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Bill Analysis
Legislative Service Commission

H.B. 409

127th General Assembly
(As Introduced)

Reps. Batchelder, Patton, Uecker, Wachtmann, Harwood, Combs, Brinkman, Setzer, Blessing, Collier, Hughes, Flowers, Stebelton

BILL SUMMARY

- Requires any test or examination given to a person to obtain or retain a commercial driver's license or commercial driver's temporary instruction permit to be administered in the English language only, without the assistance of an interpreter.

CONTENT AND OPERATION

A person who wishes to operate a commercial motor vehicle in this state must obtain a commercial driver's license (CDL). Among the different types of commercial motor vehicles are (1) any combination of vehicles with a combined gross vehicle weight rating of 26,001 pounds or more (for example, a typical tractor/semi-trailer combination, commonly known as an "18-wheeler"), (2) any single vehicle with a gross vehicle weight rating of 26,001 pounds or more, and (3) any single vehicle or combination of vehicles that is not described in item (1) or (2) but that is designed to transport 16 or more passengers, including the driver, or is transporting hazardous materials in an amount requiring placarding. (R.C. 4506.01(D), not in the bill.)

In order to obtain a CDL, a person ("applicant") first must obtain a commercial driver's temporary instruction permit packet from the Registrar of Motor Vehicles or a deputy registrar (R.C. 4506.06(A)). The applicant's vision is checked at this time. Next, after studying the packet materials, the applicant must take and pass a written test of general commercial driver knowledge (40 of 50 questions must be answered correctly in order to pass) and a separate test for each desired special endorsement (combination vehicle, air brakes, passenger transport, etc.). (Ohio Administrative Code section 4501:1-1-08(B).) These tests are given

in an electronic format in the English language plus seven other languages.¹ An applicant who takes these tests in any of the eight available languages is not permitted to have the assistance of an interpreter. If an applicant speaks a language other than one of the eight available languages, the applicant may take the tests with the assistance of an interpreter, who must be supplied by the applicant. (OAC 4501:1-1-08(D).)

Once the applicant has obtained a commercial driver's temporary instruction permit, the applicant may operate a commercial motor vehicle so long as the applicant has the permit in the applicant's possession and is accompanied by a person who holds a valid CDL for the type of vehicle being driven and occupies a seat beside the applicant in order to give instruction in operating the commercial motor vehicle (R.C. 4506.06(A)).

In order to obtain a CDL, the applicant (who already holds a commercial driver's temporary instruction permit) must take and pass a skills test, which is composed of a pre-trip inspection and a road test. The road test consists of an off-road maneuvering test and an on-road test. Skills tests are administered by the State Highway Patrol and certain third parties. In all cases and for all portions of the skills test, the person giving the skills test speaks only in English and the applicant is not permitted to have the assistance of an interpreter. (R.C. 4506.09.)

The bill provides that in order to determine a person's ability to understand highway warnings or traffic signs or directions, any test or examination given to a person to obtain or retain a commercial driver's license or commercial driver's temporary instruction permit must be administered in the English language only, without the assistance of an interpreter. Thus, under the bill the written commercial driver knowledge tests must be given only in English and not in any other language, and the assistance of an interpreter is prohibited.

HISTORY

ACTION	DATE
Introduced	12-11-07

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¹ The other languages are Arabic, Chinese, French, Japanese, Russian, Somali, and Spanish.