

108TH CONGRESS  
1ST SESSION

# H. R. 2923

To amend title 23, United States Code, to require periodic testing of the competency of drivers over age 79, and for other purposes.

---

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2003

Mr. ACKERMAN introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

---

## A BILL

To amend title 23, United States Code, to require periodic testing of the competency of drivers over age 79, and for other purposes.

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. TESTING OF OLDER DRIVERS.**

4 (a) IN GENERAL.—Subchapter I of chapter 1 of title  
5 23, United States Code, is amended by adding at the end  
6 the following:

7 **“§ 165. Testing of older drivers**

8 “(a) WITHHOLDING OF APPORTIONMENTS FOR NON-  
9 COMPLIANCE.—

1           “(1) FISCAL YEAR 2006.—The Secretary shall  
2 withhold 5 percent of the amount required to be ap-  
3 portioned to any State under each of paragraphs  
4 (1), (3), and (4) of section 104(b) on October 1,  
5 2005, if the State does not meet the requirement of  
6 paragraph (3) on that date.

7           “(2) THEREAFTER.—The Secretary shall with-  
8 hold 10 percent of the amount required to be appor-  
9 tioned to any State under each of paragraphs (1),  
10 (3), and (4) of section 104(b) on October 1, 2006,  
11 and on October 1 of each fiscal year thereafter, if  
12 the State does not meet the requirement of para-  
13 graph (3) on that date.

14           “(3) MINIMUM REQUIREMENT.—A State meets  
15 the requirement of this paragraph if the State re-  
16 quires that any individual over age 79 successfully  
17 complete a test to determine the competency of the  
18 individual to operate a motor vehicle as a condition  
19 of issuing a driver’s license to the individual or re-  
20 newing the driver’s license of the individual.

21           “(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLI-  
22 ANCE AND NONCOMPLIANCE.—

23           “(1) PERIOD OF AVAILABILITY OF WITHHELD  
24 FUNDS.—

1           “(A) FUNDS WITHHELD ON OR BEFORE  
2           SEPTEMBER 30, 2007.—Any funds withheld  
3           under subsection (a) from apportionment to any  
4           State on or before September 30, 2007, shall  
5           remain available until the end of the third fiscal  
6           year following the fiscal year for which the  
7           funds are authorized to be appropriated.

8           “(B) FUNDS WITHHELD AFTER SEP-  
9           TEMBER 30, 2007.—No funds withheld under  
10          this section from apportionment to any State  
11          after September 30, 2007, shall be available for  
12          apportionment to the State.

13          “(2) APPORTIONMENT OF WITHHELD FUNDS  
14          AFTER COMPLIANCE.—If, before the last day of the  
15          period for which funds withheld under subsection (a)  
16          from apportionment are to remain available for ap-  
17          portionment to a State under paragraph (1), the  
18          State meets the requirement of subsection (a)(3),  
19          the Secretary shall, on the first day on which the  
20          State meets the requirement, apportion to the State  
21          the funds withheld under subsection (a) that remain  
22          available for apportionment to the State.

23          “(3) PERIOD OF AVAILABILITY OF SUBSE-  
24          QUENTLY APPORTIONED FUNDS.—Any funds appor-  
25          tioned pursuant to paragraph (2) shall remain avail-

1       able for expenditure until the end of the third fiscal  
2       year following the fiscal year in which the funds are  
3       so apportioned. Sums not obligated at the end of  
4       that period shall lapse.

5               “(4) EFFECT OF NONCOMPLIANCE.—If, at the  
6       end of the period for which funds withheld under  
7       subsection (a) from apportionment are available for  
8       apportionment to a State under paragraph (1), the  
9       State does not meet the requirement of subsection  
10      (a)(3), the funds shall lapse.”.

11      (b) CONFORMING AMENDMENT.—The analysis for  
12      chapter 1 of title 23, United States Code, is amended by  
13      inserting after the item relating to section 164 the fol-  
14      lowing:

“165. Testing of older drivers.”.

○