

111TH CONGRESS  
1ST SESSION

# S. 2920

To amend chapter 1 of title 23, United States Code, to condition the receipt of certain highway funding by States on the enactment and enforcement by States of certain laws to prevent repeat intoxicated driving.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 21 (legislative day, DECEMBER 20), 2009

Mr. LAUTENBERG (for himself and Mr. UDALL of New Mexico) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend chapter 1 of title 23, United States Code, to condition the receipt of certain highway funding by States on the enactment and enforcement by States of certain laws to prevent repeat intoxicated driving.

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 “Drunk Driving Repeat  
5       Offender Prevention Act of 2009”.

1 **SEC. 2. USE OF IGNITION INTERLOCK DEVICES TO PRE-**  
 2 **VENT REPEAT INTOXICATED DRIVING.**

3 (a) IN GENERAL.—Chapter 1 of title 23, United  
 4 States Code, is amended by adding at the end the fol-  
 5 lowing:

6 **“§ 167. Use of ignition interlock devices to prevent re-**  
 7 **peat intoxicated driving**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ALCOHOL CONCENTRATION.—The term  
 10 ‘alcohol concentration’ means grams of alcohol per  
 11 100 milliliters of blood or grams of alcohol per 210  
 12 liters of breath.

13 “(2) DRIVING WHILE INTOXICATED; DRIVING  
 14 UNDER THE INFLUENCE.—The terms ‘driving while  
 15 intoxicated’ and ‘driving under the influence’ mean  
 16 driving or being in actual physical control of a motor  
 17 vehicle in a State while having an alcohol concentra-  
 18 tion above the permitted limit as established by the  
 19 State.

20 “(3) IGNITION INTERLOCK DEVICE.—The term  
 21 ‘ignition interlock device’ means an in-vehicle device  
 22 that requires a driver to provide a breath sample  
 23 prior to the motor vehicle starting, and that prevents  
 24 a motor vehicle from starting if the alcohol con-  
 25 centration of the driver is above the legal limit.

26 “(4) MOTOR VEHICLE.—

1                   “(A) IN GENERAL.—The term ‘motor vehi-  
 2                   cle’ means a vehicle driven or drawn by me-  
 3                   chanical power and manufactured primarily for  
 4                   use on public highways.

5                   “(B) EXCLUSIONS.—The term ‘motor vehi-  
 6                   cle’ does not include—

7                               “(i) a vehicle operated solely on a rail  
 8                               line; or

9                               “(ii) a commercial vehicle.

10           “(b) LAWS REQUIRING IGNITION INTERLOCK DE-  
 11           VICES.—A State meets the requirements of this subsection  
 12           if the State has enacted and is enforcing a law that re-  
 13           quires throughout the State the installation of an ignition  
 14           interlock device for a minimum of 180 days on each motor  
 15           vehicle operated by an individual who is convicted of driv-  
 16           ing while intoxicated or driving under the influence.

17           “(c) WITHHOLDING OF FUNDS FOR NONCOMPLI-  
 18           ANCE.—

19                   “(1) FISCAL YEAR 2013.—On October 1, 2012,  
 20                   the Secretary shall withhold 1 percent of the amount  
 21                   required to be apportioned to a State under each of  
 22                   sections 104(b)(1), 104(b)(3), and 104(b)(4) if the  
 23                   State does not meet the requirements of subsection  
 24                   (b).

1           “(2) FISCAL YEAR 2014.—On October 1, 2013,  
 2           the Secretary shall withhold 3 percent of the amount  
 3           required to be apportioned to a State under each of  
 4           sections 104(b)(1), 104(b)(3), and 104(b)(4) if the  
 5           State does not meet the requirements of subsection  
 6           (b).

7           “(3) FISCAL YEAR 2015 AND THEREAFTER.—On  
 8           October 1, 2014, and on October 1 of each fiscal  
 9           year thereafter, the Secretary shall withhold 5 per-  
 10          cent of the amount required to be apportioned to a  
 11          State under each of sections 104(b)(1), 104(b)(3),  
 12          and 104(b)(4) if the State does not meet the re-  
 13          quirements of subsection (b).

14          “(d) PERIOD OF AVAILABILITY OF WITHHELD  
 15 FUNDS; EFFECT OF COMPLIANCE AND NONCOMPLI-  
 16 ANCE.—

17           “(1) PERIOD OF AVAILABILITY OF WITHHELD  
 18 FUNDS.—Any funds withheld under subsection (c)  
 19 from apportionment to a State shall remain available  
 20 for apportionment to the State until the end of the  
 21 third fiscal year following the fiscal year for which  
 22 the funds are authorized to be appropriated.

23           “(2) APPORTIONMENT OF WITHHELD FUNDS  
 24 AFTER COMPLIANCE.—If, before the last day of the  
 25 period for which funds withheld under subsection (c)

1 from apportionment are to remain available for ap-  
2 portionment to a State under paragraph (1), the  
3 State meets the requirements of subsection (b), the  
4 Secretary shall, on the first day on which the State  
5 meets the requirements of subsection (b), apportion  
6 to the State the funds withheld under subsection (c)  
7 that remain available for apportionment to the  
8 State.

9 “(3) PERIOD OF AVAILABILITY OF SUBSE-  
10 QUENTLY APPORTIONED FUNDS.—Any funds appor-  
11 tioned pursuant to paragraph (2)—

12 “(A) shall remain available for expenditure  
13 until the end of the third fiscal year following  
14 the fiscal year in which the funds are so appor-  
15 tioned; and

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

18 “(4) EFFECT OF NONCOMPLIANCE.—If, at the  
19 end of the period for which funds withheld under  
20 subsection (c) from apportionment are available for  
21 apportionment to a State under paragraph (1), the  
22 State does not meet the requirements of subsection  
23 (b), the funds shall lapse.”.

1           (b) CONFORMING AMENDMENT.—The analysis for  
2 chapter 1 of title 23, United States Code, is amended by  
3 adding at the end the following:

“Sec. 167. Use of ignition interlock devices to prevent repeat intoxicated driving.”.

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