

Department of Planning and Budget 2008 Fiscal Impact Statement

1. Bill Number: HB1224

House of Origin X Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Bowling

3. Committee: Transportation

4. Title: **Driver's, commercial; random drug and alcohol tests required.**

5. Summary: This bill requires the Department of Motor Vehicles (DMV) to establish a program whereby commercial drivers must take random and unannounced drug and alcohol tests.

6. Fiscal impact estimates: Unavailable. See Item #8.

7. Budget amendment necessary: Unknown.

8. Fiscal implications: This legislation would result in the duplication of random drug and alcohol testing currently required of the employers of commercial drivers. *Code of Federal Regulations Part 382 – Controlled Substances and Alcohol Use and testing* (49 CFR §382.101 through §382.601) outlines a comprehensive federal requirement for initial drug and alcohol testing for commercial driver employment, as well as random testing throughout a commercial driver's employment. Anybody who has a commercial driver's license (CDL) must take these random drug and alcohol tests under federal law. It is the responsibility of the employer to ensure his operators take these tests. If a person is self-employed, it is his own responsibility to take these tests. This program is monitored by the Federal Motor Carrier Safety Administration through employer audits.

Implementation of a program by DMV to duplicate this requirement would demand significant financial and human resources. There will be an additional expense for a duplicate requirement for every CDL driver already covered through their employer as directed by Federal Motor Carrier requirements. There are currently 215,968 licensed commercial drivers in Virginia. A basic drug and alcohol screening test costs \$10-\$12 each. The bill specifies that the costs for the program would be paid by CDL license holders.

Implementation of the bill will require system programming to randomly select drivers for the testing and to monitor their compliance with the requirement. The number of staff required to administer such a program is unknown. This bill offers little guidance on how it is to be implemented, making it difficult to determine the costs of this legislation accurately.

9. Specific agency or political subdivisions affected: Department of Motor Vehicles.

10. Technical amendment necessary: No.

11. Other comments: Because the language of the bill does not provide DMV administrative authority to take or impose any sort of action, the bill may be unenforceable.

While this bill does not mandate regulations, the lack of guidance would make regulations necessary. The regulatory process will take two years, at a minimum.

Date: 1/28/2008/jlv

Document: G:\08-10\FIS\HB1224.Doc Janet Vogelgesang

cc: Secretary of Transportation