

Tennessee

Tennessee Enacts New Criminal and Civil Liability for Employers of Unauthorized Commercial Drivers

On May 27, 2026, Tennessee [amended](#) the state's commercial driver license regulations to prohibit employers from knowingly allowing, permitting or authorizing individuals unauthorized to work in the United States from operating commercial motor vehicles (CMVs). The legislation creates criminal and civil liability for direct employers of unauthorized individuals operating CMVs. The amendment takes effect on **July 1, 2026**.

Background

In Tennessee, employers may not knowingly allow, permit or authorize employees to operate a CMV in the United States during any period in which:

- The employee has a driver's license suspended, revoked or canceled by a state; has lost the privilege to operate a CMV in a state; or has been disqualified from operating a CMV;
- The employee has more than one driver's license;
- The driver, the CMV the employee is driving or the motor carrier operation is subject to an out-of-service order; or
- There is a federal, state or local law or regulation pertaining to railroad-highway grade crossings.

Amendment Overview

Employment Prohibitions

The amendment bans direct employers from knowingly allowing, permitting or authorizing employees who are unlawfully present in the United States from operating CMVs.

Direct employer is the person or entity that hires, compensates and exercises direct supervisory control over an individual operating a CMV. It does not include customers, shippers, consignees, brokers or entities that contract for transportation services but do not directly employ the individual operating a CMV.

Unlawfully present in the United States means a person who is not in lawful immigration status, as defined by federal law, and includes:

Highlights

May 27, 2026

Tennessee amends the state's commercial driver license regulations to prohibit employers from knowingly allowing, permitting or authorizing unauthorized employees from operating CMVs.

July 1, 2026

The amendment takes effect.

- A person who entered the United States without inspection and admission or parole; and
- A person whose lawful immigration status expired or was rescinded, revoked or otherwise terminated.

In addition, it is a violation of the law for a person who is unlawfully present in the United States to operate a CMV in Tennessee if the operation of the vehicle requires the operator to be issued and possess a valid commercial driver's license.

Violations of the law are a Class A misdemeanor. The law does not apply to persons or entities that do not employ the individual operating the CMV and do not have legal authority to verify the individual's employment authorization.

Strict Liability for Accidents Committed by Unauthorized Individuals

Direct employers that knowingly employ and permit people unauthorized to work in the United States to operate a CMV are strictly, jointly and severally liable to any person who suffers personal injury or property damage caused by the unauthorized person's operation of a CMV. A person injured by an unauthorized person's operation of a CMV may recover compensatory damages (including noneconomic damages), punitive damages, court costs and reasonable attorney fees. Employers that do not employ the person operating the CMV and do not have the legal authority to verify that person's employment authorization cannot be held strictly liable. A direct employer is presumed to have not acted knowingly if they are in compliance with the state's employment and verification requirements.

Liability Insurance Policies

Under the amendment, an employer's liability insurance policies are not construed to cover liability arising under the law unless its policy expressly provides coverage for such claims. The law does not alter or modify an employer's liability policy for a claim that predates the law's effective date.

Choice-of-Law Provisions

The amendment voids any contractual choice-of-law provision that requires or purports to require the application of another jurisdiction's laws for any tort action arising out of an unauthorized person's operation of a CMV in Tennessee. Such contractual provisions are not enforceable in any court.

Next Steps for Employers

Tennessee employers in the transportation industry should ensure that their employment authorization policies and procedures cover individuals operating CMVs prior to the law's effective date. Employers should also consider reviewing their liability insurance policies to determine whether claims under the amendment are covered, as well as evaluating any contracts for choice-of-law clauses that displace Tennessee law for tort actions arising out of an unauthorized person's operation of a CMV in the state. Employers needing additional assistance should contact local counsel for specific legal advice.
