

6461-S

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

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

SB 6461-S - DIGEST

(DIGEST AS ENACTED)

Provides that all medical review officers or breath alcohol technicians hired by or under contract to a motor carrier or employer who is required to have a testing program under 49 C.F.R. 382 or to a consortium the carrier belongs to, as defined in 49 C.F.R. 382.17, shall report the finding of a commercial driver's confirmed positive drug or alcohol test to the department of licensing on a form provided by the department.

Provides that motor carriers, employers, or consortiums shall make it a written condition of their contract or agreement with a medical review officer or breath alcohol technician, regardless of the state where the medical review officer or breath alcohol technician is located, that the medical review officer or breath alcohol technician is required to report all Washington state licensed drivers who have a confirmed positive drug or alcohol test to the department of licensing within three business days of the confirmed test.

Declares that failure to obtain this contractual condition or agreement with the medical review officer or breath alcohol technician by the motor carrier, employer, or consortium will result in an administrative fine as provided in RCW 81.04.405. Substances obtained for testing may not be used for any purpose other than drug or alcohol testing under 49 C.F.R. 382.

Provides that, when the department of licensing receives a report from a medical review officer or breath alcohol technician that the holder of a commercial driver's license has a confirmed positive drug or alcohol test, either as part of the testing program required by 49 C.F.R. 382 or as part of a preemployment drug test, the department shall disqualify the driver from driving a commercial motor vehicle under RCW 46.25.090(7) subject to a hearing as provided in this act. The department shall notify the person in writing of the disqualification by first class mail. The notice must explain the procedure for the person to request a hearing.

Provides that a person is disqualified from driving a commercial motor vehicle if a report has been received by the department under this act that the person has received a confirmed positive drug or alcohol test either as part of the testing program required by 49 C.F.R. 382 or 49 C.F.R. 40 or as part of a preemployment drug test.

Provides that, if a motor carrier or employer who is required to have a testing program under 49 C.F.R. 382 knows that a commercial driver in his or her employ has refused to submit to

testing under this act and has not been disqualified from driving a commercial motor vehicle, the employer may notify law enforcement or his or her medical review officer or breath alcohol technician that the driver has refused to submit to the required testing.

Declares that the hearing provisions of this act do not apply to those persons disqualified from driving a commercial motor vehicle under RCW 46.25.090(7).