



LAWS OF ALASKA

1994

Source

CSHB 2(RLS) am S

Chapter No.

105

AN ACT

Requiring drug and alcohol tests for school bus drivers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 9, 1994
Actual Effective Date: September 7, 1994

AN ACT

1 Requiring drug and alcohol tests for school bus drivers.

2

3 * Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that

4 (1) over 40,000 Alaska children ride school buses every school day;

5 (2) road, weather, and driving conditions can be extremely hazardous;

6 (3) the state expects school bus drivers to operate their vehicles without drug

7 or alcohol-induced impairment of physical or mental condition;

8 (4) the federal Department of Transportation has adopted drug testing

9 regulations for operators of commercial vehicles, including interstate buses, in 53 FR 47002;

10 (5) Alaska has a compelling interest in the safety of its children riding school

11 buses.

12 (b) The purpose of this Act is to enact a drug and alcohol testing program for all

13 school bus drivers.

14 * Sec. 2. AS 14.09 is amended by adding a new section to read:

Chapter 105

1 Sec. 14.09.025. DRUG TESTING FOR SCHOOL BUS DRIVERS. (a) A
2 school district or regional educational attendance area that provides for the
3 transportation of pupils shall require that the drivers of motor vehicles used to transport
4 pupils submit to testing for the use of drugs and alcohol. The testing program must
5 include random testing. A driver who tests positive for the improper use of drugs or
6 alcohol may be disciplined, including termination from employment.

7 (b) For a driver who is not required to have a commercial driver's license, an
8 employer

9 (1) shall keep and maintain records of the testing for improper use of
10 drugs or alcohol on a confidential basis and may only release the results with the
11 written consent of the employee; and

12 (2) may not retain false positive test results in the employee's
13 employment records and may not release information about a false positive test without
14 the written consent of the employee.

15 (c) The department shall adopt regulations to implement this section. The
16 regulations must include a provision for a hearing before discipline is imposed.

17 (d) In this section, "improper use of drugs or alcohol" means use that
18 constitutes a criminal offense and use that violates regulations adopted by the
19 department under this section.