

BILL ANALYSIS

C.S.S.B. 217
By: Shapiro
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Federal law requires companies operating commercial vehicles to follow a prescribed drug and alcohol-testing program with their commercial drivers. Under this program, companies must provide pre-employment testing, random testing, probable cause testing, and post-accident testing.

Current state law requires motor carriers to provide only positive drug test information to the Department of Public Safety. C.S.S.B. 217 expands the required reporting of verified positive controlled substances to include the reporting of positive alcohol tests because a much greater percentage of commercial vehicle accidents involve alcohol than involve controlled substances.

Additionally, current state law only applies to commercial driver's license (CDL) holders working for companies required to register with the Texas Department of Transportation, which do not include many CDL holders operating commercial vehicles, such as school and transit bus drivers. C.S.S.B. 217 expands the law to include all Texas CDL holders, regardless of their employer.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill amends Chapter 644 of the Transportation Code by adding Subchapter F to require employers who are compelled to conduct alcohol and drug tests of an employee who holds a commercial driver's license under Chapter 522 of the Transportation Code to report to the Department of Public Safety (the department) a positive result, a refusal to provide a specimen, or provision of an adulterated, diluted, or substituted specimen. The bill defines a valid positive result for alcohol as a concentration of .04 or greater and a valid positive result for drugs at or above the cutoff concentration levels stated in 49 C.F.R. Section 40.87.

The bill requires the department to maintain in confidentiality the testing information provided, and authorizes the department to release the information only to authorized individuals as provided by §521.053 of the Transportation Code.

The bill repeals §643.064 of the Transportation Code.

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute makes non-substantive changes to the original bill.