

SSB 5431 - S AMD
By Senator Oke

1 On page 5, line 7, after "the department." insert the following:
2 "If the employer is required to have a testing program under 49
3 C.F.R. 655, a report of a verified positive drug test or positive
4 alcohol confirmation test must not be forwarded to the department under
5 this subsection unless the test is a pre-employment drug test conducted
6 under 49 C.F.R. 655.41 or a pre-employment alcohol test conducted under
7 49 C.F.R. 655.42."

8 On page 5, line 8, after "(2)" insert "(a)"

9 On page 5, line 16, after "the department." insert the following:
10 "(b) An employer who is required to have a testing program under 49
11 C.F.R. 655 must report a commercial motor vehicle driver's verified
12 positive drug test or a positive alcohol confirmation test if the
13 driver's employment has been terminated and any grievance process that
14 may have been invoked has been concluded."

15 Renumber the sections consecutively and correct any internal
16 references accordingly.

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EFFECT: Provides that Medical Review Officers and Breath Alcohol Technicians hired by or under contract to employers involved in transit operations can only report a positive alcohol or drug test for transit drivers to the Department of Licensing where the test is a pre-employment screening test. For all other positive alcohol or drug tests by transit drivers, the employer is required to report the test to the Department of Licensing only after the driver's employment has been terminated and any grievance procedures have been concluded.