

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass

Vote: 9 - 0 - 0

Yeas: Fagan, Gomberg, Gorsek, Huffman, Parrish, Reardon, Sprenger, Whisnant, Gelser

Nays: 0

Exc.: 0

Prepared By: Rick Berkobien, Administrator

Meeting Dates: 4/29, 5/1

WHAT THE MEASURE DOES: Requires school transportation providers to have in-house drug and alcohol testing program or be a member of a consortium that provides testing. Defines school transportation provider as school district, or school district contractor that uses school buses, or school activity vehicles for transportation of students, or school personnel to or from school, or school-related activities, or public transportation authorized under ORS 332.427. Requires in-house drug and alcohol testing to meet the federal requirements under 49 C.F.R. part 382. Requires consortiums to meet federal requirements. Requires certification of compliance at time of registration or renewal. Requires medical review officer to report positive test result to Oregon Department of Transportation (ODOT) and Department of Education. Allows appeal of positive test result through administrative hearing, and outlines issues that hearing must address. Directs ODOT to adopt rules for requesting hearing. Exempts ODOT from civil liability for damages resulting from placing information about drug test result on employment driving record.

ISSUES DISCUSSED:

- Purpose of legislation to close loophole
- Information for future employers
- Medical marijuana
- Requirements to become bus driver

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Oregon law (ORS 825.410) requires that all motor carriers participate in a drug and alcohol testing program as required by federal law (Federal Motor Carrier Safety Regulations, 49 C.F.R. 382). Motor carriers must have an in-house drug and alcohol testing program that meets federal requirements or be a member of a consortium that provides testing that meets federal requirements. These laws are in place to ensure that Commercial Driver License (CDL) holders are subject to drug and alcohol testing. Currently, ORS Chapter 825 does not explicitly include school bus drivers in the category of “for hire carrier or private carrier,” meaning that while all school bus drivers must hold a CDL, they do not necessarily have to report a positive drug test.