

**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:

1 **SEC. 50 ____ . WITHHOLDING FEDERAL-AID HIGHWAY FUNDS**
2 **FOR STATES FAILING TO ENACT AND IMPLE-**
3 **MENT LAWS ESTABLISHING PENALTIES FOR**
4 **USING A CELL PHONE WHILE DRIVING WITH**
5 **A MINOR IN THE VEHICLE.**

6 (a) IN GENERAL.—Chapter 4 is amended by adding
7 at the end the following:

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

10 “(a) WITHHOLDING FUNDS FOR NONCOMPLIANCE.—
11 The Secretary shall withhold 5 percent of the amount re-
12 quired to be apportioned to any State under each of para-
13 graphs (1), (3), and (4) of section 104(b) on October 1,
14 2012, and on October 1 of each year thereafter, if the
15 State has not enacted and implemented a law that meets
16 the requirements of subsection (b) by that date.

17 “(b) REQUIREMENTS.—

1 “(1) PROHIBITION ON CELL PHONE USE WHILE
2 DRIVING.—A State law meets the requirements of
3 subsection (b) if the law—

4 “(A) prohibits a driver from using a per-
5 sonal wireless communications device to conduct
6 a telephone call or text while driving if there is
7 a minor in the vehicle;

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

10 “(C) establishes—

11 “(i) minimum fines for a first viola-
12 tion of the law; and

13 “(ii) increased fines for repeat viola-
14 tions; and

15 “(D) provides for increased civil and crimi-
16 nal penalties than would otherwise apply if a
17 vehicle accident is caused by a driver who is
18 using a personal wireless communications device
19 in violation of the law.

20 “(2) PERMITTED EXCEPTIONS.—A law that
21 meets the requirements of paragraphs (1) may pro-
22 vide exceptions for—

23 “(A) use of a hands-free device that en-
24 ables a driver, other than a driver who is a
25 minor, to initiate, conduct, or receive a tele-

1 phone call without holding the hands-free device
2 or the personal wireless communications device;

3 “(B) use of a personal wireless commu-
4 nications device by a driver to contact emer-
5 gency services;

6 “(C) use of a personal wireless communica-
7 tions device by emergency services personnel
8 while operating an emergency services vehicle
9 and engaged in the performance of their duties
10 as emergency services personnel; and

11 “(D) use of a device by an individual em-
12 ployed as a commercial motor vehicle driver, or
13 a school bus driver, within the scope of such in-
14 dividual’s employment if such use is permitted
15 under the regulations promulgated pursuant to
16 section 31152 of title 49.

17 “(c) PERIOD OF AVAILABILITY; EFFECT OF COMPLI-
18 ANCE AND NONCOMPLIANCE.—

19 “(1) PERIOD OF AVAILABILITY.—Any funds
20 withheld under subsection (a) shall remain available
21 until the end of the fiscal year for which the funds
22 are authorized to be appropriated.

23 “(2) APPORTIONMENT OF WITHHELD FUNDS
24 AFTER COMPLIANCE.—If, before the last day of the
25 fiscal year for which funds are withheld under sub-

1 section (a), the State enacts a law that meets the re-
2 quirements of subsection (b), the Secretary shall, on
3 the first day on which the State meets the require-
4 ments, apportion to the State the funds withheld
5 under subsection (a) for such State.

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

12 “(d) DEFINITIONS.—In this section:

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

21 “(2) HANDS-FREE DEVICE.—The term ‘hands-
22 free device’ means a device that allows a driver to
23 use a personal wireless communications device to ini-
24 tiate, conduct, or receive a telephone call without
25 holding the personal wireless communications device.

1 “(3) MINOR.—The term ‘minor’ means an indi-
2 vidual who has not attained the age of 18.

3 “(4) PERSONAL WIRELESS COMMUNICATIONS
4 DEVICE.—The term ‘personal wireless communica-
5 tions device’ means a device through which personal
6 wireless services (as defined in section
7 332(c)(7)(C)(i) of the Communications Act of 1934
8 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted. It does
9 not include a global navigation satellite system re-
10 ceiver used for positioning, emergency notification,
11 or navigation purposes.

12 “(5) PRIMARY OFFENSE.—The term ‘primary
13 offense’ means an offense for which a law enforce-
14 ment officer may stop a vehicle solely for the pur-
15 pose of issuing a citation in the absence of evidence
16 of another offense.

17 “(6) TEXT.—The term ‘text’ means reading
18 from or manually entering data into a personal wire-
19 less communications device, including doing so for
20 the purpose of SMS texting, e-mailing, instant mes-
21 saging, or engaging in any other form of electronic
22 data retrieval or electronic data communication.”.

23 (b) CONFORMING AMENDMENT.—The analysis for
24 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.”.

