

115TH CONGRESS
2D SESSION

H. R. 7099

To amend title 23, United States Code, to establish national standards relating to sanctions for individuals who drive a motor vehicle, with a child passenger in the vehicle, while intoxicated or impaired, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 2018

Miss RICE of New York introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, to establish national standards relating to sanctions for individuals who drive a motor vehicle, with a child passenger in the vehicle, while intoxicated or impaired, 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 “Prevent Impaired Driv-
5 ing Child Endangerment Act”.

1 **SEC. 2. SANCTIONS FOR INDIVIDUALS DRIVING WITH**
2 **CHILD PASSENGERS WHILE INTOXICATED OR**
3 **IMPAIRED.**

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

7 **“§ 171. Sanctions for individuals driving with child**
8 **passengers while intoxicated or impaired**

9 “(a) WITHHOLDING OF FUNDS FOR NONCOMPLI-
10 ANCE.—

11 “(1) FISCAL YEAR 2020.—On October 1, 2019,
12 the Secretary shall withhold 1 percent of the amount
13 required to be apportioned to a State under each of
14 paragraphs (1) and (2) of section 104(b) if the State
15 does not meet the requirements of subsection (b) on
16 that date.

17 “(2) FISCAL YEAR 2021.—On October 1, 2020,
18 the Secretary shall withhold 3 percent of the amount
19 required to be apportioned to a State under each of
20 paragraphs (1) and (2) of section 104(b) if the State
21 does not meet the requirements of subsection (b) on
22 that date.

23 “(3) FISCAL YEAR 2022 AND THEREAFTER.—On
24 October 1, 2021, and on October 1 of each fiscal
25 year thereafter, the Secretary shall withhold 5 per-
26 cent of the amount required to be apportioned to a

1 State under each of paragraphs (1) and (2) of sec-
2 tion 104(b) if the State does not meet the require-
3 ments of subsection (b) on that date.

4 “(b) SANCTIONS.—

5 “(1) IN GENERAL.—A State meets the require-
6 ments of this subsection if the State has enacted
7 and is enforcing the following laws with respect to
8 an individual who is charged with an offense of driv-
9 ing a motor vehicle, with a child passenger in the ve-
10 hicle, while intoxicated or while impaired by alcohol,
11 drugs, or a combination of substances:

12 “(A) A law that provides that the indi-
13 vidual may be charged with a felony subject to
14 imprisonment for up to 4 years in connection
15 with the offense.

16 “(B) A law that requires the individual, if
17 convicted of the offense, to install and maintain
18 for at least 6 months an ignition interlock sys-
19 tem on any motor vehicle owned or operated by
20 the individual.

21 “(C) A law that suspends the State driv-
22 er’s license of the individual during the period
23 of prosecution of the offense, except that the
24 law may allow the individual—

1 “(i) to operate a motor vehicle during
2 that period, if the individual, prior to oper-
3 ating the vehicle, installs and maintains an
4 ignition interlock system on the vehicle;
5 and

6 “(ii) to credit toward the 6-month pe-
7 riod referred to in subparagraph (B) any
8 days during which the individual installs
9 and maintains an ignition interlock system
10 on a motor vehicle pursuant to clause (i).

11 “(D) A law that—

12 “(i) requires the individual, if con-
13 victed of the offense, to undergo an alcohol
14 abuse, substance abuse, or mental health
15 assessment; and

16 “(ii) if the assessment indicates a
17 need for treatment, authorizes the appro-
18 priate court (or monitoring agency) to re-
19 quire the individual to undergo treatment
20 as part of the individual’s sentence in con-
21 nection with the conviction or as a condi-
22 tion for reissuance of a State driver’s li-
23 cense to the individual.

24 “(E) A law that requires, if the individual
25 is convicted of the offense and is the parent,

1 guardian, or custodian of the child passenger or
2 is otherwise legally responsible for the child
3 passenger, the law enforcement agency that
4 charges the individual with the offense or the
5 appropriate court to file with the appropriate
6 State register of child abuse a report on the in-
7 dividual concerning the offense.

8 “(2) EXCEPTIONS.—The Secretary may treat a
9 State that has enacted and is enforcing the laws de-
10 scribed in paragraph (1) as meeting the require-
11 ments of this subsection without regard to whether
12 any of those laws waives the application of a sanc-
13 tion with respect to an individual who—

14 “(A) is a sibling of the child passenger; or

15 “(B) is under 21 years of age and is not
16 a guardian of the child passenger.

17 “(c) PERIOD OF AVAILABILITY OF WITHHELD
18 FUNDS; EFFECT OF COMPLIANCE AND NONCOMPLI-
19 ANCE.—

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

1 “(2) APPORTIONMENT OF WITHHELD FUNDS
2 AFTER COMPLIANCE.—If, before the last day of the
3 period for which funds withheld under subsection (a)
4 from apportionment are to remain available for ap-
5 portionment to a State under paragraph (1), the
6 State meets the requirements of subsection (b), the
7 Secretary shall, on the first day on which the State
8 meets the requirements of subsection (b), apportion
9 to the State the funds withheld under subsection (a)
10 that remain available for apportionment to the
11 State.

12 “(3) PERIOD OF AVAILABILITY OF SUBSE-
13 QUENTLY APPORTIONED FUNDS.—Any funds appor-
14 tioned pursuant to paragraph (2)—

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

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

21 “(4) EFFECT OF NONCOMPLIANCE.—If, at the
22 end of the period for which funds withheld under
23 subsection (a) from apportionment are available for
24 apportionment to a State under paragraph (1), the

1 State does not meet the requirements of subsection
2 (b), the funds shall lapse.

3 “(d) DEFINITIONS.—In this section, the following
4 definitions apply:

5 “(1) ALCOHOL CONCENTRATION.—The term
6 ‘alcohol concentration’ means grams of alcohol per
7 100 milliliters of blood or grams of alcohol per 210
8 liters of breath.

9 “(2) CHILD.—The term ‘child’ means an indi-
10 vidual younger than 16 years of age.

11 “(3) DRIVING WHILE INTOXICATED.—The term
12 ‘driving while intoxicated’ means driving or being in
13 actual physical control of a motor vehicle in a State
14 while having a blood alcohol concentration or breath
15 alcohol concentration of .08 or greater.

16 “(4) IGNITION INTERLOCK SYSTEM.—The term
17 ‘ignition interlock system’ means a system that—

18 “(A) is designed to prevent an individual
19 from starting a motor vehicle when the individ-
20 ual’s breath alcohol concentration is at or above
21 a preset level;

22 “(B) has a camera technology to verify the
23 user of the system; and

24 “(C) is certified by the State concerned.

1 “(5) MOTOR VEHICLE.—The term ‘motor vehi-
2 cle’ means a vehicle driven or drawn by mechanical
3 power and manufactured primarily for use on public
4 highways, except that the term does not include a
5 vehicle operated solely on a rail line or a commercial
6 vehicle.

7 “(6) STATE DRIVER’S LICENSE.—The term
8 ‘State driver’s license’ means a license issued by a
9 State authorizing an individual to operate a motor
10 vehicle on public highways.

11 “(e) EDUCATION.—The Administrator of the Na-
12 tional Highway Traffic Safety Administration, using exist-
13 ing funds, shall carry out programs and activities to edu-
14 cate States on the impact of child endangerment penalties
15 for individuals who drive a motor vehicle, with a child pas-
16 senger in the vehicle, while intoxicated or while impaired
17 by alcohol, drugs, or a combination of substances.”.

18 (b) CLERICAL AMENDMENT.—The analysis for chap-
19 ter 1 of title 23, United States Code, is amended by add-
20 ing at the end the following:

“171. Sanctions for individuals driving with child passengers while intoxicated
or impaired.”.

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