

**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 7  
OFFERED BY MRS. MCCARTHY OF NEW YORK**

Page 536, after line 7, insert the following:

1 **SEC. \_\_\_\_\_ . BAN ON USE OF HAND-HELD MOBILE DEVICE**  
2 **WHILE DRIVING.**

3 (a) REPORT ON DISTRACTED DRIVING.—

4 (1) IN GENERAL.—The Secretary of Transpor-  
5 tation shall conduct a comprehensive study on dis-  
6 tracted driving, including cognitive distraction when  
7 driving. The study should also include driver distrac-  
8 tion impacts on young, inexperienced drivers and  
9 build upon past reports and findings that the De-  
10 partment has conducted.

11 (2) REPORT FINDINGS.—Not later than 2 years  
12 after the date of enactment of this Act, the Sec-  
13 retary shall submit a report regarding the findings  
14 of the study under paragraph (1) to the appropriate  
15 committees of Congress, including any recommenda-  
16 tions to revise the requirement for minimum pen-  
17 alties under section 167(b)(2) of title 23, United  
18 States Code.

1 (b) OPERATION OF MOTOR VEHICLES WHILE USING  
2 A HAND-HELD MOBILE DEVICE.—

3 (1) IN GENERAL.—Chapter 1 of title 23, United  
4 States Code, is amended by adding at the end the  
5 following:

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

8 “(a) DEFINITIONS.—In this section the following  
9 definitions apply:

10 “(1) HAND-HELD MOBILE DEVICE.—

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

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

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

22 “(ii) a global positioning system, not  
23 integrated in a motor vehicle, that is voice-  
24 activated or used to view directions, except  
25 that if the system requires instructions to

1                   be inputted manually by hand, the motor  
2                   vehicle must not be moving or idling.

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

5                   “(A) a vehicle driven or drawn by mechan-  
6                   ical power and manufactured primarily for use  
7                   on public highways; and

8                   “(B) a railcar or other component of a  
9                   fixed guideway system that is not subject to  
10                  regulation by the Federal Railroad Administra-  
11                  tion.

12                  “(b) REQUIREMENTS AND WITHHOLDING OF APPOR-  
13                  TIONMENTS FOR NONCOMPLIANCE.—

14                  “(1) IN GENERAL.—On October 1 of the second  
15                  fiscal year beginning after the date of promulgation  
16                  of the regulations under subsection (d), and annually  
17                  thereafter, the Secretary shall withhold 25 percent  
18                  of the amount required to be apportioned to any  
19                  State under each of paragraphs (1), (3), and (4) of  
20                  section 104(b) for the fiscal year if the Secretary de-  
21                  termines that the State does not meet the require-  
22                  ment under paragraph (2) of this subsection as of  
23                  that date.

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

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

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

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

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

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

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

3           (2) TECHNICAL AMENDMENT.—The analysis of  
4           chapter 1 of title such title is amended by adding  
5           after section 166 the following:

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

