To amend title 23, 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

APRIL 23, 2013

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 title 23, 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 2013”.

(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.
SEC. 2. DISTRACTED DRIVING PREVENTION.

(a) In general.—Chapter 4 of title 23, United States Code, is amended by adding at the end the following:

“§ 413. Distracted driving prevention

“(a) Withholding of funds for states without distracted driving laws.—

“(1) Fiscal year 2016.—On October 1, 2015, the Secretary shall withhold 1 percent of the amount required to be apportioned to a State under each of paragraphs (1) and (2) of section 104(b) for fiscal year 2016 if the State has not enacted or is not enforcing a law that meets the requirements of subsections (b) and (c).

“(2) Fiscal year 2017.—On October 1, 2016, the Secretary shall withhold 3 percent of the amount required to be apportioned to a State under each of paragraphs (1) and (2) of section 104(b) for fiscal year 2017 if the State has not enacted or is not enforcing a law that meets the requirements of subsections (b) and (c).

“(3) Fiscal year 2018 and thereafter.—On October 1, 2017, and on October 1 of each fiscal year thereafter, the Secretary shall withhold 5 per-
cent of the amount required to be apportioned to a
State under each of paragraphs (1) and (2) of sec-
tion 104(b) for the applicable fiscal year if the State
has not enacted or is not enforcing a law that meets
the requirements of subsections (b) and (c).

“(b) PROHIBITION ON TEXTING WHILE DRIVING.—
A State law meets the requirements of this subsection if
the law—

“(1) prohibits the use of a personal wireless
communications device by a driver for texting while
driving;

“(2) makes violation of the law a primary of-
fense;

“(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 pen-
alties, 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.

“(c) 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 tele-
phone 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 of-
fense;
“(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 com-
munications device by a driver to activate, deacti-
vate, or initialize the hands-free functionality of the
device; and
“(3) use of a personal wireless communications
device by emergency services personnel while oper-
ating an emergency services vehicle and engaged in
the performance of the duties of emergency services
personnel.
“(e) Period of Availability of Withheld
Funds; Effect of Compliance and Noncompli-
ance.—
“(1) Period of Availability of Withheld
Funds.—Any funds withheld under subsection (a)
from apportionment to a State shall remain available
for apportionment to the State until the end of the
third fiscal year following the fiscal year for which
the funds are authorized to be appropriated.
“(2) Apportionment of Withheld Funds
AFTER COMPLIANCE.—If, before the last day of the
period for which funds withheld under subsection (a)
from apportionment are to remain available for ap-
portionment to a State under paragraph (1), the
State enacts and begins enforcement of a law that meets the requirements of subsections (b) and (c), the Secretary shall, on the first day on which the State has enacted and begins enforcement of such a law, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

“(3) Period of availability of subsequently apportioned funds.—Any funds apportioned pursuant to paragraph (2)—

“(A) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned; and

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

“(4) Effect of noncompliance.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State has not enacted or has not begun enforcement of a law that meets the requirements of subsections (b) and (c), the funds shall lapse.

“(f) 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 initiate, 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(e)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(e)(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 pur-
pose 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 per-
sonal 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 commu-
nication.”.

(b) Clerical amendment.—The analysis for chap-
ter 4 of title 23, United States Code, is amended by add-
ing at the end the following:

“413. Distracted driving prevention.”.

SEC. 3. RESEARCH PROGRAM.

(a) In general.—Not later than 180 days after the
date of enactment of this Act, the Secretary of Transpor-
tation shall establish a research program to study dis-
tracted driving by passenger and commercial vehicle driv-
ers.

(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.

(e) Research Agreements.—

(1) In general.—In carrying out this section the Secretary may grant research contracts to nongovernmental 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 1 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. 4. 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.