

113TH CONGRESS
1ST SESSION

H. R. 1665

To amend title 23, United States Code, to withhold highway funds from States that do not have in effect laws requiring the use of ignition interlock devices to prevent repeat intoxicated 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

A BILL

To amend title 23, United States Code, to withhold highway funds from States that do not have in effect laws requiring the use of ignition interlock devices to prevent repeat intoxicated 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.**

4 This Act may be cited as the “Drunk Driving Repeat
5 Offender Prevention Act of 2013”.

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 inserting after section 159 the
5 following:

6 **“§ 160. 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 a blood alcohol con-
18 centration of 0.08 percent or greater.

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

25 “(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.—

12 “(1) IN GENERAL.—Subject to paragraph (2), a
13 State meets the requirements of this subsection if
14 the State has enacted and is enforcing a law that re-
15 quires throughout the State the installation of an ig-
16 nition interlock device for a minimum of 180 days
17 on each motor vehicle operated by an individual who
18 is convicted of driving while intoxicated or driving
19 under the influence.

20 “(2) EXCEPTION.—The 180-day period referred
21 to in paragraph (1) for the installation of an ignition
22 interlock device may be reduced to period of not
23 fewer than 90 days, if—

1 “(A) the driver’s licence of the individual is
2 suspended for a minimum of 180 days as a re-
3 sult of the conviction; and

4 “(B) the period for the installation of an
5 ignition interlock device begins after the last
6 day of the suspension.

7 “(c) WITHHOLDING OF FUNDS FOR NONCOMPLI-
8 ANCE.—

9 “(1) FISCAL YEAR 2016.—On October 1, 2015,
10 the Secretary shall withhold 1 percent of the amount
11 required to be apportioned to a State under each of
12 paragraphs (1) and (2) of section 104(b) if the State
13 does not meet the requirements of subsection (b).

14 “(2) FISCAL YEAR 2017.—On October 1, 2016,
15 the Secretary shall withhold 3 percent of the amount
16 required to be apportioned to a State under each of
17 paragraphs (1) and (2) of section 104(b) if the State
18 does not meet the requirements of subsection (b).

19 “(3) FISCAL YEAR 2018 AND THEREAFTER.—On
20 October 1, 2017, and on October 1 of each fiscal
21 year thereafter, the Secretary shall withhold 5 per-
22 cent of the amount required to be apportioned to a
23 State under each of paragraphs (1) and (2) of sec-
24 tion 104(b) if the State does not meet the require-
25 ments of subsection (b).

1 “(d) PERIOD OF AVAILABILITY OF WITHHELD
2 FUNDS; EFFECT OF COMPLIANCE AND NONCOMPLI-
3 ANCE.—

4 “(1) PERIOD OF AVAILABILITY OF WITHHELD
5 FUNDS.—Any funds withheld under subsection (c)
6 from apportionment to a State shall remain available
7 for apportionment to the State until the end of the
8 third fiscal year following the fiscal year for which
9 the funds are authorized to be appropriated.

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

21 “(3) PERIOD OF AVAILABILITY OF SUBSE-
22 QUENTLY APPORTIONED FUNDS.—Any funds appor-
23 tioned pursuant to paragraph (2)—

24 “(A) shall remain available for expenditure
25 until the end of the third fiscal year following

1 the fiscal year in which the funds are so appor-
2 tioned; and

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

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

11 (b) CONFORMING AMENDMENT.—The analysis for
12 such chapter is amended by inserting after the item relat-
13 ing to section 159 the following:

“Sec. 160. Use of ignition interlock devices to prevent repeat intoxicated driv-
ing.”.

○