

111TH CONGRESS
1ST SESSION

H. R. 4153

To amend title 23, United States Code, to establish national standards to prevent distracted driving, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 2009

Mr. PLATTS (for himself and Mrs. McCARTHY of New York) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, to establish national standards to prevent distracted driving, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. NATIONAL STANDARDS TO PREVENT DIS-**
4 **TRACTED DRIVING.**

5 (a) IN GENERAL.—Chapter 1 of title 23, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

1 **“§ 167. National standards to prevent distracted driv-**
2 **ing**

3 “(a) PENALTY.—On October 1, 2011, and October
4 1 of each fiscal year thereafter, if a State does not meet
5 the requirement of subsection (b), the Secretary shall
6 withhold from amounts apportioned to the State on that
7 date under each of sections 104(b)(1), 104(b)(3), and
8 104(b)(4) an amount equal to the amount specified in sub-
9 section (c).

10 “(b) REQUIREMENT.—

11 “(1) IN GENERAL.—A State meets the require-
12 ment of this subsection if the State has enacted and
13 is enforcing a law that prohibits a person from oper-
14 ating a motor vehicle in the State while the person
15 is using a wireless communications device to com-
16 pose, read, or send an electronic message, when the
17 vehicle is in motion or part of traffic.

18 “(2) EXCEPTIONS.—Paragraph (1) does not
19 apply if a wireless communications device is used—

20 “(A) solely in a voice-activated or other
21 hands-free mode;

22 “(B) for making a cellular phone call;

23 “(C) for obtaining emergency assistance
24 to—

25 “(i) report a traffic accident, medical
26 emergency, or serious traffic hazard; or

1 “(ii) prevent a crime about to be com-
2 mitted;

3 “(D) in the reasonable belief that a per-
4 son’s life or safety is in immediate danger;

5 “(E) in an authorized emergency vehicle
6 while in the performance of official duties;

7 “(F) when a motor vehicle is stopped and
8 the driver has the motor vehicle transmission in
9 neutral or park; and

10 “(G) in other circumstances, as identified
11 by the Secretary by regulation, in which use of
12 a wireless communications device does not ad-
13 versely affect safety.

14 “(c) AMOUNT TO BE WITHHELD.—If a State is sub-
15 ject to a penalty under subsection (a), the Secretary shall
16 withhold for a fiscal year from the apportionments of the
17 State described in subsection (a) an amount equal to a
18 percentage of the funds apportioned to the State under
19 each of sections 104(b)(1), 104(b)(3), and 104(b)(4) for
20 fiscal year 2009. The percentage shall be as follows:

21 “(1) For fiscal year 2012, 2 percent.

22 “(2) For fiscal year 2013, 4 percent.

23 “(3) For fiscal year 2014, 6 percent.

24 “(4) For fiscal year 2015, and each fiscal year
25 thereafter, 8 percent.

1 “(d) EFFECT OF COMPLIANCE AND NONCOMPLI-
2 ANCE.—If, within 4 years from the date that an apportion-
3 ment for a State is withheld in accordance with this sec-
4 tion, the Secretary determines that the State meets the
5 requirement of subsection (b), the apportionment of the
6 State shall be increased by an amount equal to the amount
7 withheld. If, at the end of such 4-year period, a State does
8 not meet the requirement of subsection (b) any amounts
9 so withheld from the State shall lapse.

10 “(e) DEFINITIONS.—In this section, the following
11 definitions apply:

12 “(1) ELECTRONIC MESSAGE.—

13 “(A) IN GENERAL.—The term ‘electronic
14 message’ means a self-contained piece of digital
15 communication that is designed or intended to
16 be transmitted between physical devices.

17 “(B) INCLUSIONS.—The term includes e-
18 mail, a text message, an instant message, a
19 command or request to access a World Wide
20 Web page, or other data that uses a commonly
21 recognized electronic communications protocol.
22 An electronic message does not include voice or
23 other data transmitted as a result of making a
24 phone call, or data transmitted automatically by

1 a wireless communications device without direct
2 initiation by a person.

3 “(2) WIRELESS COMMUNICATIONS DEVICE.—

4 “(A) IN GENERAL.—The term ‘wireless
5 communications device’ means—

6 “(i) a cellular phone; or

7 “(ii) a portable electronic device that
8 is capable of receiving and transmitting
9 data, including to text messages and e-
10 mail, without an access line for service.

11 “(B) EXCLUSION.—The term does not in-
12 clude a device that is permanently affixed to the
13 vehicle, including a global positioning system or
14 navigation system.”.

15 (b) CLERICAL AMENDMENT.—The analysis for such
16 chapter is amended by adding at the end the following:

“167. National standards to prevent distracted driving.”.

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