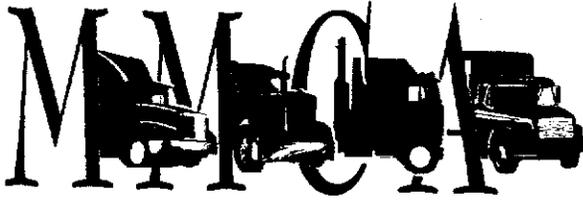


EXHIBIT 1
DATE 1-28-05
HB 393



MONTANA MOTOR CARRIERS ASSOCIATION

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January 28 2004

Testimony HB 393

Mr. Chairman, members of the House Transportation Committee, for the record I am Spook Stang Executive Vice President of the Montana Motor Carriers Association. The MMCA and its 800 members statewide would like to go on record in support of HB 393.

HB 393 is patterned after a similar law that was passed in the state of Washington last session. HB 393 is in response to a problem in the trucking industry that the MMCA would like to see rectified.

MMCA members try to follow all of the regulations set forth by the Federal Motor Carrier Safety Administration (FMCSA) in regards to part 40 that deals with drug testing. Our members do not want to hire or for that matter share the road with other drivers who may be under the influence of drugs or alcohol.

FMCSA regulations require that all interstate motor carriers set up and maintain a drug-testing program. Drivers are not only tested before they are allowed to drive, but they are also randomly tested throughout the year no matter where they may be in the country. If a Montana driver happens to be in Florida, he must seek out a qualified testing facility within the prescribed time and submit to a random test. According to FMCSA figures Montana drivers test positive less often than most other states.

When hiring a driver that has worked for a previous employer a company must ask them if they have a qualifying drug testing program and if this driver has ever tested positive for a controlled substance. Federal law requires that you ask these questions and requires the other company to provide answers.

The problem comes when the driver forgets to tell you that he worked for a company and may have tested positive. He may have worked for Company A for 6 months and had a positive drug test. Usually drivers are dismissed for violation of the company's substance abuse policy and cannot be rehired by another company until they have completed a qualified drug and alcohol program. In rare occasions the driver may go to Company B and apply for a job and conveniently forget to tell Company B that he had worked for Company A. This is where the problem is. Carriers have no way to know that the driver worked for a previous company and was discharged for testing positive unless there is a record of it somewhere. Usually Company B does not find out until that driver has had an accident and tests positive again. It is then that some enterprising lawyer and private investigator will find out that he tested positive for Company A. By then it is too late as someone may have been injured or Company B will then be the one sued for bad hiring practices.

We hope that HB 493 will accomplish two goals. First and foremost we want to make sure that we do not have unsafe and impaired drivers on our roadways and we would also like to reduce the exposure of Company B by providing a database of drivers who have failed drug tests and not done the required counseling to return to duty.

Mr. Chairman members of the committee we would hope that you would support HB 393.