

113TH CONGRESS
1ST SESSION

H. R. 1664

To amend title 23, United States Code, to reduce injuries and deaths caused by cell phone use and texting while driving, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2013

Mr. ENGEL introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 23, United States Code, to reduce injuries and deaths caused by cell phone use and texting while driving, 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. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Distracted Driving Prevention Act of 2013”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Distracted driving prevention.

Sec. 3. Research program.

Sec. 4. FCC report on distracted driving technology.

1 **SEC. 2. DISTRACTED DRIVING PREVENTION.**

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

5 **“§ 413. Distracted driving prevention**

6 “(a) WITHHOLDING OF FUNDS FOR STATES WITH-
7 OUT DISTRACTED DRIVING LAWS.—

8 “(1) FISCAL YEAR 2016.—On October 1, 2015,
9 the Secretary shall withhold 1 percent of the amount
10 required to be apportioned to a State under each of
11 paragraphs (1) and (2) of section 104(b) for fiscal
12 year 2016 if the State has not enacted or is not en-
13 forcing a law that meets the requirements of sub-
14 sections (b) and (c).

15 “(2) FISCAL YEAR 2017.—On October 1, 2016,
16 the Secretary shall withhold 3 percent of the amount
17 required to be apportioned to a State under each of
18 paragraphs (1) and (2) of section 104(b) for fiscal
19 year 2017 if the State has not enacted or is not en-
20 forcing a law that meets the requirements of sub-
21 sections (b) and (c).

22 “(3) FISCAL YEAR 2018 AND THEREAFTER.—On
23 October 1, 2017, and on October 1 of each fiscal
24 year thereafter, the Secretary shall withhold 5 per-

1 cent of the amount required to be apportioned to a
2 State under each of paragraphs (1) and (2) of sec-
3 tion 104(b) for the applicable fiscal year if the State
4 has not enacted or is not enforcing a law that meets
5 the requirements of subsections (b) and (c).

6 “(b) PROHIBITION ON TEXTING WHILE DRIVING.—
7 A State law meets the requirements of this subsection if
8 the law—

9 “(1) prohibits the use of a personal wireless
10 communications device by a driver for texting while
11 driving;

12 “(2) makes violation of the law a primary of-
13 fense;

14 “(3) establishes—

15 “(A) a minimum fine for a first violation
16 of the law; and

17 “(B) increased fines for repeat violations;
18 and

19 “(4) provides increased civil and criminal pen-
20 alties, as compared to those that would otherwise
21 apply, if a vehicle accident is caused by a driver who
22 is using such a device in violation of the law.

23 “(c) PROHIBITION ON HANDHELD CELL PHONE USE
24 WHILE DRIVING.—A State law meets the requirements of
25 this subsection if the law—

1 “(1) prohibits a driver from holding a personal
2 wireless communications device to conduct a tele-
3 phone call while driving;

4 “(2) allows the use of a hands-free device by a
5 driver, other than a driver who has not attained the
6 age of 18 years, for initiating, conducting, or receiv-
7 ing a telephone call;

8 “(3) makes violation of the law a primary of-
9 fense;

10 “(4) requires distracted driving issues to be
11 tested as part of the driver’s license examination of
12 the State;

13 “(5) establishes—

14 “(A) a minimum fine for a first violation
15 of the law; and

16 “(B) increased fines for repeat violations;
17 and

18 “(6) provides increased civil and criminal pen-
19 alties, as compared to those that would otherwise
20 apply, if a vehicle accident is caused by a driver who
21 is using a personal wireless communications device
22 in violation of the law.

23 “(d) PERMITTED EXCEPTIONS.—A State law meets
24 the requirements of subsections (b) and (c) without regard
25 to whether the law provides exceptions for—

1 “(1) use of a personal wireless communications
2 device by a driver to contact emergency services;

3 “(2) manipulation of a personal wireless com-
4 munications device by a driver to activate, deacti-
5 vate, or initialize the hands-free functionality of the
6 device; and

7 “(3) use of a personal wireless communications
8 device by emergency services personnel while oper-
9 ating an emergency services vehicle and engaged in
10 the performance of the duties of emergency services
11 personnel.

12 “(e) PERIOD OF AVAILABILITY OF WITHHELD
13 FUNDS; EFFECT OF COMPLIANCE AND NONCOMPLI-
14 ANCE.—

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

21 “(2) APPORTIONMENT OF WITHHELD FUNDS
22 AFTER COMPLIANCE.—If, before the last day of the
23 period for which funds withheld under subsection (a)
24 from apportionment are to remain available for ap-
25 portionment to a State under paragraph (1), the

1 State enacts and begins enforcement of a law that
2 meets the requirements of subsections (b) and (c),
3 the Secretary shall, on the first day on which the
4 State has enacted and begins enforcement of such a
5 law, apportion to the State the funds withheld under
6 subsection (a) that remain available for apportion-
7 ment to the State.

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

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

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

17 “(4) EFFECT OF NONCOMPLIANCE.—If, at the
18 end of the period for which funds withheld under
19 subsection (a) from apportionment are available for
20 apportionment to a State under paragraph (1), the
21 State has not enacted or has not begun enforcement
22 of a law that meets the requirements of subsections
23 (b) and (c), the funds shall lapse.

24 “(f) DEFINITIONS.—In this section, the following
25 definitions apply:

1 “(1) DRIVING.—The term ‘driving’ means oper-
2 ating a motor vehicle on a public road, including op-
3 eration while temporarily stationary because of traf-
4 fic, a traffic light, a stop sign, or another reason.
5 The term does not include operating a motor vehicle
6 when the vehicle has pulled over to the side of, or
7 off, an active roadway and has stopped in a location
8 where it can safely remain stationary.

9 “(2) HANDS-FREE DEVICE.—The term ‘hands-
10 free device’ means a device that allows a driver to
11 use a personal wireless communications device to ini-
12 tiate, conduct, or receive a telephone call without
13 holding the personal wireless communications device.

14 “(3) PERSONAL WIRELESS COMMUNICATIONS
15 DEVICE.—The term ‘personal wireless communica-
16 tions device’ means a device through which personal
17 wireless services (as defined in section
18 332(c)(7)(C)(i) of the Communications Act of 1934
19 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted. The
20 term does not include a global navigation satellite
21 system receiver used for positioning, emergency noti-
22 fication, or navigation purposes.

23 “(4) PRIMARY OFFENSE.—The term ‘primary
24 offense’ means an offense for which a law enforce-
25 ment officer may stop a vehicle solely for the pur-

1 pose of issuing a citation in the absence of evidence
2 of another offense.

3 “(5) PUBLIC ROAD.—The term ‘public road’
4 has the meaning given that term in section 402(c).

5 “(6) TEXTING.—The term ‘texting’ means
6 reading from or manually entering data into a per-
7 sonal wireless communications device, including
8 doing so for the purpose of SMS texting, e-mailing,
9 instant messaging, or engaging in any other form of
10 electronic data retrieval or electronic data commu-
11 nication.”.

12 (b) CLERICAL AMENDMENT.—The analysis for chap-
13 ter 4 of title 23, United States Code, is amended by add-
14 ing at the end the following:

“413. Distracted driving prevention.”.

15 **SEC. 3. RESEARCH PROGRAM.**

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of enactment of this Act, the Secretary of Transpor-
18 tation shall establish a research program to study dis-
19 tracted driving by passenger and commercial vehicle driv-
20 ers.

21 (b) SCOPE.—The program shall include studies of—

22 (1) driver behavior;

23 (2) vehicle technology; and

1 (3) portable electronic devices that are com-
2 monly brought into passenger or commercial vehi-
3 cles.

4 (c) RESEARCH AGREEMENTS.—

5 (1) IN GENERAL.—In carrying out this section
6 the Secretary may grant research contracts to non-
7 governmental entities to study distracted driving.

8 (2) LIMITATIONS.—The Secretary may not
9 grant a research contract under this section to any
10 person that produces or sells—

11 (A) electronic equipment that is used in ve-
12 hicles;

13 (B) portable electronic equipment com-
14 monly brought into passenger or commercial ve-
15 hicles; or

16 (C) passenger or commercial vehicles.

17 (d) REPORT.—Not later than 1 year after the date
18 of enactment of this Act, the Secretary shall submit to
19 the Committee on Commerce, Science, and Transportation
20 of the Senate, the Committee on Energy and Commerce
21 of the House of Representatives, and the Committee on
22 Transportation and Infrastructure of the House of Rep-
23 resentatives a report on the results of the research pro-
24 gram under this section.

1 **SEC. 4. FCC REPORT ON DISTRACTED DRIVING TECH-**
2 **NOLOGY.**

3 Not later than 180 days after the date of enactment
4 of this Act, the Federal Communications Commission shall
5 submit to the Committee on Commerce, Science, and
6 Transportation of the Senate and the Committee on En-
7 ergy and Commerce of the House of Representatives a re-
8 port that identifies—

9 (1) data the Commission can collect and ana-
10 lyze that will assist in understanding and reducing
11 the problem of distracted driving involving the use of
12 personal wireless communications devices;

13 (2) existing and developing wireless communica-
14 tions technology that may be used to reduce prob-
15 lems associated with distracted driving; and

16 (3) existing authority that the Commission may
17 use to assist in reducing those problems.

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