

SENATE BILL REPORT

ESHB 1156

As of March 26, 1999

Title: An act relating to motor carrier drug testing programs.

Brief Description: Requiring motor carrier drug testing programs.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Ericksen, Cooper, Mielke, Ogden, DeBolt and K. Schmidt).

Brief History:

Committee Activity: Transportation: 3/31/99.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Mary McLaughlin (786-7309)

Background: Since January 1, 1996, federal law has required all commercial motor carriers to implement a company drug and alcohol program. Fifty percent of a company's drivers must be tested for drugs during the year and 25 percent for alcohol. A driver that tests positive must complete a rehabilitation program and be tested six times during the year. A driver who is involved in an accident is required to be tested for alcohol within two hours and drugs within eight hours. An employer that suspects a driver may be using drugs or alcohol can require the driver to submit to a reasonable suspicion test. The most common disqualification for drivers is driving with a suspended driver's license, followed by drug and alcohol use.

The Washington State Patrol (WSP) and the Utilities and Transportation Commission (UTC) check for drug testing compliance when conducting a terminal audit at the carrier's place of business. WSP's authority extends to motor freight carriers, while UTC's jurisdiction includes solid waste collection companies, household goods carriers, and buses (fixed route, intercity, airporters, excursion, charter and not-for-profit). WSP's administrative penalty for drug and alcohol testing was increased from \$100 to \$500 per violation last year. UTC's administrative penalty is currently \$100 per violation.

Summary of Bill: A penalty of up to \$1,500 per violation is imposed on any person or employer who does not implement or comply with the federal drug and alcohol use and testing program. A penalty of up to \$500 per violation is imposed for each employed driver that is not in compliance. A \$1,500 per violation penalty is imposed when an employer knowingly uses a driver that tests positive. The annual registration contains a statement that the owner or entity operating a commercial vehicle must have a drug and alcohol testing program in place that is in compliance with federal law.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.