

AN ACT

relating to reporting the outcome of 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 ON ALCOHOL AND DRUG TESTING

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 0.04 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 REFUSAL AND CERTAIN RESULTS.

2   (a) An employer required to conduct alcohol and drug testing of an  
3   employee who holds a commercial driver's license under Chapter 522  
4   under federal safety regulations as part of the employer's drug  
5   testing program or consortium, as defined by 49 C.F.R. Part 382,  
6   shall report to the department:

7           (1) a valid positive result on an alcohol or drug test  
8   performed;

9           (2) a refusal to provide a specimen for an alcohol or  
10   drug test; or

11           (3) an adulterated specimen, dilute specimen, or  
12   substituted specimen, as those terms are defined by 49 C.F.R.  
13   Section 40.3, on an alcohol or drug test performed.

14           (b) The department shall maintain the information provided  
15   under this section.

16           (c) Information maintained under this section is  
17   confidential and only subject to release as provided by Section  
18   521.053.

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20   repealed.

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

Raid Swihart

President of the Senate

Joe Caddell  
Speaker of the House

I hereby certify that S.B. No. 217 passed the Senate on March 17, 2005, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on April 25, 2005, by the following vote: Yeas 30, Nays 0.

Letsy Saw  
Secretary of the Senate

I hereby certify that S.B. No. 217 passed the House, with amendment, on April 19, 2005, by the following vote: Yeas 140, Nays 0, one present not voting.

Robert Haney  
Chief Clerk of the House

Approved:

3 MAY '05

Date

RICK PERRY  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
O'CLOCK

Roger Williams  
Secretary of State