

**BILL ANALYSIS**

Senate Research Center  
80R1075 JD-F

S.B. 328  
By: Carona  
Transportation & Homeland Security  
2/19/2007  
As Filed

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law requires an employer who is required to conduct alcohol and drug testing of an employee who holds a commercial driver's license to report a valid positive result of an alcohol or drug test, a refusal to provide a specimen, and an adulterated, substituted, or dilute specimen. There has been some confusion about the reporting requirements with regard to dilute specimens.

As proposed, S.B. 328 clarifies current law to provide that only a valid positive dilute specimen must be reported to the Texas Department of Public safety by an employer motor carrier.

**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 644.252(a), Transportation Code, as follows:

(a)(1) Requires an employer required to conduct alcohol and drug testing of an employee who holds a commercial driver's license to report to the Texas Department of Public Safety (DPS) a valid positive result on an alcohol or drug test performed and whether the specimen producing the result was a dilute specimen, as defined by 49 C.F.R. Section 40.3.

(a)(3) Deletes text requiring an employer to report a dilute specimen to DPS.

SECTION 2. Effective date: September 1, 2007.