

SENATE BILL REPORT

SB 5192

As Reported By Senate Committee On:
Transportation, February 10, 1999

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

Brief Description: Requiring motor carrier drug testing programs.

Sponsors: Senators Goings, Patterson, Benton, Sellar, Haugen, Oke, Winsley, T. Sheldon and Costa.

Brief History:

Committee Activity: Transportation: 1/28/99, 2/10/99 [DPS].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5192 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Costa, Eide, Horn, Johnson, Oke, Patterson, Prentice, Sellar, Sheahan and Shin.

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 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. The WSP's authority extends to motor freight carriers, while the UTC's jurisdiction includes solid waste collection companies, household goods carriers, and buses (fixed route, intercity, airporters, excursion, charter and not-for-profit). The WSP's administrative penalty for drug and alcohol testing was increased from \$100 to \$500 per violation last year. The UTC's administrative penalty is currently \$100 per violation.

Summary of Substitute 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 \$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. In case of a continuing violation, every day's continuance is a separate and distinct violation.

Substitute Bill Compared to Original Bill: The penalty for not implementing or complying with the testing program is reduced from \$5,000 per violation to \$1,500 per violation. The penalty for using a driver that tests positive is added. The continuing violation language is added. Technical changes are made to clarify original intent.

Appropriation: None.

Fiscal Note: Requested on January 26, 1999.

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

Testimony For: Tougher regulation will enhance the safety of the motoring public and places the responsibility for enforcement on the employers and owner-operator.

Testimony Against: None.

Testified: PRO: Senator Goings, prime sponsor; Larry Pursley, Lloyd Ludke, Washington Trucking Assn.; Teresa Osinski, Utilities and Transportation Commission.