

State Laws Reporting Matrix [July, 2008]

State	Legislation	DOT Rule Cited	Reporter	Test Results Reported	Test Reason	State Agency	Employee Sanctions	Available to Other Employers
AR	HB 2391 (2007) Effective 01/01/2008	Part 382	Employer	Positives & refusals for alcohol ~ <i>no drugs</i>	Drug ~ All	Office of Driver Services	<i>None</i> ~ Information entered into database	Yes ~ With employee consent
			MRO	Positives & refusals for drugs ~ [MROs get no alcohol results]	Alcohol ~ Post Accident & Random			
CA	CA LEGIS 66 (2005), A.B. No. 637 ¹ Effective 01/01/2006	Part 382	Employer	Positives & refusals for drugs ~ <i>no alcohol</i>	All	DMV	Revoke certificate for 3 yrs ²	<i>No</i>
NC	HB 740 (2005) Effective 12/01/2005	Part 382 & Part 655	Employer	Positives for drugs & alcohol ~ <i>no refusals</i>	All Except Pre-Employment	DMV	Disqualify until driver completes SAP RTD	<i>No</i>
NM	HB 0425 (2007) Effective 06/15/2007	Part 382	MRO	Positive for drugs ~ <i>no refusals; no alcohol</i>	All	Motor Vehicle Division of the Taxation and Revenue Dept.	<i>None</i> ~ Information entered into database	<i>No</i>
OR	HB 3292 (1999) Effective 03/01/2000	Part 382	MRO	Positives for drugs ~ <i>no refusals; no alcohol</i>	All	DMV ~ Driver Suspension Unit	<i>None</i> ~ Information entered into database	Yes ~ With employee consent
SC	Act No. 232 (2008) Effective 05/21/2008	Part 382	Employer, C/TPA of owner-operator ³	Positive & refusals for drug and alcohol;	All	Department of Motor Vehicles	Disqualify until driver completes SAP RTD ⁴	<i>No</i>
TX	SB217, 79th Legislature (2005) ⁵ Effective 09/01/2005	Part 382	Employer ⁶	Positives & refusals for drugs & alcohol	All	Department of Public Safety ~ Motor Carrier Bureau	<i>None</i> ~ Information entered into database	Yes ~ With employee consent
			MRO, BAT, Lab, C/TPA	May submit drug & alcohol positives ~ <i>no refusals</i>				
WA	Substitute HB 1266 (2005) ⁷ Effective 07/24/2005	Part 655 & Part 40 [Motor Carrier]	Transit Employer	Positives & refusals for drugs & alcohol ⁸	All [see footnote 10 below]	Department of Licensing	Disqualify until driver completes SAP RTD ⁹	<i>No</i>
			Motor Carrier Employer	Refusals ~ <i>no positives</i>				
			MRO, BAT	Positives & refusals for drugs & alcohol ¹⁰				

Footnotes, next page.

¹ Per §13376, the law applies to the following state CDL certificates: 1) School bus; 2) school pupil activity bus; 3) youth bus; 4) general public para-transit vehicle; and 5) vehicle for transportation of developmentally disabled persons.

² Certificate not revoked if the driver is in compliance with any rehabilitation or SAP RTD program required by the employer per 49 CFR Part 382 [FMCSA].

³ MRO or BAT is to report to employer or C/TPA, a verified positive drug test or alcohol confirmation test and a refusal to test (to include adulterated and substituted), as applicable

⁴ If disqualified more than three times in a 5-year period, the driver is disqualified for life.

⁵ This bill adds to S.B. 1904, 78(R) (2003), which required employers to report positive drug test results.

⁶ Owner-operator must self-report.

⁷ This is a bill updating a 2002 law which required MROs and BATs to positive drug and alcohol test results.

⁸ Transit employers report positive and refusal drug and alcohol test results only when: 1) Employee is terminated or resigns; 2) any grievance process, not including arbitration, has been concluded; and 3) at time of termination or resignation, the employee has not completed the SAP RTD process.

⁹ If disqualified more than twice in a 5-year period, the driver is disqualified for life.

¹⁰ When the employer is subject to 49 CFR Part 655 [FTA], MROs and BATs report only pre-employment positive drug and alcohol test results.