

115TH CONGRESS
2D SESSION

S. 3252

To amend title 23, United States Code, to modify requirements relating to reservation of funds for failure to enact or enforce open container laws and repeat intoxicated driver laws, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 19, 2018

Mr. HATCH introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend title 23, United States Code, to modify requirements relating to reservation of funds for failure to enact or enforce open container laws and repeat intoxicated driver laws, 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 “Reservation of Trans-
5 portation Funds Improvement Act of 2018”.

6 **SEC. 2. RESERVATION OF CERTAIN FUNDS.**

7 (a) OPEN CONTAINER REQUIREMENTS.—Section
8 154(c)(2) of title 23, United States Code, is amended—

1 (1) in the paragraph heading, by striking
2 “2012” and inserting “2019”;

3 (2) by striking subparagraph (A) and inserting
4 the following:

5 “(A) RESERVATION OF FUNDS.—

6 “(i) IN GENERAL.—On October 1,
7 2018, and each October 1 thereafter, in
8 the case of a State described in clause (ii),
9 the Secretary shall reserve an amount
10 equal to 2.5 percent of the funds to be ap-
11 portioned to the State on that date under
12 each of paragraphs (1) and (2) of section
13 104(b) until the State certifies to the Sec-
14 retary the means by which the State will
15 use those reserved funds in accordance
16 with subparagraphs (A) and (B) of para-
17 graph (1), and paragraph (3).

18 “(ii) STATES DESCRIBED.—A State
19 referred to in clause (i) is a State—

20 “(I) that has not enacted or is
21 not enforcing an open container law
22 described in subsection (b); and

23 “(II) for which the Secretary de-
24 termined for the prior fiscal year that
25 the State had not enacted or was not

1 enforcing an open container law de-
 2 scribed in subsection (b).”; and

3 (3) in subparagraph (B), in the matter pre-
 4 ceding clause (i), by striking “subparagraph (A)”
 5 and inserting “subparagraph (A)(i)”.

6 (b) REPEAT INTOXICATED DRIVER LAWS.—Section
 7 164(b)(2) of title 23, United States Code, is amended—

8 (1) in the paragraph heading, by striking
 9 “2012” and inserting “2019”;

10 (2) by striking subparagraph (A) and inserting
 11 the following:

12 “(A) RESERVATION OF FUNDS.—

13 “(i) IN GENERAL.—On October 1,
 14 2018, and each October 1 thereafter, in
 15 the case of a State described in clause (ii),
 16 the Secretary shall reserve an amount
 17 equal to 2.5 percent of the funds to be ap-
 18 portioned to the State on that date under
 19 each of paragraphs (1) and (2) of section
 20 104(b) until the State certifies to the Sec-
 21 retary the means by which the State will
 22 use those reserved funds in accordance
 23 with subparagraphs (A) and (B) of para-
 24 graph (1), and paragraph (3).

1 “(ii) STATES DESCRIBED.—A State
2 referred to in clause (i) is a State—

3 “(I) that has not enacted or is
4 not enforcing a repeat intoxicated
5 driver law; and

6 “(II) for which the Secretary de-
7 termined for the prior fiscal year that
8 the State had not enacted or was not
9 enforcing a repeat intoxicated driver
10 law.”; and

11 (3) in subparagraph (B), in the matter pre-
12 ceding clause (i), by striking “subparagraph (A)”
13 and inserting “subparagraph (A)(i)”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this Act take effect on October 1, 2018.

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