

111TH CONGRESS
1ST SESSION

S. 2745

To prohibit the use of personal wireless communications devices and laptop computers by the flight crew of commercial aircraft on the flight deck of such aircraft during aircraft operations.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 2009

Mr. DORGAN (for himself, Ms. KLOBUCHAR, Mr. ROCKEFELLER, Mr. LAUTENBERG, and Mr. FRANKEN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To prohibit the use of personal wireless communications devices and laptop computers by the flight crew of commercial aircraft on the flight deck of such aircraft during aircraft operations.

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. SHORT TITLE.**

4 This Act may be cited as the “Distracted Flying
5 Act”.

1 **SEC. 2. PROHIBITION ON PERSONAL USE OF CERTAIN DE-**
2 **VICES ON FLIGHT DECK.**

3 (a) IN GENERAL.—Chapter 447 of title 49, United
4 States Code, is amended by adding at the end thereof the
5 following:

6 **“§ 44730. Use of certain devices on flight deck**

7 “(a) IN GENERAL.—It is unlawful for any member
8 of the flight crew of an aircraft used to provide air trans-
9 portation under part 121 of title 14, Code of Federal Reg-
10 ulations, to use a personal wireless communications device
11 or laptop computer while at the crew member’s duty sta-
12 tion on the flight deck of such an aircraft while the air-
13 craft is being operated.

14 “(b) EXCEPTIONS.—Subsection (a) shall not apply to
15 the use of a personal wireless communications device or
16 laptop computer for a purpose directly related to operation
17 of the aircraft, or for emergency, safety-related, or em-
18 ployment-related communications, in accordance with pro-
19 cedures established by the air carrier or the Federal Avia-
20 tion Administration.

21 “(c) ENFORCEMENT.—In addition to the penalties
22 provided under section 46301 of this title applicable to any
23 violation of this section, the Administrator of the Federal
24 Aviation Administration may enforce compliance with this
25 section under section 44709.

1 “(d) PERSONAL WIRELESS COMMUNICATIONS DE-
 2 VICE DEFINED.—The term ‘personal wireless communica-
 3 tions device’ means a device through which personal wire-
 4 less services (as defined in section 332(c)(7)(C)(i) of the
 5 Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i)))
 6 are transmitted.”.

7 (b) PENALTY.—Section 44711(a) of title 49, United
 8 States Code, is amended—

9 (1) by striking “or” after the semicolon in
 10 paragraph (8);

11 (2) by striking “title.” in paragraph (9) and in-
 12 serting “title; or”; and

13 (3) by adding at the end the following:

14 “(10) violate section 44730 of this title or any
 15 regulation issued thereunder.”.

16 (c) CONFORMING AMENDMENT.—The table of con-
 17 tents for chapter 447 of title 49, United States Code, is
 18 amended by adding at the end thereof the following:

“44730. Use of certain devices on flight deck”.

19 **SEC. 3. REGULATIONS.**

20 Within 30 days after the date of enactment of this
 21 Act, the Secretary of Transportation shall initiate a rule-
 22 making procedure for regulations under section 44730 of
 23 title 49, United States Code, and shall issue a final rule

1 thereunder within 1 year after the date of enactment of
2 this Act.

