
SUBSTITUTE SENATE BILL 5192

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Goings, Patterson, Benton, Sellar, Haugen, Oke, Winsley, T. Sheldon and Costa)

Read first time . Referred to Committee on .

1 AN ACT Relating to motor carrier drug testing programs; adding a
2 new section to chapter 46.32 RCW; adding a new section to chapter 81.04
3 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.32 RCW
6 to read as follows:

7 A person or employer operating as a motor carrier shall comply with
8 the requirements of the United States department of transportation
9 federal motor carrier safety regulations as contained in Title 49
10 C.F.R. Part 382, controlled substances and alcohol use and testing. A
11 person or employer who begins or conducts commercial motor vehicle
12 operations without having a controlled substance and alcohol testing
13 program that is in compliance with the requirements of Title 49 C.F.R.
14 Part 382 is subject to a penalty, under the process set forth in RCW
15 46.32.100, of up to one thousand five hundred dollars and an additional
16 five hundred dollars for each motor vehicle driver employed by the
17 person or employer who is not in compliance with the motor vehicle
18 driver testing requirements. A person or employer having actual
19 knowledge that a driver has tested positive for controlled substances

1 or alcohol who allows a positively tested person to continue to perform
2 a safety-sensitive function is subject to a penalty, under the process
3 set forth in RCW 46.32.100, of one thousand five hundred dollars. Each
4 violation is a separate and distinct offense, and in the case of a
5 continuing violation every day's continuance is a separate and distinct
6 violation.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 81.04 RCW
8 to read as follows:

9 A person or employer operating as a motor carrier shall comply with
10 the requirements of the United States department of transportation
11 federal motor carrier safety regulations as contained in Title 49
12 C.F.R. Part 382, controlled substances and alcohol use and testing. A
13 person or employer who begins or conducts commercial motor vehicle
14 operations without having a controlled substance and alcohol testing
15 program that is in compliance with the requirements of Title 49 C.F.R.
16 Part 382 is subject to a penalty, under the process set forth in RCW
17 81.04.405, of up to one thousand five hundred dollars and an additional
18 five hundred dollars for each motor vehicle driver employed by the
19 person or employer who is not in compliance with the motor vehicle
20 driver testing requirements. A person or employer having actual
21 knowledge that a driver has tested positive for controlled substances
22 or alcohol who allows a positively tested person to continue to perform
23 a safety-sensitive function is subject to a penalty, under the process
24 set forth in RCW 81.04.405, of one thousand five hundred dollars. Each
25 violation is a separate and distinct offense, and in the case of a
26 continuing violation every day's continuance is a separate and distinct
27 violation.

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