

HOUSE BILL No. 2431

By Committee on Transportation

2-10

9 AN ACT relating to commercial drivers' licenses; requiring reporting of
10 certain alcohol and drug test results to the division of vehicles.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) As used in this section:

14 (1) "Employee" has the meaning assigned by 49 C.F.R. 40.3.

15 (2) "Valid positive result" means:

16 (A) An alcohol concentration of .04 or greater on an alcohol confir-
17 mation test; or

18 (B) a result at or above the cutoff concentration levels listed in 49
19 C.F.R. 40.87 on a confirmation drug test.

20 (3) "Division" means the division of vehicles of the Kansas depart-
21 ment of revenue.

22 (4) "Owner-operator" means an individual who is the owner of a sin-
23 gle motor vehicle that is driven exclusively by the owner under a lease
24 agreement or contract with an employer required to conduct alcohol and
25 drug testing under federal safety regulations.

26 (b) An employer required to conduct alcohol and drug testing of an
27 employee under federal safety regulations shall report to the division a
28 valid positive result on an alcohol or drug test performed as part of the
29 employer's drug testing program or consortium, as defined by 49 C.F.R.
30 part 382, or a negative return-to-duty test under 49 C.F.R. part 40, on
31 an employee or owner-operator who holds a commercial driver's license
32 under the Kansas uniform commercial drivers' license act.

33 (c) A refusal to provide a specimen for drug or alcohol testing, or an
34 adulterated, diluted or substituted specimen, as those terms are defined
35 in 49 C.F.R. 40.3, will be reported to and maintained by the division in
36 the same manner as a valid positive result.

37 (d) The division shall maintain the information provided under this
38 section.

39 (e) Information maintained under this section is confidential except
40 the division may provide such information to the holder of the commercial
41 drivers' license, the holder's current employer, prospective employer or
42 a person acting on behalf of such employer if the division receives the
43 holder's specific written consent to the release of information.

1 The provisions of this subsection shall expire on July 1, 2010, unless
2 the legislature acts to reenact such provision. The provisions of this sub-
3 section shall be reviewed by the legislature prior to July 1, 2010.
4 Sec. 2. This act shall take effect and be in force from and after its
5 publication in the statute book.