

BILL ANALYSIS

Senate Research Center

C.S.S.B. 217
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Transportation & Homeland Security
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Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The purpose of this bill is to address problems that have arisen since the implementation of S.B. 1904, 78th Legislature, Regular Session. Currently, trucking companies perform drug tests on all drivers. S.B. 1904 required that a report be given to the Department of Public Safety (DPS) to keep in their records when a driver tests positive for drugs.

C.S.S.B. 217 allows DPS to keep a record when other commercial driver's license (CDL) holders, such as school and city bus drivers, test positive for drugs. C.S.S.B. 217 also provides that a refusal to provide a specimen for a drug or alcohol testing, or an adulterated, diluted, or substituted specimen as those terms are defined in 49 C.F.R. 40.3, will be reported to and maintained by DPS in the same manner as a valid positive result. C.S.S.B. 217 moves the provisions from Section 643.064, Transportation Code, which is reserved for the Texas Department of Transportation, to Section 644.105, which pertains to DPS, in order to clean up the code since DPS is the entity that administers the program.

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 521.053(d), Transportation Code, to authorize the Department of Public Safety (DPS) to provide information maintained under Section 644.252, rather than Section 643.064, that relates to a holder of a commercial driver's license under Chapter 522 (Commercial Driver's Licenses) to certain persons, if DPS receives the holder's specific written consent to the release of information.

SECTION 2. Amends Chapter 644, Transportation Code, by adding Subchapter F, as follows:

SUBCHAPTER F. REPORT OF POSITIVE RESULT

Sec. 644.251. DEFINITIONS. Defines "employee" and "valid positive result."

Sec. 644.252. REPORT OF POSITIVE RESULT. (a) Requires an employer required to conduct alcohol and drug testing of an employee under federal safety regulations to report to DPS a valid positive result on an alcohol or drug test performed as part of the employer's drug testing program or consortium, as defined by 49 C.F.R. Part 382, on an employee who holds a commercial driver's license under Chapter 522 (Commercial Driver's Licenses).

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

(c) Requires DPS to maintain the information.

(d) Provides that information maintained is confidential and only subject to release as provided by Section 521.053 (Commercial Driver License Information).

SECTION 3. Repealer: Section 643.064 (Report of Positive Result), Transportation Code.

SECTION 4. Effective date: September 1, 2005.