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ENGROSSED SUBSTITUTE HOUSE BILL 1156

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State of Washington

56th Legislature

1999 Regular Session

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

Read first time 02/24/1999. Referred to Committee on .

1 AN ACT Relating to motor carrier drug testing programs; adding a  
2 new section to chapter 46.16 RCW; adding a new section to chapter 46.32  
3 RCW; adding a new section to chapter 81.04 RCW; and prescribing  
4 penalties.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.16 RCW  
7 to read as follows:

8 When applicable, the certificate of registration must include a  
9 statement that the owner or entity operating a commercial vehicle must  
10 be in compliance with the requirements of the United States department  
11 of transportation federal motor carrier safety regulations contained in  
12 Title 49 C.F.R. Part 382, controlled substances and alcohol use and  
13 testing.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.32 RCW  
15 to read as follows:

16 A person or employer operating as a motor carrier shall comply with  
17 the requirements of the United States department of transportation  
18 federal motor carrier safety regulations as contained in Title 49

1 C.F.R. Part 382, controlled substances and alcohol use and testing. A  
2 person or employer who begins or conducts commercial motor vehicle  
3 operations without having a controlled substance and alcohol testing  
4 program that is in compliance with the requirements of Title 49 C.F.R.  
5 Part 382 is subject to a penalty, under the process set forth in RCW  
6 46.32.100, of up to one thousand five hundred dollars and up to an  
7 additional five hundred dollars for each motor vehicle driver employed  
8 by the person or employer who is not in compliance with the motor  
9 vehicle driver testing requirements. A person or employer having  
10 actual knowledge that a driver has tested positive for controlled  
11 substances or alcohol who allows a positively tested person to continue  
12 to perform a safety-sensitive function is subject to a penalty, under  
13 the process set forth in RCW 46.32.100, of one thousand five hundred  
14 dollars.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 81.04 RCW  
16 to read as follows:

17 A person or employer operating as a motor carrier shall comply with  
18 the requirements of the United States department of transportation  
19 federal motor carrier safety regulations as contained in Title 49  
20 C.F.R. Part 382, controlled substances and alcohol use and testing. A  
21 person or employer who begins or conducts commercial motor vehicle  
22 operations without having a controlled substance and alcohol testing  
23 program that is in compliance with the requirements of Title 49 C.F.R.  
24 Part 382 is subject to a penalty, under the process set forth in RCW  
25 81.04.405, of up to one thousand five hundred dollars and up to an  
26 additional five hundred dollars for each motor vehicle driver employed  
27 by the person or employer who is not in compliance with the motor  
28 vehicle driver testing requirements. A person or employer having  
29 actual knowledge that a driver has tested positive for controlled  
30 substances or alcohol who allows a positively tested person to continue  
31 to perform a safety-sensitive function is subject to a penalty, under  
32 the process set forth in RCW 81.04.405, of one thousand five hundred  
33 dollars.

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