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§ 1200.24 23 CFR Ch. II (4–1–14 Edition)

(a) Purpose. This section establishes criteria, in accordance with 23 U.S.C. 405(e), for awarding grants to States that enact and enforce laws prohibiting distracted driving, beginning with fiscal year 2014 grants.

(b) Definitions. As used in this section—

Driving means operating a motor vehicle on a public road, including operation while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise, but 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.

Texting means reading from or manually entering data into a personal wireless communications device, including doing so for the purpose of SMS texting, emailing, instant messaging, or engaging in any other form of electronic data retrieval or electronic data communication.

(c) Qualification criteria. To qualify for a distracted driving grant in a fiscal year, a State shall submit the assurances in Part 4 of Appendix D, signed by the Governor’s Representative for Highway Safety, providing legal citations to the State statute or statutes demonstrating compliance with the following requirements:

(1) Prohibition on texting while driving. The statute shall—
(i) Prohibit drivers from texting through a personal wireless communications device while driving;
(ii) Make a violation of the law a primary offense; and
(iii) Establish—
(A) A minimum fine of $25 for a first violation of the law; and
(B) Increased fines for repeat violations within five years of the previous violation.

(2) Prohibition on youth cell phone use while driving. The statute shall—
(i) Prohibit a driver who is younger than 18 years of age from using a personal wireless communications device while driving;
(ii) Make a violation of the law a primary offense;
(iii) Require distracted driving issues to be tested as part of the State’s driver’s license examination; and
(iv) Establish—
(A) A minimum fine of $25 for a first violation of the law; and
(B) Increased fines for repeat violations within five years of the previous violation.

(3) Permitted exceptions. A State statute providing for the following exceptions, and no others, shall not be deemed out of compliance with the requirements of this section:
(i) A driver who uses a personal wireless communications device to contact emergency services;
(ii) Emergency services personnel who use a personal wireless communications device while operating an emergency services vehicle and engaged in the performance of their duties as emergency services personnel; and
(iii) An individual employed as a commercial motor vehicle driver or a school bus driver who uses a personal wireless communications device within the scope of such individual’s employment; if such use is permitted under the regulations promulgated pursuant to 49 U.S.C. 31136.

(d) Use of grant funds. (1) At least 50 percent of the grant funds awarded under this section shall be used to educate the public through advertising containing information about the dangers of texting or using a cell phone.
NHTSA and FHWA, DOT

§ 1200.25 Motorcyclist safety grants.

(a) Purpose. This section establishes criteria, in accordance with 23 U.S.C. 405(b), for awarding grants to States that adopt and implement effective programs to reduce the number of single-vehicle and multiple-vehicle crash-es involving motorcyclists.

(b) Definitions. As used in this section—

Impaired means alcohol-impaired or drug-impaired as defined by State law, provided that the State’s legal alcohol-impairment level does not exceed .08 BAC.

Motorcycle means a motor vehicle with motive power having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground.

Motorcyclist awareness means individual or collective awareness of the presence of motorcycles on or near roadways and of safe driving practices that avoid injury to motorcyclists.

Motorcyclist awareness program means an informational or public awareness or education program designed to enhance motorcyclist awareness that is developed by or in coordination with the designated State authority having jurisdiction over motorcyclist safety issues, which may include the State motorcycle safety administrator or a motorcycle advisory council appointed by the Governor of the State.

Motorcyclist safety training or Motorcycle rider training means a formal program of instruction that is approved for use in a State by the designated State authority having jurisdiction over motorcyclist safety issues, which may include the State motorcycle safety administrator or a motorcycle advisory council appointed by the governor of the State.

State means any of the 50 States, the District of Columbia, and Puerto Rico.

(c) Eligibility. The 50 States, the District of Columbia and Puerto Rico are eligible to apply for a motorcyclist safety grant.

(d) Qualification criteria. To qualify for a motorcyclist safety grant in a fiscal year, a State shall submit an executed Part 5 of Appendix D, signed by the Governor’s Representative for Highway Safety, and submit document-ation demonstrating compliance with at least two of the criteria in paragraphs (e) through (j) of this section.

(e) Motorcycle rider training course. (1) To satisfy this criterion, a State shall have an effective motorcycle rider training course that is offered throughout the State and that provides a formal program of instruction in accident avoidance and other safety-oriented operational skills to motorcyclists. The program shall—

(i) Use a training curriculum that—

(A) Is approved by the designated State authority having jurisdiction over motorcyclist safety issues;

(B) Includes a formal program of instruction in crash avoidance and other safety-oriented operational skills for both in-class and on-the-motorcycle training to motorcyclists; and

(C) May include innovative training opportunities to meet unique regional needs;

(ii) Offer at least one motorcycle rider training course either—

(A) In a majority of the State’s counties or political subdivisions; or

(B) In counties or political subdivi-sions that account for a majority of the State’s registered motorcycles;

(iii) Use motorcycle rider training in-structors to teach the curriculum who are certified by the designated State authority having jurisdiction over motorcyclist safety issues or by a nationally recognized motorcycle safety orga-nization with certification capability; and

(iv) Use quality control procedures to assess motorcycle rider training courses and instructor training courses conducted in the State.

(2) To demonstrate compliance with this criterion, the State shall submit—

(i) A copy of the official State documen-t (e.g., law, regulation, binding pol-icy directive, letter from the Governor)