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:

SEC. ______. BAN ON USE OF HAND-HELD MOBILE DEVICE WHILE DRIVING.

(a) REPORT ON DISTRACTED DRIVING.—

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

(2) REPORT FINDINGS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a report regarding the findings of the study under paragraph (1) to the appropriate committees of Congress, including any recommendations to revise the requirement for minimum penalties under section 167(b)(2) of title 23, United States Code.
(b) Operation of Motor Vehicles While Using a Hand-held Mobile Device.—

(1) In General.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

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

“(a) Definitions.—In this section the following definitions apply:

“(1) Hand-held mobile device.—

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

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

“(i) a voice-operated, vehicle-integrated, or any device that requires the use of either hand to activate or deactivate a feature or function, or use in a hands-free manner; or

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

“(2) MOTOR VEHICLE.—The term ‘motor vehicle’ means—

“(A) a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways; and

“(B) a railcar or other component of a fixed guideway system that is not subject to regulation by the Federal Railroad Administration.

“(b) REQUIREMENTS AND WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

“(1) IN GENERAL.—On October 1 of the second fiscal year beginning after the date of promulgation of the regulations under subsection (d), and annually thereafter, the Secretary shall withhold 25 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) for the fiscal year if the Secretary determines that the State does not meet the requirement under paragraph (2) of this subsection as of that date.
“(2) REQUIREMENT.—A State shall meet the requirement under this paragraph if the State has enacted and is enforcing a law that—

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

“(B) requires, upon conviction of a violation of such State law, the imposition of penalties in accordance with the requirements for minimum penalties described in the regulations issued under subsection (d).

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

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

“(1) specify a minimum penalty for a first offense; and
“(2) stipulate that penalties shall be graduated for repeat offenses.”.

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

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