HOUSE . . . . . No. 3962

By Ms. Gobi of Spencer, a petition (subject to Joint Rule 12) of Anne M. Gobi and others for legislation to require drivers employed by companies transporting students to submit to alcohol and drug testing. Transportation.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the operating of student pupil transportation.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 8A ½ , of Chapter 90 of the general laws, as appearing in the 2008 Official Edition, is hereby amended by adding after line 31 the following paragraph:

Upon application to obtain or retain a school pupil transport certificate , consent is implied for pre-employment, random, reasonable suspicion, and post-accident drug and alcohol testing to be administered by a licensed drug and alcohol testing facility. All drivers who transport pupils, including but not limited to, drivers who transport pupils to and from school, and to and from school sanctioned extracurricular events, in any type of school pupil transport vehicle, whether transport is on behalf of public or private schools, or registered day care centers, shall first submit to an initial drug and alcohol test, and thereafter, participate in an ongoing drug and alcohol testing program which shall be provided and managed by their school transportation contractor/employer. Said drug and alcohol testing program shall be in compliance with all aspects of the Commercial Driver's License (CDL) and the United States Department of Transportation (USDOT) regulations. It is mandated that the contractor/employer maintain such documentation and evidence of satisfaction of the drug and alcohol testing program as may be required, and which shall be available for inspection, by the Registrar of Motor Vehicles.