

## Session 117 - (2007-2008)

### S\*0880 (Rat #0272, Act #0232 of 2008) General Bill, By Campsen, Knotts, Fair and Scott

*Similar (H 4909)*

**Summary:** Drug Free Trucking Act

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 14 TO CHAPTER 1, TITLE 56 SO AS TO ENACT THE "SOUTH CAROLINA COMMERCIAL DRIVER'S LICENSE DRUG TESTING ACT" WHICH PROVIDES DEFINITIONS FOR CERTAIN TERMS, REQUIRES CERTAIN EMPLOYERS TO PROVIDE REPORTS TO THE DEPARTMENT OF MOTOR VEHICLES THAT CONTAIN THE NAMES OF CERTAIN EMPLOYEES AND APPLICANTS FOR EMPLOYMENT WHO REFUSE TO PROVIDE A SPECIMEN FOR A DRUG OR ALCOHOL TEST, TEST POSITIVE FOR AN ILLEGAL SUBSTANCE, OR HAVE SUBMITTED A FRAUDULENT DRUG TEST SPECIMEN, REQUIRES CERTAIN MEDICAL REVIEW OFFICERS AND BREATH ALCOHOL TECHNICIANS TO REPORT TO THEIR EMPLOYERS THE RESULTS OF CERTAIN DRUG TESTS, AN EMPLOYEE'S REFUSAL TO SUBMIT TO A DRUG OR ALCOHOL TEST, AND AN EMPLOYEE'S SUBMISSION OF A FRAUDULENT DRUG TEST SPECIMEN, PROVIDES THAT CERTAIN REPORTS THAT ARE GENERATED PURSUANT TO THIS ARTICLE ARE SUBJECT TO INSPECTION BY THE DEPARTMENT OF PUBLIC SAFETY, PROVIDES THAT EVIDENCE INCLUDED IN A PERSON'S MOTOR VEHICLE RECORD THAT INDICATES THAT HE TESTED POSITIVE ON A DRUG OR ALCOHOL CONFIRMATION TEST, REFUSED TO SUBMIT TO A DRUG OR ALCOHOL CONFIRMATION TEST, OR SUBMITTED A DILUTED OR ADULTERATED SPECIMEN IS NOT ADMISSIBLE IN A JUDICIAL ACTION UNLESS PROBATIVE TO DEMONSTRATE THAT HE WAS UNDER THE INFLUENCE OF DRUGS OR ALCOHOL AT THE TIME OF AN ACCIDENT THAT IS THE SUBJECT OF THE ACTION, PROVIDES A PENALTY FOR THE FAILURE TO SUPPLY CERTAIN REPORTS TO THE DEPARTMENT OF MOTOR VEHICLES AND A PENALTY FOR AN EMPLOYER WHO EMPLOYS A PERSON IN A SAFETY SENSITIVE FUNCTION WHEN THE EMPLOYER KNOWS THE EMPLOYEE IS DISQUALIFIED FROM DRIVING A COMMERCIAL MOTOR VEHICLE, PROVIDES THAT THESE PENALTIES DO NOT APPLY TO THE STATE OR ITS POLITICAL SUBDIVISIONS, PROVIDES THAT A PERSON IS IMMUNE FROM LIABILITY FOR THE GOOD FAITH PERFORMANCE OF ANY DUTY IMPOSED BY THIS ARTICLE, AND PROVIDES THAT FINES COLLECTED PURSUANT TO THIS ARTICLE MUST BE CREDITED TO THE DEPARTMENT OF PUBLIC SAFETY'S TRANSPORT POLICE DIVISION; AND TO AMEND SECTION 56-1-2110, AS AMENDED, RELATING TO CERTAIN CONDUCT THAT DISQUALIFIES A PERSON FROM DRIVING A COMMERCIAL MOTOR VEHICLE, SO AS TO PROVIDE THAT A PERSON IS DISQUALIFIED FROM DRIVING A COMMERCIAL MOTOR VEHICLE IF THE DEPARTMENT OF MOTOR VEHICLES HAS RECEIVED A REPORT THAT SHOWS THE PERSON HAS RECEIVED A VERIFIED POSITIVE DRUG TEST, A POSITIVE ALCOHOL CONFIRMATION TEST, OR REFUSED TO TAKE A DRUG OR ALCOHOL TEST, AND TO PROVIDE FOR THE PERIOD OF DISQUALIFICATION FOR ENGAGING IN THIS CONDUCT. - ratified title

12/05/07	Senate	Prefiled
12/05/07	Senate	Referred to Committee on Transportation
01/08/08	Senate	Introduced and read first time SJ-43
01/08/08	Senate	Referred to Committee on Transportation SJ-43
04/08/08	Senate	Committee report: Favorable with amendment Transportation SJ-5
04/09/08		Scrivener's error corrected
04/15/08	Senate	Committee Amendment Adopted SJ-13
04/15/08	Senate	Read second time SJ-13
04/16/08	Senate	Read third time and sent to House SJ-11
04/16/08	House	Introduced and read first time HJ-8
04/16/08	House	Referred to Committee on Judiciary HJ-9
04/23/08	House	Recalled from Committee on Judiciary HJ-100
04/29/08	House	Debate adjourned until Tuesday, May 6, 2008 HJ-26
05/06/08	House	Amended HJ-38
05/06/08	House	Read second time HJ-42
05/07/08	House	Read third time and returned to Senate with amendments HJ-7
05/07/08		Scrivener's error corrected
05/08/08	Senate	Concurred in House amendment and enrolled SJ-13
05/15/08		Ratified R 272
05/21/08		Signed By Governor
06/02/08		Copies available

06/02/08  
06/04/08

**Effective date 05/21/08**  
**Act No. 232**