

By: Shapiro

S.B. No. 217

A BILL TO BE ENTITLED

AN ACT

relating to reporting certain information related to alcohol and drug tests of holders of commercial driver's licenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (d), Section 521.053, Transportation Code, is amended to read as follows:

(d) The department may provide information maintained under Section 644.252 [~~643.064~~] that relates to a holder of a commercial driver's license under Chapter 522 to the holder, the holder's current employer, or a person acting on behalf of the employer if the department receives the holder's specific written consent to the release of information.

SECTION 2. Chapter 644, Transportation Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. REPORT OF POSITIVE RESULT

Sec. 644.251. DEFINITIONS. In this subchapter:

(1) "Employee" has the meaning assigned by 49 C.F.R. Section 40.3.

(2) "Valid positive result" means:

(A) an alcohol concentration of .04 or greater on an alcohol confirmation test; or

(B) a result at or above the cutoff concentration levels listed in 49 C.F.R. Section 40.87 on a confirmation drug test.

1 Sec. 644.252. REPORT OF POSITIVE RESULT. (a) An employer
2 required to conduct alcohol and drug testing of an employee under
3 federal safety regulations shall report to the department a valid
4 positive result on an alcohol or drug test performed as part of the
5 employer's drug testing program or consortium, as defined by 49
6 C.F.R. Part 382, on an employee who holds a commercial driver's
7 license under Chapter 522.

8 (b) A refusal to provide a specimen for drug or alcohol
9 testing, or an adulterated, diluted, or substituted specimen, as
10 those terms are defined in 49 C.F.R. 40.3, will be reported to and
11 maintained by the department in the same manner as a valid positive
12 result.

13 (c) The department shall maintain the information provided
14 under this section.

15 (d) Information maintained under this section is
16 confidential and only subject to release as provided by Section
17 521.053.

18 SECTION 3. Section 643.064, Transportation Code, is
19 repealed.

20 SECTION 4. This Act takes effect September 1, 2005.