

1179

Sponsor(s): Representatives Ericksen, Lovick, G. Chandler and O'Brien

Brief Description: Strengthening procedures for disqualification of drinking or drugged commercial drivers.

**HB 1179 - DIGEST**

(AS \_\_\_\_\_ OF HOUSE 2ND READING 1/28/02)

Provides that all medical review officers or breath alcohol technicians hired by or under contract to a motor carrier or employer who is required to have a testing program under 49 C.F.R. 382 or to a consortium the carrier belongs to, as defined in 49 C.F.R. 382.17, shall report the finding of a commercial driver's confirmed positive drug or alcohol test to the department of licensing on a form provided by the department.

Requires motor carriers, employers, or consortiums to make it a written condition of their contract or agreement with a medical review officer or breath alcohol technician, regardless of the state where the medical review officer or breath alcohol technician is located, that the medical review officer or breath alcohol technician is required to report all Washington state licensed drivers who have a confirmed positive drug or alcohol test to the department of licensing within three business days of the confirmed test.

Declares that failure to obtain this contractual condition or agreement with the medical review officer or breath alcohol technician by the motor carrier, employer, or consortium will result in an administrative fine as provided in RCW 81.04.405.

Requires the department of licensing receiving a report from a medical review officer or breath alcohol technician that the holder of a commercial driver's license has a confirmed positive drug or alcohol test, either as part of the testing program required by 49 C.F.R. 382 or as part of a preemployment drug test, to disqualify the driver from driving a commercial motor vehicle under RCW 46.25.090(7) subject to a hearing as provided in this act.