

TRUCK TALK

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Safe Roads Act

Senate Bill 1113 introduced by Sen. Mark Pryor, D-Ark., has been filed directly to the Secretary of Transportation to establish and maintain a national clearinghouse for records relating to alcohol and controlled substance testing of commercial motor vehicle operators. The proposed new law is known as "The Safe Roads Act of 2009".

The new law would record test results and refusals to take the test. The Senate Bill allocates \$5 million dollars per year towards building and maintaining the database. The clearinghouse shall function as a repository for records relating to the verified positive test results and refusals to test of commercial motor vehicle operators. The new law would require medical review officers, employers and other service agents to report positive drug or alcohol tests to the Federal Motor Carrier Administration (FMCSA), require employers to check the database for prospective employee's records prior to hiring, and protect employees' privacy and define employees' rights to challenge information in the database.

The data will be accessible electronically and directs the Secretary of Transportation to



register and authenticate authorized users of the clearinghouse. A commercial motor carrier employer shall not hire an individual to operate a commercial vehicle unless the employer has determined that the individual, during the preceding three (3) year period, has been tested for the use of alcohol and controlled substances; has not tested positive or has tested positive and completed the required returned-to-duty process; and has not refused to take the alcohol or controlled substance test under Federal Law.

Included in ATA's Safety Task Force Recommendations and a goal of the ATA for 10 years, a National Drug & Alcohol Clearinghouse will address a well-known loophole in the federal drug and alcohol testing requirements for commercial drivers that is being exploited by some substance-abusing drivers.

When a driver moves from one trucking company to another, some positive drug and alcohol tests are not being discovered by the hiring company because the results are not centrally tracked. One scenario, for example, is when a driver tests positive during a pre-employment controlled substance test. The carrier requesting the test will not hire the driver, as the driver is medically unqualified to operate a commercial motor vehicle. The driver waits a sufficient amount of time to metabolize the controlled substances from their system, and then goes to another motor carrier for another pre-employment controlled substance test, this time having a negative test. The subsequent employer is not aware that a positive test result

from the first carrier even exists.

The bill was introduced on May 21, 2009, and was referred to the Committee on Commerce, Science, and Transportation.