Amendment to the Rules Committee Print
of H.R. 7
Offered by Ms. Wilson of Florida

At the end of title V, add the following:

SEC. 50. WITHHOLDING FEDERAL-AID HIGHWAY FUNDS
FOR STATES FAILING TO ENACT AND IMPLEMENT
LAWS ESTABLISHING PENALTIES FOR
USING A CELL PHONE WHILE DRIVING WITH
A MINOR IN THE VEHICLE.

(a) In general.—Chapter 4 is amended by adding
at the end the following:

“SEC. 413. PENALTIES FOR USING A CELL PHONE WHILE
DRIVING WITH A MINOR IN THE VEHICLE.

“(a) Withholding Funds for Noncompliance.—
The Secretary shall withhold 5 percent of the amount re-
quired to be apportioned to any State under each of para-
graphs (1), (3), and (4) of section 104(b) on October 1,
2012, and on October 1 of each year thereafter, if the
State has not enacted and implemented a law that meets
the requirements of subsection (b) by that date.

“(b) Requirements.—
“(1) Prohibition on cell phone use while driving.—A State law meets the requirements of subsection (b) if the law—

“(A) prohibits a driver from using a personal wireless communications device to conduct a telephone call or text while driving if there is a minor in the vehicle;

“(B) makes violation of the law a primary offense;

“(C) establishes—

“(i) minimum fines for a first violation of the law; and

“(ii) increased fines for repeat violations; and

“(D) provides for increased civil and criminal penalties than would otherwise apply if a vehicle accident is caused by a driver who is using a personal wireless communications device in violation of the law.

“(2) Permitted exceptions.—A law that meets the requirements of paragraphs (1) may provide exceptions for—

“(A) use of a hands-free device that enables a driver, other than a driver who is a minor, to initiate, conduct, or receive a tele-
phone call without holding the hands-free device or the personal wireless communications device;

“(B) use of a personal wireless communications device by a driver to contact emergency services;

“(C) use of a personal wireless communications device by emergency services personnel while operating an emergency services vehicle and engaged in the performance of their duties as emergency services personnel; and

“(D) use of a device by an individual employed as a commercial motor vehicle driver, or a school bus driver, within the scope of such individual’s employment if such use is permitted under the regulations promulgated pursuant to section 31152 of title 49.

“(c) Period of Availability; Effect of Compliance and Noncompliance.—

“(1) Period of availability.—Any funds withheld under subsection (a) shall remain available until the end of the fiscal year for which the funds are authorized to be appropriated.

“(2) Apportionment of withheld funds after compliance.—If, before the last day of the fiscal year for which funds are withheld under sub-
section (a), the State enacts a law that meets the re-
quirements of subsection (b), the Secretary shall, on
the first day on which the State meets the require-
ments, apportion to the State the funds withheld
under subsection (a) for such State.

“(3) EFFECT OF NONCOMPLIANCE.—If, at the
end of the period for which funds withheld under
subsection (a) are available for apportionment to a
State under paragraph (1), the State does not enact
and implement a law that meets the requirements of
subsection (b), the funds shall lapse.

“(d) DEFINITIONS.—In this section:

“(1) DRIVING.—The term ‘driving’ means oper-
ating a motor vehicle on a public road, including op-
eration while temporarily stationary because of traf-
fic, a traffic light or stop sign, or otherwise. It does
not include operating a motor vehicle when the vehi-
cle has pulled over to the side of, or off, an active
roadway and has stopped in a location where it can
safely remain stationary.

“(2) HANDS-FREE DEVICE.—The term ‘hands-
free device’ means a device that allows a driver to
use a personal wireless communications device to ini-
tiate, conduct, or receive a telephone call without
holding the personal wireless communications device.
“(3) MINOR.—The term ‘minor’ means an individual who has not attained the age of 18.

“(4) PERSONAL WIRELESS COMMUNICATIONS DEVICE.—The term ‘personal wireless communications device’ means a device through which personal wireless services (as defined in section 332(e)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(e)(7)(C)(i))) are transmitted. It does not include a global navigation satellite system receiver used for positioning, emergency notification, or navigation purposes.

“(5) PRIMARY OFFENSE.—The term ‘primary offense’ means an offense for which a law enforcement officer may stop a vehicle solely for the purpose of issuing a citation in the absence of evidence of another offense.

“(6) TEXT.—The term ‘text’ means reading from or manually entering data into a personal wireless communications device, including doing so for the purpose of SMS texting, e-mailing, instant messaging, or engaging in any other form of electronic data retrieval or electronic data communication.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 4 is amended by adding at the end the following:
"413. Minimum penalties for using a cell phone while driving with a minor in the vehicle."