To amend titles 23 and 49, United States Code, to reduce injuries and deaths caused by cell phone use and texting while driving, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2011

Mr. ENGEL introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

To amend titles 23 and 49, United States Code, to reduce injuries and deaths caused by cell phone use and texting while driving, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Distracted Driving Prevention Act of 2011”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Distracted driving prevention incentive grants.
Sec. 3. Distracted driving national education program.
Sec. 4. Research and data collection.
Sec. 5. Research program.
Sec. 6. FCC report on distracted driving technology.
Sec. 7. Provision of information to States.
Sec. 8. Commercial motor vehicles and school buses.
Sec. 9. Funding.

1 SEC. 2. DISTRACTED DRIVING PREVENTION INCENTIVE
2 GRANTS.
3 (a) IN GENERAL.—Chapter 4 of title 23, United
4 States Code, is amended by adding at the end the fol-
5 lowing:
6 "§ 413. Distracted driving prevention incentive
7 grants
8 "(a) IN GENERAL.—Subject to the amounts made
9 available to carry out this section, the Secretary shall
10 make a grant under this section each fiscal year to each
11 State that enacts and implements a law that meets the
12 requirements of subsections (b) and (c).
13 "(b) PROHIBITION ON TEXTING WHILE DRIVING.—
14 A State law meets the requirements of this subsection if
15 the law—
16 "(1) prohibits the use of a personal wireless
17 communications device by a driver for texting while
18 driving;
19 "(2) makes violation of the law a primary of-
20 fense;
21 "(3) establishes—
“(A) a minimum fine for a first violation of the law; and

“(B) increased fines for repeat violations;

and

“(4) provides increased civil and criminal penalties, as compared to those that would otherwise apply, if a vehicle accident is caused by a driver who is using such a device in violation of the law.

“(e) Prohibition on Handheld Cell Phone Use While Driving.—A State law meets the requirements of this subsection if the law—

“(1) prohibits a driver from holding a personal wireless communications device to conduct a telephone call while driving;

“(2) allows the use of a hands-free device by a driver, other than a driver who has not attained the age of 18 years, for initiating, conducting, or receiving a telephone call;

“(3) makes violation of the law a primary offense;

“(4) requires distracted driving issues to be tested as part of the driver’s license examination of the State;

“(5) establishes—
“(A) a minimum fine for a first violation of the law; and

“(B) increased fines for repeat violations; and

“(6) provides increased civil and criminal penalties, as compared to those that would otherwise apply, if a vehicle accident is caused by a driver who is using a personal wireless communications device in violation of the law.

“(d) PERMITTED EXCEPTIONS.—A State law meets the requirements of subsections (b) and (c) without regard to whether the law provides exceptions for—

“(1) use of a personal wireless communications device by a driver to contact emergency services;

“(2) manipulation of a personal wireless communications device by a driver to activate, deactivate, or initialize the hands-free functionality of the device;

“(3) use of a personal wireless communications device by emergency services personnel while operating an emergency services vehicle and engaged in the performance of the duties of emergency services personnel; and

“(4) use of a device by an individual employed as a commercial motor vehicle driver or a school bus
driver within the scope of such individual’s employ-
ment, if such use is permitted under the regulations
issued pursuant to section 31152 of title 49.

“(e) Grant Year.—The Secretary shall make a
grant under this section to a State in each year in which
the State—

“(1) enacts a law that meets the requirements
of subsections (b) and (c) before July 1 of that year;
or

“(2) maintains a law that—

“(A) meets the requirements of subsections
(b) and (c);

“(B) was enacted prior to that year; and

“(C) is in effect at least from January 1
through June 30 of that year.

“(f) Disbursement and Apportionment.—Grants
to States under this section shall be disbursed after July
1 each year according to the apportionment criteria under
section 402(c).

“(g) Use of Grant Funds.—A State that receives
a grant under this section—

“(1) shall use at least 50 percent of the grant
amount—

“(A) to educate the public regarding and
advertise information on the dangers of a driver
using a personal wireless communications device for texting or conducting a telephone call that requires holding the device while driving;

“(B) for signs that notify drivers about the law of the State that made the State eligible for the grant;

“(C) for law enforcement of that law; or

“(D) for a combination of such uses; and

“(2) may use up to 50 percent of the grant amount for other projects that improve traffic safety and that are consistent with the programs specified in section 402(a).

“(h) DEFINITIONS.—In this section, the following definitions apply:

“(1) DRIVING.—The term ‘driving’ means operating a motor vehicle on a public road, including operation while temporarily stationary because of traffic, a traffic light, a stop sign, or another reason. The term does not include operating a motor vehicle when the vehicle has pulled over to the side of, or off, an active roadway and has stopped in a location where it can safely remain stationary.

“(2) HANDS-FREE DEVICE.—The term ‘hands-free device’ means a device that allows a driver to use a personal wireless communications device to ini-
tiate, conduct, or receive a telephone call without holding the personal wireless communications device.

“(3) Personal wireless communications device.—The term ‘personal wireless communications device’ means a device through which personal wireless services (as defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted. The term does not include a global navigation satellite system receiver used for positioning, emergency notification, or navigation purposes.

“(4) Primary offense.—The term ‘primary offense’ means an offense for which a law enforcement officer may stop a vehicle solely for the purpose of issuing a citation in the absence of evidence of another offense.

“(5) Public road.—The term ‘public road’ has the meaning given that term in section 402(c).

“(6) Texting.—The term ‘texting’ means reading from or manually entering data into a personal wireless communications device, including doing so for the purpose of SMS texting, e-mailing, instant messaging, or engaging in any other form of electronic data retrieval or electronic data communication.”.
(b) CONFORMING AMENDMENT.—The analysis for chapter 4 of title 23, United States Code, is amended by adding at the end the following:

“413. Distracted driving prevention incentive grants.”.

SEC. 3. DISTRACTED DRIVING NATIONAL EDUCATION PROGRAM.

(a) IN GENERAL.—The Administrator of the National Highway Traffic Safety Administration shall establish and administer a program under which at least 2 high-visibility education and advertising campaigns related to distracted driving will be carried out for the purpose specified in subsection (b) during fiscal years 2012 and 2013.

(b) PURPOSE.—The purpose of an education and advertising campaign under this section shall be to educate the public about the risks associated with distracted driving, including those associated with—

(1) a driver using a personal wireless communications device for texting while driving; and

(2) a driver holding a personal wireless communications device to conduct a telephone call while driving.

(c) USE OF FUNDS.—The Administrator may use, or authorize the use of, funds made available to carry out this section to pay for the development, production, publication, and broadcast of electronic and print media adver-
tising. In carrying out campaigns under this section, the Administrator—

(1) shall give consideration to advertising directed at non-English speaking populations, including those who listen to, read, or watch nontraditional media; and

(2) may use a portion of the funds available to target advertising in local jurisdictions that have enacted laws prohibiting the use of personal wireless communications devices for texting or conducting a telephone call that requires holding the device while driving.

(d) COORDINATION WITH STATES.—The Administrator may coordinate with States to carry out the education and advertising campaigns under this section in a manner that coincides with high-visibility enforcement of State laws prohibiting the use of personal wireless communications devices for texting or conducting a telephone call that requires holding the device while driving.

(e) ANNUAL EVALUATION.—The Administrator shall conduct an annual evaluation of the effectiveness of the education and advertising campaigns under this section and report the results of such evaluations to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the
 House of Representatives, and the Committee on Trans-
portation and Infrastructure of the House of Representa-
tives.

(f) DEFINITIONS.—The definitions in section 413(h)
of title 23, United States Code, apply to this section.

SEC. 4. RESEARCH AND DATA COLLECTION.

(a) In general.—Section 408(e)(2) of title 23,
United States Code, is amended to read as follows:

“(2) DATA ON USE OF ELECTRONIC DEVICES.—

“(A) IN GENERAL.—The model data ele-
ments required under paragraph (1) shall in-
clude data elements, as determined appropriate
by the Secretary, in consultation with the
States and appropriate elements of the law en-
forcement community, on the impact on traffic
safety of the use of electronic devices while driv-
ing.

“(B) REQUIREMENTS.—In order to meet
the requirements of subparagraph (A), State
and local governments shall—

“(i) require that official vehicle acci-
dent investigation reports include a des-
ignated space to record information on
whether or not a personal wireless commu-
ications device (as defined in section
413(h)(3)) was in use at the time of an accident by any driver involved in the accident;

“(ii) require that all law enforcement officers, as part of a vehicle accident investigation, inquire about and record the information described in clause (i); and

“(iii) incorporate the information described in clause (i) into the traffic safety information system.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to grants under section 408 of title 23, United States Code, for fiscal years beginning after fiscal year 2011.

SEC. 5. RESEARCH PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall establish a research program to study distracted driving by passenger and commercial vehicle drivers.

(b) SCOPE.—The program shall include studies of—

(1) driver behavior;

(2) vehicle technology; and
(3) portable electronic devices that are commonly brought into passenger or commercial vehicles.

(c) RESEARCH AGREEMENTS.—

(1) IN GENERAL.—In carrying out this section the Secretary may grant research contracts to non-governmental entities to study distracted driving.

(2) LIMITATIONS.—The Secretary may not grant a research contract under this section to any person that produces or sells—

(A) electronic equipment that is used in vehicles;

(B) portable electronic equipment commonly brought into passenger or commercial vehicles; or

(C) passenger or commercial vehicles.

(d) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the research program under this section.
SEC. 6. FCC REPORT ON DISTRACTED DRIVING TECHNOLOGY.

Not later than 180 days after the date of enactment of this Act, the Federal Communications Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that identifies—

(1) data the Commission can collect and analyze that will assist in understanding and reducing the problem of distracted driving involving the use of personal wireless communications devices;

(2) existing and developing wireless communications technology that may be used to reduce problems associated with distracted driving; and

(3) existing authority that the Commission may use to assist in reducing those problems.

SEC. 7. PROVISION OF INFORMATION TO STATES.

Section 30105 of title 49, United States Code, is amended by adding at the end the following:

“(c) EXCEPTION.—Subsection (a) shall not apply to the provision of Government-sponsored research and highway safety data or technical assistance relating to a legislative proposal addressing the dangers or potential dangers of—
“(1) a driver using a personal wireless communications device (as defined in section 413(h)(3) of title 23) for texting while driving; or

“(2) a driver holding a personal wireless communications device (as defined in section 413(h)(3) of title 23) to conduct a telephone call while driving.”.

SEC. 8. COMMERCIAL MOTOR VEHICLES AND SCHOOL BUSES.

(a) IN GENERAL.—Subchapter III of chapter 311 of title 49, United States Code, is amended by adding at the end the following:

“§ 31152. Regulation of the use of distracting devices in commercial motor vehicles and school buses

“(a) IN GENERAL.—Not later than one year after the date of enactment of the Distracted Driving Prevention Act of 2011, the Secretary of Transportation shall issue regulations on the use of electronic or wireless devices, including cell phones and other distracting devices, by an individual employed as the operator of—

“(1) a commercial motor vehicle (as defined in section 31301(4)) while that individual is engaged in the performance of such individual’s duties as the operator of the commercial motor vehicle; or
“(2) a school bus (as defined in section 30125(a)(1)) that is a commercial motor vehicle (as defined in section 31301(4)) while that individual is engaged in the performance of such individual’s duties as the operator of the school bus.

“(b) BASIS FOR REGULATIONS.—The Secretary shall base the regulations required under subsection (a) on accident data analysis, the results of ongoing research, and other information, as appropriate.

“(c) PROHIBITED USE.—The Secretary shall prohibit the use of the devices described in subsection (a) in circumstances in which the Secretary determines that such use interferes with a driver’s safe operation of a school bus or commercial motor vehicle.

“(d) PERMITTED USE.—Under the regulations, the Secretary may permit the use of a device, the use of which is prohibited under subsection (c), if the Secretary determines that such use is necessary for the safety of the driver or the public in emergency circumstances.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 311 of title 49, United States Code, is amended by inserting after the item relating to section 31151 the following:

“31152. Regulation of the use of distracting devices in commercial motor vehicles and school buses.”.
SEC. 9. FUNDING.

Section 2001(a) of SAFETEA-LU is amended—

(1) in paragraph (4)—

(A) by striking “and $124,500,000” and inserting “$124,500,000”; and

(B) by striking “2011.” and inserting “2011, $94,500,000 for fiscal year 2012, and $94,500,000 for fiscal year 2013. If any amount of the funds authorized by this paragraph has not been allocated to States meeting the criteria of section 406 of title 23, United States Code, by July 1 of a fiscal year beginning after fiscal year 2011, the unallocated amount shall be allocated to States through grants under section 413 of that title.”; and

(2) by redesignating paragraph (11) as paragraph (12) and inserting after paragraph (10) the following:

“(11) DISTRACTED DRIVING PROGRAM.—For carrying out section 3 of the Distracted Driving Prevention Act of 2011 $30,000,000 for each of fiscal years 2012 and 2013.”.