

1-1 By: Shapiro S.B. No. 217
1-2 (In the Senate - Filed January 20, 2005; February 3, 2005,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; March 8, 2005, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 8,
1-6 Nays 0; March 8, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 217 By: Shapiro

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to reporting certain information related to alcohol and
1-11 drug tests of holders of commercial driver's licenses.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (d), Section 521.053, Transportation
1-14 Code, is amended to read as follows:

1-15 (d) The department may provide information maintained under
1-16 Section 644.252 [~~643.064~~] that relates to a holder of a commercial
1-17 driver's license under Chapter 522 to the holder, the holder's
1-18 current employer, or a person acting on behalf of the employer if
1-19 the department receives the holder's specific written consent to
1-20 the release of information.

1-21 SECTION 2. Chapter 644, Transportation Code, is amended by
1-22 adding Subchapter F to read as follows:

1-23 SUBCHAPTER F. REPORT OF POSITIVE RESULT

1-24 Sec. 644.251. DEFINITIONS. In this subchapter:

1-25 (1) "Employee" has the meaning assigned by 49 C.F.R.
1-26 Section 40.3.

1-27 (2) "Valid positive result" means:

1-28 (A) an alcohol concentration of .04 or greater on
1-29 an alcohol confirmation test; or

1-30 (B) a result at or above the cutoff concentration
1-31 levels listed in 49 C.F.R. Section 40.87 on a confirmation drug
1-32 test.

1-33 Sec. 644.252. REPORT OF POSITIVE RESULT. (a) An employer
1-34 required to conduct alcohol and drug testing of an employee under
1-35 federal safety regulations shall report to the department a valid
1-36 positive result on an alcohol or drug test performed as part of the
1-37 employer's drug testing program or consortium, as defined by 49
1-38 C.F.R. Part 382, on an employee who holds a commercial driver's
1-39 license under Chapter 522.

1-40 (b) A refusal to provide a specimen for drug or alcohol
1-41 testing, or an adulterated, diluted, or substituted specimen, as
1-42 those terms are defined in 49 C.F.R. 40.3, will be reported to and
1-43 maintained by the department in the same manner as a valid positive
1-44 result.

1-45 (c) The department shall maintain the information provided
1-46 under this section.

1-47 (d) Information maintained under this section is
1-48 confidential and only subject to release as provided by Section
1-49 521.053.

1-50 SECTION 3. Section 643.064, Transportation Code, is
1-51 repealed.

1-52 SECTION 4. This Act takes effect September 1, 2005.

1-53 * * * * *