

Distracted Driving Prevention Act of 2009

Distracted Driving Incentive Grants

- Creates a new program to send grants to states that
 - enact a ban on texting while driving;
 - require drivers using a cell phone to use a hands-free device; and
 - prohibit novice drivers under age 18 from using any cell phone while driving.
- To qualify for a grant, the state law must
 - make a violation a primary offense, meaning that a law enforcement officer does not need a reason to pull over the driver other than for a violation of the distracted driving law;
 - create a minimum fine for a first-time violation of the statute, and impose increased penalties for repeat violations of the statute;
 - create increased civil and criminal penalties for a driver texting or using a cell phone who causes an accident; and
 - test the subject of distracted driving on the State's driver's license exam.
- A state may create exceptions in the statute to allow
 - texting and cell phone use while the driver is lawfully and safely parked outside the traffic lanes of a public road;
 - calling emergency services;
 - use by emergency personnel;
 - manipulation of a cell phone to activate, deactivate, or initialize a function of the device; and
 - uses by commercial vehicle drivers permitted by federal law.
- A state must enact a qualifying law before July 1 of a federal fiscal year to qualify for a grant in that fiscal year.
- Grants will be apportioned among qualifying states according to the same formula as seat belt and drunk driving grant programs.
- A state may use
 - 50 percent of the grant money to educate the public and advertise information about the dangers of texting or using a cell phone while driving; for traffic signs notifying the public of distracted driving laws; or for law enforcement of the distracted driving law;
 - 50 percent of the grant money for other projects that improve traffic safety.
- The bill would not increase the budget deficit. The grant program (and the national advertising campaign outlined in the next section) is paid for by redirecting unused surpluses from the SAFETEA-LU grants for states to enact a new primary seat belt law. The number of states enacting a new primary seat belt law has slowed in recent years. Any state that enacts a new primary seat belt law in 2010 and 2011 would still receive their safety belt grant from a pool of \$94 million. But funding not claimed by the new primary seat belt states would be redirected to the distracted driving grant program.

Distracted Driving National Education Program

- The National Highway Traffic Safety Administration (NHTSA) will establish and administer two nationwide, high-visibility advertising campaigns to educate drivers about the dangers of texting and cell phone use while driving.
- These campaigns are modeled after the two national campaigns currently run to reduce drunk driving (Labor Day and winter holidays), and the one campaign each year to increase seat belt use (Memorial Day).
- Each nationwide campaign generally costs between \$10 million to \$12 million.
- In addition to the national campaigns, NHTSA may launch targeted advertising campaigns in states or local jurisdictions that have enacted distracted driving laws.
- NHTSA is required to evaluate the effectiveness of the campaigns each year.
- To fund these campaigns, \$30 million in FY2010 and \$30 million FY2011 is redirected from the primary seat belt incentive grant program. There would still be enough money left in the primary seat belt incentive program to send grants to states that newly qualify for a primary seat belt law grant.

Commercial Motor Vehicle Regulations to Reduce Distracted Driving

- Within one year of enactment, the Secretary of Transportation will prescribe regulations on the use of electronic or wireless devices — including cell phones and other distracting devices — by commercial motor vehicle and school bus drivers during the performance of their duties.
- The regulations would cover commercial motor vehicles, including large trucks (gross vehicle weight greater than 10,000 pounds), buses with more than 10 passengers (including the driver), vehicles used to transport hazardous materials in a quantity requiring placarding, and certain school buses.
- The regulations will be based on the results of ongoing research and other relevant information.
- The Secretary may prohibit the use of wireless and electronic devices in situations that the Secretary determines would interfere with the driver's safe operation of a commercial motor vehicle.
- The Secretary may permit the use of wireless and electronic devices that would otherwise be prohibited if the Secretary determines that they are necessary for the safety of the driver or the public in emergency circumstances.

Data Collection and Research

- States currently receive grants from NHTSA to collect data regarding vehicle crash causation, and to develop comprehensive databases to track that information in a form that can be shared nationally.
- This bill would add a new requirement that, in order to receive a federal grant for data collection in FY2011, a state must
 - require that official vehicle crash investigation reports include a designated space for law enforcement to record whether or not a cell phone or texting device was in use by any driver involved in an accident;
 - require that all law enforcement officers, as part of a vehicle crash investigation, inquire about and record whether a cell phone or texting device was in use by any driver involved in an accident; and
 - incorporate the information collected into the state traffic information system.
- The bill requires the Secretary of Transportation to establish a dedicated program at the federal level to study distracted driving by passenger and commercial drivers.

Provision of Information to the States

- NHTSA is currently prohibited from conveying safety information to states unless specifically requested to do so by a state entity.
- The bill would remove that prohibition for the narrow purpose of NHTSA providing government-sponsored research and highway safety data to state agencies for the purpose of addressing the potential dangers of texting and cell phone use.

FCC Initiative

- Requires the Federal Communications Commission within 180 days after enactment to develop a report identifying
 - data the FCC can collect to help understand the problem of distracted driving;
 - existing and developing technologies with potential to reduce the dangers of distracted driving; and
 - existing FCC authority to take the initiative to reduce the dangers of distracted driving.