To enhance safety of individuals by banning the use of hand-held mobile devices while driving, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES
JUNE 23, 2011
Mrs. McCarthy of New York introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL
To enhance safety of individuals by banning the use of hand-held mobile devices 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.
This Act may be cited as the “Safe Drivers Act of 2011”.

SECTION 2. FINDINGS.
Congress finds that—
(1) hand-held personal wireless devices are not only instrumentalities and channels of interstate commerce, but products of interstate commerce;
(2) for those reasons, regulation of the use of hand-held mobile telephones and personal wireless devices is covered by the power of Congress to regulate interstate commerce as enumerated in article I, section 8 of the Constitution;

(3) additionally, the Supreme Court held in South Dakota v. Dole, 483 U.S. 203 (June 23, 1987), that Congress may condition Federal highway funding on State compliance with certain conditions;

(4) according to a National Highway Traffic Safety Administration (NHTSA) driver distraction may be grouped into manual, visual, and cognitive distractions;

(5) according to Cisco Systems Inc., North American mobile broadband traffic will grow fifty times between 2009–2014;

(6) and according to CTIA, the main factors driving the rise in the use of mobile traffic include the increasing availability and capabilities of smartphones, and new form factors (such as tablets), for consumers;

(7) as of the date of enactment of this Act, only 8 States and the District of Columbia ban mobile device use for all drivers;
(8) the Secretary of Transportation, Ray LaHood, has recognized the significance of increased driver distraction as a result of wireless devices by launching an aggressive educational campaign, issuing Department regulations, and consecutive “Distracted Driving Summits” with affected industries;

(9) it is necessary, therefore, for Congress to act to protect the safety of all people in the United States on highways, roads, and railways in the United States; and

(10) Federal legislation to address the problem of distracted driving is necessary to ensure that national minimum standards of protection exist uniformly.

SEC. 3. REPORT ON DISTRACT DRIVING.

(a) In general.—The Secretary of Transportation shall conduct a comprehensive study on distracted driving, including cognitive distraction when driving. The study should also include driver distraction impacts on young, inexperienced drivers and build upon past reports and findings that the Department has conducted.

(b) Report Findings.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a report regarding the findings of the study under
subsection (a) to the appropriate committees of Congress, including any recommendations to revise the requirement for minimum penalties under section 167(b)(2) of title 23, United States Code.

SEC. 4. OPERATION OF MOTOR VEHICLES WHILE USING A HAND-HELD MOBILE DEVICE.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

“SEC. 167. OPERATION OF MOTOR VEHICLES USING A HAND-HELD MOBILE DEVICE.

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

“(1) HAND-HELD MOBILE DEVICE.—

“(A) IN GENERAL.—The term ‘hand-held mobile device’ means a mobile telephone or other personal wireless communication device that is meant for use with at least 1 hand.

“(B) EXCLUSIONS.—The term ‘hand-held mobile device’ does not include—

“(i) a voice-operated, vehicle-integrated, or any device that requires the use of either hand to activate or deactivate a feature or function, or use in a hands-free manner; or
“(ii) a global positioning system, not integrated in a motor vehicle, that is voice-activated or used to view directions, except that if the system requires instructions to be inputted manually by hand, the motor vehicle must not be moving or idling.

“(2) MOTOR VEHICLE.—The term ‘motor vehicle’ means—

“(A) a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways; and

“(B) a railcar or other component of a fixed guideway system that is not subject to regulation by the Federal Railroad Administration.

“(b) REQUIREMENTS AND WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

“(1) IN GENERAL.—On October 1 of the second fiscal year beginning after the date of promulgation of the regulations under subsection (d), and annually thereafter, the Secretary shall withhold 25 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) for the fiscal year if the Secretary determines that the State does not meet the require-
ment under paragraph (2) of this subsection as of
that date.

“(2) REQUIREMENT.—A State shall meet the
requirement under this paragraph if the State has
enacted and is enforcing a law that—

“(A) except in the event of an emergency,
prohibits an operator, on a public road, of a
moving or idling motor vehicle from using a
hand-held mobile device; and

“(B) requires, upon conviction of a viola-
tion of such State law, the imposition of pen-
alties in accordance with the requirements for
minimum penalties described in the regulations
issued under subsection (d).

“(c) RECOVERY OF FUNDS WITHHELD.—All funds
withdrawn under this section from apportionment to a State
for 1 or more fiscal years shall be available for apportion-
ment to the State immediately upon a determination by
the Secretary that the State meets the requirement under
paragraph (2).

“(d) REGULATIONS.—Not later than 180 days after
the date of enactment of this section, the Secretary shall
issue regulations to carry out this section, including re-
quirements for minimum penalties for violations of the
prohibition under subsection (b)(2) (A) and (B) that—
“(1) specify a minimum penalty for a first offense; and

“(2) stipulate that penalties shall be graduated for repeat offenses.”.

(b) TECHNICAL AMENDMENT.—The analysis of chapter 1 of title such title is amended by adding after section 166 the following:

“167. Operation of motor vehicles using a hand-held mobile device.”.