

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 319

S.P. 122

In Senate, January 14, 1999

**An Act to Require Commercial Vehicle Operators Involved in Fatal  
Motor Vehicle Accidents to Submit to Drug Testing.**

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Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator CASSIDY of Washington.  
Cosponsored by Representative WHEELER of Eliot and  
Representatives: LINDAHL of Northport, MARTIN of Eagle Lake.

Be it enacted by the People of the State of Maine as follows:

2  
3           Sec. 1. 29-A MRSA §2529 is enacted to read:

4           **§2529. Commercial vehicle accidents**

6           **1. Implied consent.** A person who holds a commercial  
8 driver's license has consented to the testing required by this  
10 section. Consent is implied by operating a commercial motor  
vehicle.

12           **2. Requirement.** In addition to any other chemical test  
14 required by this subchapter, if there is probable cause to  
16 believe that death has occurred or will occur as a result of a  
motor vehicle accident, the operator of a commercial motor  
18 vehicle involved in the accident shall provide a urine sample to  
be tested for the use of drugs as soon as possible after the  
accident.

20           **3. Operator seriously injured.** A commercial motor vehicle  
22 operator who is seriously injured and can not provide a specimen  
at the time of the accident shall provide the necessary  
24 authorization for obtaining hospital reports and other documents  
that would indicate whether there were drugs in the operator's  
system.

26           **4. Drug testing.** The urine sample may be tested for drugs,  
28 including, but not limited to, marijuana, opiates, cocaine,  
amphetamines and phencyclidine by the Health and Environmental  
30 Testing Laboratory. The cost of testing must be paid by the  
Highway Fund.

32           **5. Sample collection and testing procedure.** The rules  
34 adopted pursuant to section 2527 apply to samples collected  
pursuant to this section.

36           **6. Refusal to submit to test.** A commercial vehicle  
38 operator refuses to submit to a drug test as required by this  
section if the operator fails to provide adequate urine for drug  
40 testing without a valid medical explanation after the operator  
has received notice of the urine testing requirement from a law  
42 enforcement officer, engages in conduct that clearly obstructs  
the testing process or fails or refuses to provide the  
44 authorization required by subsection 3.

46           **7. Suspension for refusal to submit to test.** The Secretary  
of State shall suspend for a period of one year the license of a  
48 person who fails to submit to a test under this section.

50           **8. Scope of hearing.** The scope of any hearing the  
Secretary of State holds pursuant to section 2483 must include

2 whether there was probable cause to believe that the person was  
3 the operator of a commercial motor vehicle involved in a motor  
4 vehicle accident in which a death occurred or will occur and  
5 whether the person failed to submit to a test.

6 9. Test results. The law enforcement officer responsible  
7 for investigating the commercial motor vehicle accident shall  
8 forward the results of the drug test to the Bureau of State  
9 Police Commercial Vehicle Enforcement Unit. The Commercial  
10 Vehicle Enforcement Unit may provide a copy of the results to the  
11 United States Department of Transportation, Federal Highway  
12 Administration, Office of Motor Carriers.

### 14 SUMMARY

16 The bill requires drug testing of commercial vehicle  
17 operators involved in fatal or potentially fatal motor vehicle  
18 accidents.