

112TH CONGRESS  
1ST SESSION

# H. R. 2333

To enhance safety of individuals by banning the use of hand-held mobile devices while driving, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2011

Mrs. MCCARTHY of New York introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To enhance safety of individuals by banning the use of hand-held mobile devices 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.**

4       This Act may be cited as the “Safe Drivers Act of  
5       2011”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) hand-held personal wireless devices are not  
9       only instrumentalities and channels of interstate  
10       commerce, but products of interstate commerce;

1           (2) for those reasons, regulation of the use of  
2 hand-held mobile telephones and personal wireless  
3 devices is covered by the power of Congress to regu-  
4 late interstate commerce as enumerated in article I,  
5 section 8 of the Constitution;

6           (3) additionally, the Supreme Court held in  
7 South Dakota v. Dole, 483 U.S. 203 (June 23,  
8 1987), that Congress may condition Federal high-  
9 way funding on State compliance with certain condi-  
10 tions;

11           (4) according to a National Highway Traffic  
12 Safety Administration (NHTSA) driver distraction  
13 may be grouped into manual, visual, and cognitive  
14 distractions;

15           (5) according to Cisco Systems Inc., North  
16 American mobile broadband traffic will grow fifty  
17 times between 2009–2014;

18           (6) and according to CTIA, the main factors  
19 driving the rise in the use of mobile traffic include  
20 the increasing availability and capabilities of  
21 smartphones, and new form factors (such as tab-  
22 lets), for consumers;

23           (7) as of the date of enactment of this Act, only  
24 8 States and the District of Columbia ban mobile  
25 device use for all drivers;

1           (8) the Secretary of Transportation, Ray  
2           LaHood, has recognized the significance of increased  
3           driver distraction as a result of wireless devices by  
4           launching an aggressive educational campaign,  
5           issuing Department regulations, and consecutive  
6           “Distracted Driving Summits” with affected indus-  
7           tries;

8           (9) it is necessary, therefore, for Congress to  
9           act to protect the safety of all people in the United  
10          States on highways, roads, and railways in the  
11          United States; and

12          (10) Federal legislation to address the problem  
13          of distracted driving is necessary to ensure that na-  
14          tional minimum standards of protection exist uni-  
15          formly.

16 **SEC. 3. REPORT ON DISTRACT DRIVING.**

17          (a) IN GENERAL.—The Secretary of Transportation  
18          shall conduct a comprehensive study on distracted driving,  
19          including cognitive distraction when driving. The study  
20          should also include driver distraction impacts on young,  
21          inexperienced drivers and build upon past reports and  
22          findings that the Department has conducted.

23          (b) REPORT FINDINGS.—Not later than 2 years after  
24          the date of enactment of this Act, the Secretary shall sub-  
25          mit a report regarding the findings of the study under

1 subsection (a) to the appropriate committees of Congress,  
2 including any recommendations to revise the requirement  
3 for minimum penalties under section 167(b)(2) of title 23,  
4 United States Code.

5 **SEC. 4. OPERATION OF MOTOR VEHICLES WHILE USING A**  
6 **HAND-HELD MOBILE DEVICE.**

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

10 **“SEC. 167. OPERATION OF MOTOR VEHICLES USING A**  
11 **HAND-HELD MOBILE DEVICE.**

12 “(a) DEFINITIONS.—In this section the following  
13 definitions apply:

14 “(1) HAND-HELD MOBILE DEVICE.—

15 “(A) IN GENERAL.—The term ‘hand-held  
16 mobile device’ means a mobile telephone or  
17 other personal wireless communication device  
18 that is meant for use with at least 1 hand.

19 “(B) EXCLUSIONS.—The term ‘hand-held  
20 mobile device’ does not include—

21 “(i) a voice-operated, vehicle-inte-  
22 grated, or any device that requires the use  
23 of either hand to activate or deactivate a  
24 feature or function, or use in a hands-free  
25 manner; or

1                   “(ii) a global positioning system, not  
2                   integrated in a motor vehicle, that is voice-  
3                   activated or used to view directions, except  
4                   that if the system requires instructions to  
5                   be inputted manually by hand, the motor  
6                   vehicle must not be moving or idling.

7                   “(2) MOTOR VEHICLE.—The term ‘motor vehi-  
8                   cle’ means—

9                   “(A) a vehicle driven or drawn by mechan-  
10                  ical power and manufactured primarily for use  
11                  on public highways; and

12                  “(B) a railcar or other component of a  
13                  fixed guideway system that is not subject to  
14                  regulation by the Federal Railroad Administra-  
15                  tion.

16                  “(b) REQUIREMENTS AND WITHHOLDING OF APPOR-  
17                  TIONMENTS FOR NONCOMPLIANCE.—

18                  “(1) IN GENERAL.—On October 1 of the second  
19                  fiscal year beginning after the date of promulgation  
20                  of the regulations under subsection (d), and annually  
21                  thereafter, the Secretary shall withhold 25 percent  
22                  of the amount required to be apportioned to any  
23                  State under each of paragraphs (1), (3), and (4) of  
24                  section 104(b) for the fiscal year if the Secretary de-  
25                  termines that the State does not meet the require-

1       ment under paragraph (2) of this subsection as of  
2       that date.

3               “(2) REQUIREMENT.—A State shall meet the  
4       requirement under this paragraph if the State has  
5       enacted and is enforcing a law that—

6                       “(A) except in the event of an emergency,  
7                       prohibits an operator, on a public road, of a  
8                       moving or idling motor vehicle from using a  
9                       hand-held mobile device; and

10                      “(B) requires, upon conviction of a viola-  
11                      tion of such State law, the imposition of pen-  
12                      alties in accordance with the requirements for  
13                      minimum penalties described in the regulations  
14                      issued under subsection (d).

15               “(c) RECOVERY OF FUNDS WITHHELD.—All funds  
16       withheld under this section from apportionment to a State  
17       for 1 or more fiscal years shall be available for appor-  
18       tionment to the State immediately upon a determination by  
19       the Secretary that the State meets the requirement under  
20       paragraph (2).

21               “(d) REGULATIONS.—Not later than 180 days after  
22       the date of enactment of this section, the Secretary shall  
23       issue regulations to carry out this section, including re-  
24       quirements for minimum penalties for violations of the  
25       prohibition under subsection (b)(2) (A) and (B) that—

1           “(1) specify a minimum penalty for a first of-  
2           fense; and

3           “(2) stipulate that penalties shall be graduated  
4           for repeat offenses.”.

5           (b) TECHNICAL AMENDMENT.—The analysis of chap-  
6           ter 1 of title such title is amended by adding after section  
7           166 the following:

“167. Operation of motor vehicles using a hand-held mobile device.”.

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