

113TH CONGRESS
1ST SESSION

S. 979

To amend chapter 1 of title 23, United States Code, to condition the receipt of certain highway funding by States on the enactment and enforcement by States of certain laws to prevent repeat intoxicated driving.

IN THE SENATE OF THE UNITED STATES

MAY 16, 2013

Mr. LAUTENBERG (for himself and Mr. UDALL of New Mexico) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend chapter 1 of title 23, United States Code, to condition the receipt of certain highway funding by States on the enactment and enforcement by States of certain laws to prevent repeat intoxicated driving.

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. SHORT TITLE.**

4 This Act may be cited as the “Drunk Driving Repeat
5 Offender Prevention Act of 2013”.

1 **SEC. 2. USE OF IGNITION INTERLOCK DEVICES TO PRE-**
 2 **VENT REPEAT INTOXICATED DRIVING.**

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

6 **“§ 171. Use of ignition interlock devices to prevent re-**
 7 **peat intoxicated driving**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ALCOHOL CONCENTRATION.—The term
 10 ‘alcohol concentration’ means grams of alcohol per
 11 100 milliliters of blood or grams of alcohol per 210
 12 liters of breath.

13 “(2) DRIVING WHILE INTOXICATED; DRIVING
 14 UNDER THE INFLUENCE.—The terms ‘driving while
 15 intoxicated’ and ‘driving under the influence’ mean
 16 driving or being in actual physical control of a motor
 17 vehicle in a State while having a blood alcohol con-
 18 centration that is greater than or equal to the lesser
 19 of—

20 “(A) the blood alcohol concentration limit
 21 of the State in which the individual is driving;
 22 and

23 “(B) 0.08 percent.

24 “(3) IGNITION INTERLOCK DEVICE.—The term
 25 ‘ignition interlock device’ means an in-vehicle device
 26 that—

1 “(A) requires a driver to provide a breath
2 sample prior to the motor vehicle starting; and

3 “(B) prevents a motor vehicle from start-
4 ing if the alcohol concentration of the driver is
5 above the legal limit.

6 “(4) MOTOR VEHICLE.—

7 “(A) IN GENERAL.—The term ‘motor vehi-
8 cle’ means a vehicle driven or drawn by me-
9 chanical power and manufactured primarily for
10 use on public highways.

11 “(B) EXCLUSIONS.—The term ‘motor vehi-
12 cle’ does not include—

13 “(i) a vehicle operated solely on a rail
14 line; or

15 “(ii) a commercial vehicle.

16 “(b) LAWS REQUIRING IGNITION INTERLOCK DE-
17 VICES.—A State meets the requirements of this subsection
18 if the State has enacted and is enforcing a law that re-
19 quires throughout the State the installation of an ignition
20 interlock device for a minimum of 180 days on each motor
21 vehicle operated by an individual who is convicted of driv-
22 ing while intoxicated or driving under the influence.

23 “(c) WITHHOLDING OF FUNDS FOR NONCOMPLI-
24 ANCE.—

1 “(1) FISCAL YEAR 2015.—On October 1, 2014,
2 the Secretary shall withhold 1 percent of the amount
3 required to be apportioned to a State under each of
4 paragraphs (1) and (2) of section 104(b) if the State
5 does not meet the requirements of subsection (b).

6 “(2) FISCAL YEAR 2016.—On October 1, 2015,
7 the Secretary shall withhold 3 percent of the amount
8 required to be apportioned to a State under each of
9 paragraphs (1) and (2) of section 104(b) if the State
10 does not meet the requirements of subsection (b).

11 “(3) FISCAL YEAR 2017 AND THEREAFTER.—On
12 October 1, 2016, and on October 1 of each fiscal
13 year thereafter, the Secretary shall withhold 5 per-
14 cent of the amount required to be apportioned to a
15 State under each of paragraphs (1) and (2) of sec-
16 tion 104(b) if the State does not meet the require-
17 ments of subsection (b).

18 “(d) PERIOD OF AVAILABILITY OF WITHHELD
19 FUNDS; EFFECT OF COMPLIANCE AND NONCOMPLI-
20 ANCE.—

21 “(1) PERIOD OF AVAILABILITY OF WITHHELD
22 FUNDS.—Any funds withheld under subsection (c)
23 from apportionment to a State shall remain available
24 for apportionment to the State until the end of the

1 third fiscal year following the fiscal year for which
2 the funds are authorized to be appropriated.

3 “(2) APPORTIONMENT OF WITHHELD FUNDS
4 AFTER COMPLIANCE.—If, before the last day of the
5 period for which funds withheld under subsection (c)
6 from apportionment are to remain available for ap-
7 portionment to a State under paragraph (1), the
8 State meets the requirements of subsection (b), the
9 Secretary shall, on the first day on which the State
10 meets the requirements of subsection (b), apportion
11 to the State the funds withheld under subsection (c)
12 that remain available for apportionment to the
13 State.

14 “(3) PERIOD OF AVAILABILITY OF SUBSE-
15 QUENTLY APPORTIONED FUNDS.—Any funds appor-
16 tioned pursuant to paragraph (2)—

17 “(A) shall remain available for expenditure
18 until the end of the third fiscal year following
19 the fiscal year in which the funds are so appor-
20 tioned; and

21 “(B) if not apportioned at the end of that
22 period, shall lapse.

23 “(4) EFFECT OF NONCOMPLIANCE.—If, at the
24 end of the period for which funds withheld under
25 subsection (c) from apportionment are available for

1 apportionment to a State under paragraph (1), the
2 State does not meet the requirements of subsection
3 (b), the funds shall lapse.”.

4 (b) CONFORMING AMENDMENT.—The analysis for
5 chapter 1 of title 23, United States Code, is amended by
6 adding at the end the following:

“171. Use of ignition interlock devices to prevent repeat intoxicated driving.”.

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