

BILL ANALYSIS

Senate Research Center

S.B. 328
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Transportation & Homeland Security
7/3/2007
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires an employer who is required to conduct alcohol and drug testing of an employee who holds a commercial driver's license to report a valid positive result of an alcohol or drug test, a refusal to provide a specimen, and an adulterated, substituted, or dilute specimen. There has been some confusion about the reporting requirements with regard to dilute specimens.

S.B. 328 clarifies current law to provide that only a valid positive dilute specimen must be reported to the Texas Department of Public Safety by an employer motor carrier.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 644.252(a), Transportation Code, as follows:

(a)(1) Requires an employer required to conduct alcohol and drug testing of an employee who holds a commercial driver's license to report to the Texas Department of Public Safety (DPS) a valid positive result on an alcohol or drug test performed and whether the specimen producing the result was a dilute specimen, as defined by 49 C.F.R. Section 40.3.

(a)(3) Deletes text requiring an employer to report a dilute specimen to DPS.

SECTION 2. Effective date: September 1, 2007.