

FINAL BILL REPORT

SSB 6461

C 272 L 02
Synopsis as Enacted

Brief Description: Strengthening procedures for disqualification of drinking or drugged commercial drivers.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Gardner, Benton, Haugen, Horn, Jacobsen, Costa, Oke and Winsley).

Senate Committee on Transportation
House Committee on Transportation

Background: Since 1996, commercial motor carriers have been required by federal law to implement a drug and alcohol testing program for their drivers. Fifty percent of a carrier's drivers must be tested for drugs and 25 percent for alcohol each year. Some drivers whose drug or alcohol tests are positive, or who fail a pre-employment drug or alcohol test, simply look for new employment with another motor carrier. The new employer is unsuspecting about the driver's potential drug or alcohol problem.

To protect a motor carrier and the public from a driver who hides his or her positive drug or alcohol test, a task force of interested parties (legislators, Department of Licensing (DOL), the trucking industry, the Teamsters Union, the Motor Carriers Division of the Federal Highway Administration, Department of Social and Health Services (DSHS)) met to discuss legislation. This bill is the result of those discussions.

Summary: All medical review officers (MRO) and breath alcohol technicians (BAT) under contract with a motor carrier to conduct drug or alcohol testing must provide positive results on commercial drivers directly to DOL. If a motor carrier does not have this condition in its contract with a MRO or BAT, DOL fines the carrier.

Any drivers who want to challenge the positive alcohol or drug results are entitled to a hearing. The hearing is limited to the following issues: whether the driver is the person who took the test; whether the carrier has a testing program that meets federal law; whether the MRO or BAT accurately followed the testing protocols; and to provide evidence that the test was a false positive.

DOL disqualifies commercial drivers who fail the drug or alcohol test. The employer of a driver who has refused to submit to a required drug or alcohol test is permitted to notify law enforcement or his or her medical review officer or breath alcohol technician. The disqualification remains in effect until the driver presents evidence of satisfactory participation in or completion of a drug or alcohol program certified by DSHS. DOL reinstates the commercial driver's license once it receives a drug and alcohol assessment and evidence of satisfactory participation in, or completion of any required drug or alcohol treatment program.

Votes on Final Passage:

Senate	47	0	
House	96	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: June 13, 2002