or license to any such successor entity until all fines are paid in full and compliance with the requirements in this bill is achieved. The commercial motor carrier also includes any entity using the same or affiliated United States Department of Transportation number or motor carrier number as the violating carrier.

The bill specifies that nothing in these requirements will be construed to require State and local law enforcement to independently determine immigration status beyond verification of

compliance with applicable Federal commercial motor vehicle regulations.