
SUBSTITUTE HOUSE BILL 1156

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 46.32 RCW; adding a new section to chapter 81.04
3 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.32 RCW
6 to read as follows:

7 A person or employer operating as a motor carrier shall comply with
8 the requirements of the United States department of transportation
9 federal motor carrier safety regulations as contained in Title 49
10 C.F.R. Part 382, controlled substances and alcohol use and testing. A
11 person or employer who begins or conducts commercial motor vehicle
12 operations without having a controlled substance and alcohol testing
13 program that is in compliance with the requirements of Title 49 C.F.R.
14 Part 382 is subject to a penalty, under the process set forth in RCW
15 46.32.100, of up to one thousand five hundred dollars and up to an
16 additional five hundred dollars for each motor vehicle driver employed
17 by the person or employer who is not in compliance with the motor
18 vehicle driver testing requirements. A person or employer having
19 actual knowledge that a driver has tested positive for controlled

1 substances or alcohol who allows a positively tested person to continue
2 to perform a safety-sensitive function is subject to a penalty, under
3 the process set forth in RCW 46.32.100, of one thousand five hundred
4 dollars.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 81.04 RCW
6 to read as follows:

7 A person or employer operating as a motor carrier shall comply with
8 the requirements of the United States department of transportation
9 federal motor carrier safety regulations as contained in Title 49
10 C.F.R. Part 382, controlled substances and alcohol use and testing. A
11 person or employer who begins or conducts commercial motor vehicle
12 operations without having a controlled substance and alcohol testing
13 program that is in compliance with the requirements of Title 49 C.F.R.
14 Part 382 is subject to a penalty, under the process set forth in RCW
15 81.04.405, of up to one thousand five hundred dollars and up to an
16 additional five hundred dollars for each motor vehicle driver employed
17 by the person or employer who is not in compliance with the motor
18 vehicle driver testing requirements. A person or employer having
19 actual knowledge that a driver has tested positive for controlled
20 substances or alcohol who allows a positively tested person to continue
21 to perform a safety-sensitive function is subject to a penalty, under
22 the process set forth in RCW 81.04.405, of one thousand five hundred
23 dollars.

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