

112TH CONGRESS
1ST SESSION

S. 528

To provide driver safety grants to States with graduated driver licensing laws that meet certain minimum requirements.

IN THE SENATE OF THE UNITED STATES

MARCH 9, 2011

Mrs. GILLIBRAND (for herself, Mr. CARDIN, Mr. CARPER, Ms. KLOBUCHAR, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To provide driver safety grants to States with graduated driver licensing laws that meet certain minimum requirements.

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 Teen and Novice
5 Driver Uniform Protection Act of 2011” or the
6 “STANDUP Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) The National Highway Traffic Safety Ad-
2 ministration has reported that—

3 (A) motor vehicle crashes are the leading
4 cause of death of Americans between 15 and 20
5 years of age;

6 (B) between 1999 and 2009, more than
7 90,000 Americans were killed in motor vehicle
8 crashes involving drivers between 15 and 20
9 years of age, an average of 155 deaths per
10 week;

11 (C) drivers between 16 and 20 years of age
12 have a fatality rate that is 4 times higher than
13 the rate for drivers between 25 and 70 years of
14 age; and

15 (D) teenage drivers who are 16 years of
16 age have a motor vehicle crash rate that is al-
17 most 10 times higher than the crash rate for
18 drivers between 30 and 60 years of age.

19 (2) The National Transportation Safety Board
20 found that during the most recent 10-year period—

21 (A) teen drivers comprised less than 7 per-
22 cent of the driving population and accounted
23 for more than 13 percent of drivers involved in
24 all deadly crashes; and

1 (B) more than 20 percent of all highway
2 fatalities occurred in crashes that involved teen
3 drivers.

4 (3) Analysis by the Children's Hospital of
5 Philadelphia Research Institute shows that—

6 (A) teenage drivers comprise approximately
7 40 percent of the fatalities in motor vehicle
8 crashes in which they are involved; and

9 (B) the other 60 percent of the fatalities in
10 those crashes are—

11 (i) passengers who were riding in the
12 vehicle with the teen driver;

13 (ii) drivers and passengers in other
14 vehicles involved in a crash with the teen
15 driver's vehicle; and

16 (iii) pedestrians.

17 (4) According to the Insurance Institute for
18 Highway Safety—

19 (A) the chance that a vehicle driven by a
20 16- or 17-year-old will be involved in an acci-
21 dent—

22 (i) doubles when there are 2 other
23 teens in the vehicle; and

24 (ii) quadruples when there are 4 teens
25 in the vehicle;

1 (B) States with strong nighttime driving
2 restrictions experience lower fatal crash rates
3 among drivers ages 15 to 17 years old; and

4 (C) a higher age requirement for licensing
5 teen drivers is correlated with a lower number
6 of fatal crashes per capita.

7 (5) The National Highway Traffic Safety Ad-
8 ministration has found that distraction caused by
9 cellular phones is significant enough to degrade driv-
10 er performance, and is particularly dangerous for in-
11 experienced drivers between 15 and 20 years of age.

12 (6) That National Transportation Safety Board
13 has found that although only 20 percent of driving
14 by teenage drivers occurs at night, more than 50
15 percent of the motor vehicle crash fatalities involving
16 teenage drivers occur at night.

17 (7) According to a 2007 report from the Texas
18 Transportation Institute at Texas A&M University—

19 (A) teenage drivers in rural areas are less
20 likely to be aware of the risks and dangers as-
21 sociated with driving, placing them at higher
22 risk of involvement in crashes;

23 (B) teen drivers are more likely than other
24 drivers—

- 1 (i) to drive with other teenage pas-
2 sengers;
3 (ii) to drive late at night;
4 (iii) to exceed the speed limit;
5 (iv) to use cell phones while driving;
6 and
7 (v) to fail to use seat belts while driv-
8 ing.

9 (8) The National Highway Traffic Safety Ad-
10 ministration reports that although 23 percent of the
11 population of the United States lives in rural areas,
12 57 percent of all traffic fatalities occur on rural
13 roads, underscoring the elevated crash risk for teen
14 drivers in rural areas.

15 (9) The American Academy of Pediatrics has
16 found evidence that the area of the brain responsible
17 for planning, impulse control, and executive decision-
18 making does not fully mature until a person is be-
19 tween 20 and 25 years of age, placing teen drivers
20 at greater risk of being involved in an accident.

21 (10) The Journal of the American Medical As-
22 sociation reports that after Michigan and North
23 Carolina adopted comprehensive graduated driver li-
24 censing systems in 1997, crashes involving 16-year-

1 old drivers decreased by 25 percent in Michigan and
2 by 27 percent in North Carolina.

3 (11) According to the Office of the Illinois Sec-
4 retary of State, teen driving deaths dropped by over
5 40 percent in Illinois in the first full year following
6 the 2007 implementation of a stronger graduated
7 driver licensing law.

8 (12) The National Transportation Safety Board
9 reports that over 40 States and the District of Co-
10 lumbia have implemented some type of 3-stage grad-
11 uated driver licensing system. However, most States
12 have not yet enacted all of the lifesaving safety fea-
13 tures of graduated driver licensing laws rec-
14 ommended by the National Transportation Safety
15 Board and supported by research to protect the lives
16 of teenage and novice drivers.

17 (13) A 2010 national survey by the Insurance
18 Institute of Highway Safety indicates that—

19 (A) parents of teens favor graduated driver
20 licensing laws that are as strict or stricter than
21 those that currently exist in any State;

22 (B) $\frac{2}{3}$ of parents of teens believe that
23 young drivers should begin learning to drive at
24 16 years of age or older;

1 (C) more than ½ of parents of teens be-
2 lieve that the minimum licensing age should be
3 17 years of age or older;

4 (D) 90 percent of parents of teens support
5 a restriction on unsupervised nighttime driving;

6 (E) more than 75 percent of parents of
7 teens believe that the restriction on unsuper-
8 vised nighttime driving should begin at 10 p.m.
9 or earlier;

10 (F) 89 percent of parents of teens support
11 restrictions on teen passengers; and

12 (G) more than 75 percent of parents of
13 teens believe that teen drivers should not be
14 permitted to more than 1 teen passenger in
15 their vehicle.

16 **SEC. 3. STATE GRADUATED DRIVER LICENSING LAWS.**

17 (a) MINIMUM REQUIREMENTS.—

18 (1) IN GENERAL.—A State is in compliance
19 with this section if the State has a graduated driver
20 licensing law that requires novice drivers younger
21 than 21 years of age to comply with the 2-stage li-
22 censing process described in paragraph (2) before
23 receiving an unrestricted driver's license.

24 (2) LICENSING PROCESS.—A State is in compli-
25 ance with the 2-stage licensing process described in

1 this paragraph if the State's driver's license laws in-
2 clude—

3 (A) a learner's permit stage that—

4 (i) commences at 16 years of age or
5 older;

6 (ii) is at least 6 months in duration;

7 (iii) prohibits the driver from using a
8 cellular telephone or any communications
9 device in a nonemergency situation; and

10 (iv) remains in effect until—

11 (I) the commencement of the in-
12 termediate stage; or

13 (II) the driver reaches 18 years
14 of age;

15 (B) an intermediate stage that—

16 (i) commences immediately after the
17 expiration of the learner's permit stage;

18 (ii) is at least 6 months in duration;

19 (iii) prohibits the driver from using a
20 cellular telephone or any communications
21 device in a nonemergency situation;

22 (iv) prohibits driving at night;

23 (v) prohibits the driver from operating
24 a motor vehicle with more than 1 non-fa-
25 miliary passenger younger than 21 years of

1 age unless a licensed driver who is at least
2 21 years of age is in the motor vehicle; and

3 (vi) remains in effect until the driver
4 reaches 18 years of age; and

5 (C) any other requirement that the Sec-
6 retary of Transportation may require, includ-
7 ing—

8 (i) in the learner's permit stage—

9 (I) at least 40 hours of behind-
10 the-wheel training with a licensed
11 driver who is at least 21 years of age;

12 (II) a driver training course; and

13 (III) a requirement that any such
14 driver be accompanied and supervised
15 by a licensed driver who is at least 21
16 years of age at all times while such
17 driver is operating a motor vehicle;
18 and

19 (ii) in the learner's permit or inter-
20 mediate stage, a requirement that, in addi-
21 tion to any other penalties imposed by
22 State law, the grant of an unrestricted
23 driver's license be automatically delayed
24 for any individual who, during the learn-
25 er's permit or intermediate stage, is con-

1 victed of a driving-related offense, such
2 as—

3 (I) driving while intoxicated;

4 (II) misrepresentation of his or
5 her true age;

6 (III) reckless driving;

7 (IV) driving without wearing a
8 seat belt;

9 (V) speeding; or

10 (VI) any other driving-related of-
11 fense, as determined by the Secretary.

12 (b) RULEMAKING.—

13 (1) IN GENERAL.—The Secretary of Transpor-
14 tation shall promulgate regulations necessary to im-
15 plement this section in accordance with the notice
16 and comment provisions under section 553 of title 5,
17 United States.

18 (2) EXCEPTION.—A State that otherwise meets
19 the minimum requirements set forth in subsection
20 (a) shall be deemed by the Secretary to be in compli-
21 ance with this section regardless of whether a State
22 law, which was enacted by the State before January
23 1, 2011, establishes a class of license that permits
24 licensees younger than 18 years of age to drive a
25 motor vehicle in connection with work performed on

1 or for the operation of a farm owned by family mem-
2 bers who are directly related to the licensees.

3 **SEC. 4. INCENTIVE GRANTS.**

4 (a) IN GENERAL.—For each of the first 3 fiscal years
5 beginning after the date of enactment of this Act, the Sec-
6 retary of Transportation shall award a grant to any State
7 that submits an application under subsection (b) if that
8 State is in compliance with section 3(a) on or before the
9 first day of that fiscal year.

10 (b) APPLICATION.—

11 (1) IN GENERAL.—Any State desiring a grant
12 under this section shall submit an application to the
13 Secretary of Transportation at such time, in such
14 manner, and containing such information as the Sec-
15 retary may require, including a certification by the
16 Governor of the State that the State is in compli-
17 ance with section 3(a).

18 (2) REVIEW.—The Secretary shall review each
19 State application and determine whether or not the
20 State is in compliance with section 3(a).

21 (c) GRANTS.—Amounts appropriated to carry out
22 this section for each fiscal year shall be apportioned to
23 each State that is in compliance with section 3(a) in an
24 amount determined by multiplying—

1 (1) the amount appropriated to carry out this
2 section for such fiscal year; by

3 (2) the ratio that the amount of funds appor-
4 tioned to each such State for such fiscal year under
5 section 402 of title 23, United States Code, bears to
6 the total amount of funds apportioned to all such
7 States for such fiscal year under such section.

8 (d) USE OF FUNDS.—Amounts received by a State
9 from a grant awarded under this section may be used
10 for—

11 (1) enforcing a 2-stage licensing process that
12 complies with section 3(a)(2);

13 (2) training for law enforcement personnel and
14 other relevant State agency personnel relating to the
15 enforcement described in paragraph (1);

16 (3) publishing relevant educational materials
17 that pertain directly or indirectly to the State grad-
18 uated driver licensing law; and

19 (4) carrying out other administrative activities
20 that the Secretary considers relevant to the State's
21 2-stage licensing process.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated \$25,000,000, out of the
24 Highway Trust Fund (other than the Mass Transit Ac-

1 count), to carry out this section during each fiscal year
2 described in subsection (a).

3 **SEC. 5. WITHHOLDING OF FUNDS FOR NONCOMPLIANCE.**

4 (a) IN GENERAL.—

5 (1) FOURTH FISCAL YEAR.—On the first day of
6 the fourth fiscal year beginning after the date of the
7 enactment of this Act, the Secretary shall withhold
8 3 percent of the amount otherwise required to be ap-
9 portioned to any State for such fiscal year under
10 each of the paragraphs (1), (3), and (4) of section
11 104(b) of title 23, United States Code, if the State
12 is not in compliance with section 3(a) on the first
13 day of such fiscal year.

14 (2) FIFTH FISCAL YEAR.—On the first day of
15 the fifth fiscal year beginning after the date of the
16 enactment of this Act, the Secretary shall withhold
17 5 percent of the amount otherwise required to be ap-
18 portioned to any State for such fiscal year under
19 each of the paragraphs (1), (3), and (4) of section
20 104(b) of title 23, United States Code, if that State
21 is not in compliance with section 3(a) on the first
22 day of such fiscal year.

23 (3) SIXTH AND SUBSEQUENT FISCAL YEARS.—
24 On the first day of each fiscal year after the fifth
25 fiscal year beginning after the date of the enactment

1 of this Act, the Secretary shall withhold 10 percent
2 of the amount otherwise required to be apportioned
3 to any State for such fiscal year under each of the
4 paragraphs (1), (3), and (4) of section 104(b) of
5 title 23, United States Code, if that State is not in
6 compliance with section 3(a) on the first day of such
7 fiscal year.

8 (b) PERIOD OF AVAILABILITY OF WITHHELD
9 FUNDS.—

10 (1) FUNDS WITHHELD BEFORE THE END OF
11 THE SIXTH FISCAL YEAR.—Any amount withheld
12 from any State under subsection (a) on or before the
13 last day of the sixth fiscal year beginning after the
14 date of the enactment of this Act, shall remain avail-
15 able for distribution to the State under subsection
16 (c) until the end of the third fiscal year following the
17 fiscal year for which such amount is appropriated.

18 (2) FUNDS WITHHELD AFTER THE SIXTH FIS-
19 CAL YEAR.—Any amount withheld under subsection
20 (a)(2) from any State after the end of the sixth fis-
21 cal year beginning after the date of the enactment
22 of this Act, may not be distributed to the State.

23 (c) APPORTIONMENT OF WITHHELD FUNDS AFTER
24 COMPLIANCE.—

1 (1) IN GENERAL.—If, before the last day of the
2 period for which funds withheld under subsection (a)
3 remain available to a State under subsection (b), the
4 State comes into compliance with section 3(a), the
5 Secretary of Transportation shall, on the first day
6 on which the Secretary determines the State has
7 come into compliance, distribute to the State any
8 amounts withheld under subsection (a) that remains
9 available for apportionment to the State.

10 (2) PERIOD OF AVAILABILITY OF SUBSE-
11 QUENTLY APPORTIONED FUNDS.—Any amount dis-
12 tributed under paragraph (1) shall remain available
13 for expenditure by the State until the end of the
14 third fiscal year following the year for which the
15 funds are so apportioned. Any amount not expended
16 by the State by the end of such period shall revert
17 back to the Treasury of the United States.

18 (3) EFFECT OF NONCOMPLIANCE.—If a State is
19 not in compliance with section 3(a) at the end of the
20 period for which any amount withheld under sub-
21 section (a) remains available for distribution to the
22 State under subsection (b), such amount shall revert
23 back to the Treasury of the United States.

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