

111TH CONGRESS  
2D SESSION

# S. 3269

To provide driver safety grants to States with graduated driver licensing laws that meet certain minimum requirements.

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## IN THE SENATE OF THE UNITED STATES

APRIL 28, 2010

Mrs. GILLIBRAND (for herself, Mr. DODD, and Ms. KLOBUCHAR) 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 provide driver safety grants to States with graduated driver licensing laws that meet certain minimum requirements.

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 “Safe Teen and Novice  
5 Driver Uniform Protection Act of 2010” or the  
6 “STANDUP Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1           (1) The National Highway Traffic Safety Ad-  
2           ministration has reported that—

3                   (A) motor vehicle crashes are the leading  
4                   cause of death of Americans between 15 and 20  
5                   years of age;

6                   (B) in the 10-year period ending in 2007,  
7                   86,981 Americans died in motor vehicle crashes  
8                   involving drivers between 15 and 20 years of  
9                   age, an average of 167 deaths per week;

10                  (C) drivers between 16 and 20 years of age  
11                  have a fatality rate that is 4 times higher than  
12                  the rate for drivers between 25 and 70 years of  
13                  age; and

14                  (D) teenage drivers who are 16 years of  
15                  age have a motor vehicle crash rate that is al-  
16                  most 10 times higher than the crash rate for  
17                  drivers between 30 and 60 years of age.

18           (2) According to the American Automobile As-  
19           sociation—

20                   (A) teenage drivers comprise slightly more  
21                   than  $\frac{1}{3}$  of all fatalities in motor vehicle crashes  
22                   in which they are involved; and

23                   (B) nearly  $\frac{2}{3}$  of all fatalities in those  
24                   crashes are other drivers, passengers, and pe-  
25                   destrians.

1           (3) According to the Insurance Institute for  
2 Highway Safety, the chance of a crash by a 16- or  
3 17-year-old driver is doubled if there are 2 peers in  
4 the vehicle and quadrupled if there are 3 or more  
5 peers in the vehicle.

6           (4) According to the National Highway Traffic  
7 Safety Administration, the cognitive distraction  
8 caused by hands-free and hand-held cellular phones  
9 is significant enough to degrade a driver's perform-  
10 ance, particularly teenage drivers between 15 and 20  
11 years of age.

12           (5) Although only 20 percent of driving by teen-  
13 age drivers occurs at night, more than 50 percent of  
14 the motor vehicle crash fatalities involving teenage  
15 drivers occur at night.

16           (6) According to the Insurance Institute for  
17 Highway Safety, in 1997, the first full year of Flor-  
18 ida's graduated driver licensing system, the number  
19 of fatal and injurious crashes among teenage drivers  
20 between 15 and 18 years of age was 9 percent lower  
21 than in 1995.

22           (7) The Journal of the American Medical Asso-  
23 ciation reports that crashes involving 16-year-old  
24 drivers decreased between 1995 and 1999 by 25 per-  
25 cent in Michigan and by 27 percent in North Caro-

lina. Comprehensive graduated driver licensing systems were implemented in 1997 in these States.

(8) According to the Automobile Club of Southern California, between 1998 and 2000, the first 3 years of California's graduated driver licensing program—

(A) teenage passenger deaths and injuries resulting from crashes in California involving 16-year-old drivers declined by 40 percent; and

(B) the number of at-fault collisions in California involving 16-year-old drivers declined by 24 percent.

(9) The National Transportation Safety Board reports that—

(A) more than 40 States and the District of Columbia have implemented 3-stage graduated driver licensing systems; and

(B) many States have not yet implemented other basic safety features of graduated driver licensing laws to protect the lives of teenage and novice drivers.

(10) A 2001 Harris Poll indicates that—

(A) 95 percent of Americans support a requirement of 30 to 50 hours of practice driving with and adult;

1 (B) 92 percent of Americans support a 6-  
 2 month learner's permit period; and

3 (C) 74 percent of Americans support lim-  
 4 iting the number of teenage passengers in a car  
 5 with a teenage driver and supervised driving  
 6 during high-risk driving periods, such as night.

7 **SEC. 3. STATE GRADUATED DRIVER LICENSING LAWS.**

8 (a) MINIMUM REQUIREMENTS.—

9 (1) IN GENERAL.—A State is in compliance  
 10 with this section if the State has a graduated driver  
 11 licensing law that requires novice drivers younger  
 12 than 21 years of age to comply with the 2-stage li-  
 13 censing process described in paragraph (2) before  
 14 receiving an unrestricted driver's license.

15 (2) LICENSING PROCESS.—A State is in compli-  
 16 ance with the 2-stage licensing process described in  
 17 this paragraph if the State's driver's license laws in-  
 18 clude—

19 (A) a learner's permit stage that—

20 (i) commences at 16 years of age or  
 21 older;

22 (ii) is at least 6 months in duration;

23 (iii) prohibits the driver from using a  
 24 cellular telephone or any communications  
 25 device in a nonemergency situation;

1 (iv) prohibits driving at night; and

2 (v) remains in effect until—

3 (I) the commencement of the in-  
4 termediate stage; or

5 (II) the driver reaches 18 years  
6 of age;

7 (B) an intermediate stage that—

8 (i) commences immediately after the  
9 expiration of the learner's permit stage;

10 (ii) is at least 6 months in duration;

11 (iii) prohibits the driver from using a  
12 cellular telephone or any communications  
13 device in a nonemergency situation;

14 (iv) prohibits driving at night;

15 (v) prohibits the driver from operating  
16 a motor vehicle with more than 1 non-fa-  
17 milial passenger younger than 21 years of  
18 age unless a licensed driver who is at least  
19 21 years of age is in the motor vehicle; and

20 (vi) remains in effect until the driver  
21 reaches 18 years of age; and

22 (C) any other requirement that the Sec-  
23 retary of Transportation may require, includ-  
24 ing—

25 (i) in the learner's permit stage—

- 1 (I) at least 40 hours of behind-  
2 the-wheel training with a licensed  
3 driver who is at least 21 years of age;  
4 (II) a driver training course; and  
5 (III) a requirement that any such  
6 driver be accompanied and supervised  
7 by a licensed driver who is at least 21  
8 years of age at all times while such  
9 driver is operating a motor vehicle;  
10 and  
11 (ii) in the learner's permit or inter-  
12 mediate stage, a requirement that, in addi-  
13 tion to any other penalties imposed by  
14 State law, the grant of an unrestricted  
15 driver's license be automatically delayed  
16 for any individual who, during the learn-  
17 er's permit or intermediate stage, is con-  
18 victed of a driving-related offense, such  
19 as—  
20 (I) driving while intoxicated;  
21 (II) misrepresentation of his or  
22 her true age;  
23 (III) reckless driving;  
24 (IV) driving without wearing a  
25 seat belt;

1 (V) speeding; or

2 (VI) any other driving-related of-  
3 fense, as determined by the Secretary.

4 (b) RULEMAKING.—The Secretary of Transportation  
5 shall promulgate regulations necessary to implement this  
6 section in accordance with the notice and comment provi-  
7 sions under section 553 of title 5, United States.

8 **SEC. 4. INCENTIVE GRANTS.**

9 (a) IN GENERAL.—For each of the first 3 fiscal years  
10 beginning after the date of enactment of this Act, the Sec-  
11 retary of Transportation shall award a grant to any State  
12 that submits an application under subsection (b) if that  
13 State is in compliance with section 3(a) on or before the  
14 first day of that fiscal year.

15 (b) APPLICATION.—

16 (1) IN GENERAL.—Any State desiring a grant  
17 under this section shall submit an application to the  
18 Secretary of Transportation at such time, in such  
19 manner, and containing such information as the Sec-  
20 retary may require, including a certification by the  
21 Governor of the State that the State is in compli-  
22 ance with section 3(a).

23 (2) REVIEW.—The Secretary shall review each  
24 State application and determine whether or not the  
25 State is in compliance with section 3(a).



1       (c) GRANTS.—Amounts appropriated to carry out  
2 this section for each fiscal year shall be apportioned to  
3 each State that is in compliance with section 3(a) in an  
4 amount determined by multiplying—

5           (1) the amount appropriated to carry out this  
6 section for such fiscal year; by

7           (2) the ratio that the amount of funds appor-  
8 tioned to each such State for such fiscal year under  
9 section 402 of title 23, United States Code, bears to  
10 the total amount of funds apportioned to all such  
11 States for such fiscal year under such section.

12       (d) USE OF FUNDS.—Amounts received by a State  
13 from a grant awarded under this section may be used  
14 for—

15           (1) enforcing a 2-stage licensing process that  
16 complies with section 3(a)(2);

17           (2) training for law enforcement personnel and  
18 other relevant State agency personnel relating to the  
19 enforcement described in paragraph (1);

20           (3) publishing relevant educational materials  
21 that pertain directly or indirectly to the State grad-  
22 uated driver licensing law; and

23           (4) carrying out other administrative activities  
24 that the Secretary considers relevant to the State's  
25 2-stage licensing process.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated \$25,000,000, out of the  
3 Highway Trust Fund (other than the Mass Transit Ac-  
4 count), to carry out this section during each fiscal year  
5 described in subsection (a).

6 **SEC. 5. WITHHOLDING OF FUNDS FOR NONCOMPLIANCE.**

7 (a) IN GENERAL.—

8 (1) FOURTH FISCAL YEAR.—During the fourth  
9 fiscal year beginning after the date of the enactment  
10 of this Act, the Secretary shall withhold 3 percent  
11 of the amount otherwise required to be apportioned  
12 to any State for such fiscal year under each of the  
13 paragraphs (1), (3), and (4) of section 104(b) of  
14 title 23, United States Code, if the State is not in  
15 compliance with section 3(a) on the first day of such  
16 fiscal year.

17 (2) FIFTH FISCAL YEAR.—During the fifth fis-  
18 cal year beginning after the date of the enactment  
19 of this Act, the Secretary shall withhold 5 percent  
20 of the amount otherwise required to be apportioned  
21 to any State for such fiscal year under each of the  
22 paragraphs (1), (3), and (4) of section 104(b) of  
23 title 23, United States Code, if that State is not in  
24 compliance with section 3(a) on the first day of such  
25 fiscal year.

1           (3) SIXTH AND SUBSEQUENT FISCAL YEARS.—

2           During each fiscal year after the fifth fiscal year be-  
3           ginning after the date of the enactment of this Act,  
4           the Secretary shall withhold 10 percent of the  
5           amount otherwise required to be apportioned to any  
6           State for such fiscal year under each of the para-  
7           graphs (1), (3), and (4) of section 104(b) of title 23,  
8           United States Code, if that State is not in compli-  
9           ance with section 3(a) on the first day of such fiscal  
10          year.

11          (b) PERIOD OF AVAILABILITY OF WITHHELD  
12 FUNDS.—

13           (1) FUNDS WITHHELD DURING OR BEFORE  
14           THE SIXTH FISCAL YEAR.—Any amount withheld  
15           from any State under subsection (a) on or before the  
16           last day of the sixth fiscal year beginning after the  
17           date of the enactment of this Act, shall remain avail-  
18           able for distribution to the State under subsection  
19           (c) until the end of the third fiscal year following the  
20           fiscal year for which such amount is appropriated.

21           (2) FUNDS WITHHELD AFTER THE SIXTH FIS-  
22           CAL YEAR.—Any amount withheld under subsection  
23           (a)(2) from any State after the end of the sixth fis-  
24           cal year beginning after the date of the enactment  
25           of this Act, may not be distributed to the State.

1       (c) APPORTIONMENT OF WITHHELD FUNDS AFTER  
2 COMPLIANCE.—

3           (1) IN GENERAL.—If, before the last day of the  
4 period for which funds withheld under subsection (a)  
5 remain available to a State under subsection (b), the  
6 State comes into compliance with section 3(a), the  
7 Secretary of Transportation shall, on the first day  
8 on which the Secretary determines the State has  
9 come into compliance, distribute to the State any  
10 amounts withheld under subsection (a) that remains  
11 available for apportionment to the State.

12          (2) PERIOD OF AVAILABILITY OF SUBSE-  
13 QUENTLY APPORTIONED FUNDS.—Any amount dis-  
14 tributed under paragraph (1) shall remain available  
15 for expenditure by the State until the end of the  
16 third fiscal year following the year for which the  
17 funds are so apportioned. Any amount not expended  
18 by the State by the end of such period shall revert  
19 back to the Treasury of the United States.

20          (3) EFFECT OF NONCOMPLIANCE.—If a State is  
21 not in compliance with section 3(a) at the end of the  
22 period for which any amount withheld under sub-  
23 section (a) remains available for distribution to the

- 1 State under subsection (b), such amount shall revert
- 2 back to the Treasury of the United States.

