

HIGHWAY SAFETY
TITLE 23, UNITED STATES CODE,
CHAPTER 4
AND
RELATED HIGHWAY SAFETY PROVISIONS
ADMINISTERED BY THE
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION



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CHAPTER 4. – HIGHWAY SAFETY

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§ 401. Authority of the Secretary

The Secretary is authorized and directed to assist and cooperate with other Federal departments and agencies, State and local governments, private industry, and other interested parties, to increase highway safety. For the purposes of this chapter, the term “State” means any one of the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

§ 402. Highway safety programs

(a) Program required.--

(1) In general.--Each State shall have a highway safety program, approved by the Secretary, that is designed to reduce traffic accidents and the resulting deaths, injuries, and property damage.

(2) Uniform guidelines.--Programs required under paragraph (1) shall comply with uniform guidelines, promulgated by the Secretary and expressed in terms of performance criteria, that--

(A) include programs--

(i) to reduce injuries and deaths resulting from motor vehicles being driven in excess of posted speed limits;

(ii) to encourage the proper use of occupant protection devices (including the use of safety belts and child restraint systems) by occupants of motor vehicles;

(iii) to reduce injuries and deaths resulting from persons driving motor vehicles while impaired by alcohol or a controlled substance;

(iv) to prevent accidents and reduce injuries and deaths resulting from accidents involving motor vehicles and motorcycles;

(v) to reduce injuries and deaths resulting from accidents involving school buses;

(vi) to reduce accidents resulting from unsafe driving behavior (including aggressive or fatigued driving and distracted driving arising from the use of electronic devices in vehicles); and

(vii) to improve law enforcement services in motor vehicle accident prevention, traffic supervision, and post-accident procedures;

(B) improve driver performance, including--

(i) driver education;

(ii) driver testing to determine proficiency to operate motor vehicles; and

(iii) driver examinations (physical, mental, and driver licensing);

(C) improve pedestrian performance and bicycle safety;

(D) include provisions for--

(i) an effective record system of accidents (including resulting injuries and deaths);

(ii) accident investigations to determine the probable causes of accidents, injuries, and deaths;

(iii) vehicle registration, operation, and inspection; and

(iv) emergency services; and

(E) to the extent determined appropriate by the Secretary, are applicable to federally administered areas where a Federal department or agency controls the highways or supervises traffic operations.

(b) Administration of State programs.--

(1) Administrative requirements.--The Secretary may not approve a State highway safety program under this section which does not--

(A) provide that the Governor of the State shall be responsible for the administration of the program through a State highway safety agency which shall have adequate powers and be suitably equipped and organized to carry out, to the satisfaction of the Secretary, such program;

(B) authorize political subdivisions of the State to carry out local highway safety programs within their jurisdictions as a part of the State highway safety program if such local highway safety programs are approved by the Governor and are in accordance with the minimum standards established by the Secretary under this section;

(C) except as provided in paragraph (3), provide that at least 40 percent of all Federal funds apportioned under this section to the State for any fiscal year will be expended by the political subdivisions of the State, including Indian tribal governments, in carrying out local highway safety programs authorized in accordance with subparagraph (B);

(D) provide adequate and reasonable access for the safe and convenient movement of individuals with disabilities, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian cross-walks throughout the State;

(E) beginning on the first day of the first fiscal year after the date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2012 in which a State submits its highway safety plan under subsection (f), provide for a data-driven traffic safety enforcement program to prevent traffic violations, crashes, and crash fatalities and injuries in areas most at risk for such incidents, to the satisfaction of the Secretary;

(F) provide satisfactory assurances that the State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within a State as identified by the State highway safety planning process, including--

(i) national law enforcement mobilizations and high-visibility law enforcement mobilizations coordinated by the Secretary;

(ii) sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits;

(iii) an annual statewide safety belt use survey in accordance with criteria established by the Secretary for the measurement of State safety belt use rates to ensure that the measurements are accurate and representative;

(iv) development of statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources; and

(v) ensuring that the State will coordinate its highway safety plan, data collection, and information systems with the State strategic highway safety plan (as defined in section 148(a)).

(2) Waiver.--The Secretary may waive the requirement of paragraph (1)(C), in whole or in part, for a fiscal year for any State whenever the Secretary determines that there is an insufficient number of local highway safety programs to justify the expenditure in the State of such percentage of Federal funds during the fiscal year.

[(3) Repealed. Pub. L. 112-141. Div. C, Title I, § 31102(b)(2), July 6, 2012, 126 Stat. 735]

(c) Use of funds.--

(1) In general.--Funds authorized to be appropriated to carry out this section shall be used to aid the States to conduct the highway safety programs approved in accordance with subsection (a), including development and implementation of manpower training programs, and of demonstration programs that the Secretary determines will contribute directly to the reduction of accidents, and deaths and injuries resulting therefrom.

(2) Apportionment.--Except for amounts identified in section 403f), funds described in paragraph (1) shall be apportioned 75 per centum in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 per centum in the ratio which the public road mileage in each State bears to the total public road mileage in all States. For the purposes of this subsection, a "public road" means any road under the jurisdiction of and maintained by a public authority and open to public travel. Public road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary. The annual apportionment to each State shall not be less than three-quarters of 1 percent of the total apportionment, except that the apportionment to the Secretary of the Interior shall not be less than 2 percent of the total apportionment and the apportionments to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not be less than one-quarter of 1 per centum of the total apportionment. A highway safety program approved by the Secretary shall not include any requirement that a State implement such a program by adopting or enforcing any law, rule, or regulation based on a guideline promulgated by the Secretary under this section requiring any motorcycle operator eighteen years of age or older or passenger eighteen years of age or older to wear a safety helmet when operating or riding a motorcycle on the streets and highways of that State. Implementation of a highway safety program under this section shall not be construed to require the Secretary to require compliance with every uniform guideline, or with every element of every uniform guideline, in every State. A State may use the funds apportioned under this section, in cooperation with neighboring States, for highway safety programs or related projects that may confer benefits on such neighboring States. Funds apportioned under this section to any State, that does not have a highway safety program approved by the Secretary or that is not implementing an approved program, shall be reduced by amounts equal to not less than 20 percent of the amounts that would otherwise be apportioned to the State under this section, until such time as the Secretary approves such program or determines that the State is implementing an approved program, as appropriate. The Secretary shall consider the gravity of the State's failure to have or implement an approved program in determining the amount of the reduction.

(3) Reapportionment.--The Secretary shall promptly apportion the funds withheld from a State's apportionment to the State if the Secretary approves the State's highway safety program or determines that the State has begun

implementing an approved program, as appropriate, not later than July 31st of the fiscal year for which the funds were withheld. If the Secretary determines that the State did not correct its failure within such period, the Secretary shall reapportion the withheld funds to the other States in accordance with the formula specified in paragraph (2) not later than the last day of the fiscal year.

(4) Automated traffic enforcement systems.--

(A) Prohibition.--A State may not expend funds apportioned to that State under this section to carry out a program to purchase, operate, or maintain an automated traffic enforcement system.

(B) Automated traffic enforcement system defined.--In this paragraph, the term “automated traffic enforcement system” means any camera which captures an image of a vehicle for the purposes only of red light and speed enforcement, and does not include hand held radar and other devices operated by law enforcement officers to make an on-the-scene traffic stop, issue a traffic citation, or other enforcement action at the time of the violation.

(d) All provisions of chapter 1 of this title that are applicable to National Highway System highway funds other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the highway safety funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section, and except that the aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project and except that, in the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, he may increase the Federal share of the cost thereof payable under this Act to the extent necessary. In applying such provisions of chapter 1 in carrying out this section the term “State transportation department” as used in such provisions shall mean the Governor of a State for the purposes of this section.

(e) Uniform guidelines promulgated by the Secretary to carry out this section shall be developed in cooperation with the States, their political subdivisions, appropriate Federal departments and agencies, and such other public and private organizations as the Secretary deems appropriate.

(f) The Secretary may make arrangements with other Federal departments and agencies for assistance in the preparation of uniform guidelines for the highway safety programs contemplated by subsection (a) and in the administration of such programs. Such departments and agencies are directed to cooperate in such preparation and administration, on a reimbursable basis.

(g) Savings provision.--

(1) In general.--Except as provided under paragraph (2), nothing in this section may be construed to authorize the appropriation or expenditure of funds for--

(A) highway construction, maintenance, or design (other than design of safety features of highways to be incorporated into guidelines); or

(B) any purpose for which funds are authorized under section 403.

(2) Demonstration projects.--A State may use funds made available to carry out this section to assist in demonstration projects carried out by the Secretary under section 403.

(h) Application in Indian country.--

(1) Use of terms.--For the purpose of application of this section in Indian country, the terms “State” and “Governor of a State” include the Secretary of the Interior and the term “political subdivision of a State” includes an Indian tribe.

(2) Expenditures for local highway programs.--Notwithstanding subsection (b)(1)(C), 95 percent of the funds apportioned to the Secretary of the Interior under this section shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions.

(3) Access for individuals with disabilities.--The requirements of subsection (b)(1)(D) shall be applicable to Indian tribes, except to those tribes with respect to which the Secretary determines that application of such provisions would not be practicable.

(4) Indian country defined.--In this subsection, the term “Indian country” means--

(A) all land within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent and including rights-of-way running through the reservation;

(B) all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof and whether within or without the limits of a State; and

(C) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.

(i) Rulemaking proceeding.--The Secretary may periodically conduct a rulemaking process to identify highway safety programs that are highly effective in reducing motor vehicle crashes, injuries, and deaths. Any such rulemaking shall take into account the major role of the States in implementing such programs. When a rule promulgated in accordance with this section takes effect, States shall consider these highly effective programs when developing their highway safety programs.

(j) Law enforcement vehicular pursuit training.--A State shall actively encourage all relevant law enforcement agencies in such State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are in effect on the date of enactment of this subsection or as revised and in effect after such date as determined by the Secretary.

(k) Highway safety plan and reporting requirements.--

(1) In general.--With respect to fiscal year 2014, and each fiscal year thereafter, the Secretary shall require each State, as a condition of the approval of the State's highway safety program for that fiscal year, to develop and submit to the Secretary for approval a highway safety plan that complies with the requirements under this subsection.

(2) Timing.--Each State shall submit to the Secretary the highway safety plan not later than July 1st of the fiscal year preceding the fiscal year to which the plan applies.

(3) Contents.--State highway safety plans submitted under paragraph (1) shall include--

(A) performance measures required by the Secretary or otherwise necessary to support additional State safety goals, including--

(i) documentation of current safety levels for each performance measure;

(ii) quantifiable annual performance targets for each performance measure; and

(iii) a justification for each performance target, that explains why each target is appropriate and evidence-based;

(B) a strategy for programming funds apportioned to the State under this section on projects and activities that will allow the State to meet the performance targets described in subparagraph (A);

(C) data and data analysis supporting the effectiveness of proposed countermeasures;

(D) a description of any Federal, State, local, or private funds that the State plans to use, in addition to funds apportioned to the State under this section, to carry out the strategy described in subparagraph (B);

(E) for the fiscal year preceding the fiscal year to which the plan applies, a report on the State's success in meeting State safety goals and performance targets set forth in the previous year's highway safety plan; and

(F) an application for any additional grants available to the State under this chapter.

(4) Performance measures.--For the first highway safety plan submitted under this subsection, the performance measures required by the Secretary under paragraph (2)(A) shall be limited to those developed by the National Highway Traffic Safety Administration and the Governor's Highway Safety Association and described in the report, "Traffic Safety Performance Measures for States and Federal Agencies" (DOT HS 811 025). For subsequent highway safety plans, the Secretary shall coordinate with the Governor's Highway Safety Association in making revisions to the set of required performance measures.

(5) Review of highway safety plans.--

(A) In general.--Not later than 60 days after the date on which a State's highway safety plan is received by the Secretary, the Secretary shall review and approve or disapprove the plan.

(B) Approvals and disapprovals.--

(i) Approvals.--The Secretary shall approve a State's highway safety plan if the Secretary determines that--

(I) the plan and the performance targets contained in the plan are evidence-based and supported by data; and

(II) the plan, once implemented, will allow the State to meet the State's performance targets.

(ii) Disapprovals.--The Secretary shall disapprove a State's highway safety plan if the Secretary determines that--

(I) the plan and the performance targets contained in the plan are not evidence-based or supported by data; or

(II) the plan does not provide for programming of funding in a manner sufficient to allow the State to meet the State's performance targets.

(C) Actions upon disapproval.--If the Secretary disapproves a State's highway safety plan, the Secretary shall--

(i) inform the State of the reasons for such disapproval; and

(ii) require the State to resubmit the plan with any modifications that the Secretary determines to be necessary.

(D) Review of resubmitted plans.--If the Secretary requires a State to resubmit a highway safety plan, with modifications, the Secretary shall review and approve or disapprove the modified plan not later than 30 days after the date on which the Secretary receives such plan.

(E) Public notice.--A State shall make the State's highway safety plan, and decisions of the Secretary concerning approval or disapproval of a revised plan, available to the public.

[(l) Redesignated (j)]

(m) Teen traffic safety.--

(1) In general.--Subject to the requirements of a State's highway safety plan, as approved by the Secretary under subsection (k), a State may use a portion of the amounts received under this section to implement statewide efforts to improve traffic safety for teen drivers.

(2) Use of funds.--Statewide efforts under paragraph (1)--

(A) shall include peer-to-peer education and prevention strategies in schools and communities designed to--

- (i)** increase safety belt use;
- (ii)** reduce speeding;
- (iii)** reduce impaired and distracted driving;
- (iv)** reduce underage drinking; and
- (v)** reduce other behaviors by teen drivers that lead to injuries and fatalities; and

(B) may include--

- (i)** working with student-led groups and school advisors to plan and implement teen traffic safety programs;
- (ii)** providing subgrants to schools throughout the State to support the establishment and expansion of student groups focused on teen traffic safety;
- (iii)** providing support, training, and technical assistance to establish and expand school and community safety programs for teen drivers;
- (iv)** creating statewide or regional websites to publicize and circulate information on teen safety programs;

(v) conducting outreach and providing educational resources for parents;

(vi) establishing State or regional advisory councils comprised of teen drivers to provide input and recommendations to the governor and the governor's safety representative on issues related to the safety of teen drivers;

(vii) collaborating with law enforcement; and

(viii) establishing partnerships and promoting coordination among community stakeholders, including public, not-for-profit, and for profit entities.

(n) Biennial report to Congress.--Not later than October 1, 2015, and biennially thereafter, the Secretary shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that contains--

(1) an evaluation of each State's performance with respect to the State's highway safety plan under subsection (k) and performance targets set by the States in such plans; and

(2) such recommendations as the Secretary may have for improvements to activities carried out under subsection (k).

§ 403. Highway safety research and development

(a) Defined term.--In this section, the term "Federal laboratory" includes--

(1) a government-owned, government-operated laboratory; and

(2) a government-owned, contractor-operated laboratory.

(b) General authority.--

(1) Research and development activities.--The Secretary may conduct research and development activities, including demonstration projects and the collection and analysis of highway and motor vehicle safety data and related information needed to carry out this section, with respect to--

(A) all aspects of highway and traffic safety systems and conditions relating to--

(i) vehicle, highway, driver, passenger, motorcyclist, bicyclist, and pedestrian characteristics;

(ii) accident causation and investigations;

(iii) communications; and

(iv) emergency medical services, including the transportation of the injured;

(B) human behavioral factors and their effect on highway and traffic safety, including--

(i) driver education;

(ii) impaired driving; and

(iii) distracted driving;

(C) an evaluation of the effectiveness of countermeasures to increase highway and traffic safety, including occupant protection and alcohol- and drug-impaired driving technologies and initiatives;

(D) the development of technologies to detect drug impaired drivers;

(E) research on, evaluations of, and identification of best practices related to driver education programs (including driver education curricula, instructor training and certification, program administration, and delivery mechanisms) and make recommendations for harmonizing driver education and multistage graduated licensing systems; and

(F) the effect of State laws on any aspects, activities, or programs described in subparagraphs (A) through (E).

(2) Cooperation, grants, and contracts.--The Secretary may carry out this section--

(A) independently;

(B) in cooperation with other Federal departments, agencies, and instrumentalities and Federal laboratories;

(C) by entering into contracts, cooperative agreements, and other transactions with the National Academy of Sciences, any Federal laboratory, State or local agency, authority, association, institution, or person (as defined in chapter 1 of title 1); or

(D) by making grants to the National Academy of Sciences, any Federal laboratory, State or local agency, authority, association, institution, or person (as defined in chapter 1 of title 1).

(c) Collaborative research and development.--

(1) In general.--To encourage innovative solutions to highway safety problems, stimulate voluntary improvements in highway safety, and stimulate the marketing of new highway safety related technology by private industry, the Secretary is authorized to carry out, on a cost-shared basis, collaborative research and development with--

(A) non-Federal entities, including State and local governments, colleges, universities, corporations, partnerships, sole proprietorships, organizations, and trade associations that are incorporated or established under the laws of any State or the United States; and

(B) Federal laboratories.

(2) Agreements.--In carrying out this subsection, the Secretary may enter into cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)) in which the Secretary provides not more than 50 percent of the cost of any research or development project under this subsection.

(3) Use of technology.--The research, development, or use of any technology pursuant to an agreement under this subsection, including the terms under which technology may be licensed and the resulting royalties may be distributed, shall be subject to the provisions of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701et seq.).

(d) Title to equipment.--In furtherance of the purposes set forth in section 402, the Secretary may vest title to equipment purchased for demonstration projects with funds authorized under this section to State or local agencies on such terms and conditions as the Secretary determines to be appropriate.

(e) Prohibition on certain disclosures.--Any report of the National Highway Traffic Safety Administration, or of any officer, employee, or contractor of the National Highway Traffic Safety Administration, relating to any highway traffic accident or the investigation of such accident conducted pursuant to this chapter or chapter 301 may only be made available to the public in a manner that does not identify individuals.

(f) Cooperative research and evaluation.--

(1) Establishment and funding.--Notwithstanding the apportionment formula set forth in section 402(c)(2), \$2,500,000 of the total amount available for apportionment to the States for highway safety programs under subsection 402(c) in each fiscal year shall be available for expenditure by the Secretary, acting through the Administrator of the National Highway Traffic Safety Administration, for a cooperative research and evaluation program to research and evaluate priority highway safety countermeasures.

(2) Administration.--The program established under paragraph (1)--

(A) shall be administered by the Administrator of the National Highway Traffic Safety Administration; and

(B) shall be jointly managed by the Governors Highway Safety Association and the National Highway Traffic Safety Administration.

(g) **International cooperation.**--The Administrator of the National Highway Traffic Safety Administration may participate and cooperate in international activities to enhance highway safety.

(h) **In-vehicle alcohol detection device research.**--

(1) **In general.**--The Administrator of the National Highway Traffic Safety Administration may carry out a collaborative research effort under chapter 301 of title 49 on in-vehicle technology to prevent alcohol-impaired driving.

(2) **Funding.**--Funds provided under section 405 may be made to be used by the Secretary to conduct the research described in paragraph (1).

(3) **Privacy protection.**--If the Administrator utilizes the authority under paragraph (1), the Administrator shall not develop requirements for any device or means of technology to be installed in an automobile intended for retail sale that records a driver's blood alcohol concentration.

(4) **Reports.**--If the Administrator conducts the research authorized under paragraph (1), the Administrator shall submit an annual report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and Committee on Science, Space, and Technology of the House of Representatives that--

(A) describes the progress made in carrying out the collaborative research effort; and

(B) includes an accounting for the use of Federal funds obligated or expended in carrying out that effort.

(5) **Definitions.**--In this subsection:

(A) **Alcohol-impaired driving.**--The term "alcohol-impaired driving" means the operation of a motor vehicle (as defined in section 30102(a)(6) of title 49) by an individual whose blood alcohol content is at or above the legal limit.

(B) **Legal limit.**--The term "legal limit" means a blood alcohol concentration of 0.08 percent or greater (as set forth in section 163(a)) or such other percentage limitation as may be established by applicable Federal, State, or local law.

§ 404. National Highway Safety Advisory Committee

(a)(1) There is established in the Department of Transportation a National Highway Safety Advisory Committee, composed of the Secretary or an officer of the Department appointed by him, the Federal Highway Administrator, the National Highway Traffic Safety Administrator, and thirty-five members appointed by the President, no more than four of whom shall be Federal officers or employees. The Secretary shall select the Chairman of the Committee from among the Committee members. The appointed members, having due regard for the purposes of this chapter, shall be selected from among representatives of various State and local governments, including State legislatures, of public and private interests contributing to, affected by, or concerned with highway safety, including the national organizations of passenger car, bus, and truck owners, and of other public and private agencies, organizations, or groups demonstrating an active interest in highway safety, as well as research scientists and other individuals who are expert in this field.

(2)(A) Each member appointed by the President shall hold office for a term of three years, except that (i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (ii) the terms of office of members first taking office after the date of enactment of this section shall expire as follows: Twelve at the end of one year after the date such committee members are appointed by the President, twelve at the end of two years after the date such committee members are appointed by the President, and eleven at the end of three years after the date such committee members are appointed, as designated by the President at the time of appointment, and (iii) the term of any member shall be extended until the date on which the successor's appointment is effective. None of the members appointed by the President who has served a three-year term, other than Federal officers or employees, shall be eligible for reappointment within one year following the end of his preceding term.

(B) Members of the Committee who are not officers or employees of the United States shall, while attending meetings or conferences of such Committee or otherwise engaged in the business of such Committee, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding \$100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized in section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently. Payments under this section shall not render members of the Committee employees or officials of the United States for any purpose.

(b) The National Highway Safety Advisory Committee shall advise, consult with, and make recommendations to, the Secretary on matters relating to the activities and functions of the Department in the field of highway safety. The Committee is authorized (1) to review research projects or programs submitted to or recommended by it in the field of highway safety and recommend to the Secretary, for prosecution under this title, any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause and prevention of highway accidents; and (2) to review, prior to issuance, standards proposed to be issued by order of the Secretary under the provisions of section 402(a) of this title and to make recommendations thereon. Such recommendations shall be published in connection with the Secretary's determination or order.

(c) The National Highway Safety Advisory Committee shall meet from time to time as the Secretary shall direct, but at least once each year.

(d) The Secretary shall provide to the National Highway Safety Committee from among the personnel and facilities of the Department of Transportation such staff and facilities as are necessary to carry out the functions of such Committee.

§ 405. National priority safety programs

(a) **General authority.**--Subject to the requirements of this section, the Secretary of Transportation shall manage programs to address national priorities for reducing highway deaths and injuries. Funds shall be allocated according to the priorities set forth in paragraphs (1) and (2).

(1) Grants to States.--

(A) **Occupant protection.**--16 percent of the funds provided under this section in each fiscal year shall be allocated among States that adopt and implement effective occupant protection programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles (as described in subsection (b)).

(B) **State traffic safety information system improvements.**--14.5 percent of the funds provided under this section in each fiscal year shall be allocated among States that meet the requirements of the State traffic safety information system improvements (as described in subsection (c)).

(C) **Impaired driving countermeasures.**--52.5 percent of the funds provided under this section in each fiscal year shall be allocated among States that meet the requirements of the impaired driving countermeasures (as described in subsection (d)).

(D) **Distracted driving.**--8.5 percent of the funds provided under this section in each fiscal year shall be allocated among States that adopt and implement effective laws to reduce distracted driving (as described in subsection (e)).

(E) **Motorcyclist safety.**--1.5 percent of the funds provided under this section in each fiscal year shall be allocated among States that implement motorcyclist safety programs (as described in subsection (f)).

(F) **State graduated driver licensing laws.**--5 percent of the funds provided under this section in each fiscal year shall be allocated among States that adopt and implement graduated driver licensing laws (as described in subsection (g)).

(G) **Transfers.**--Notwithstanding subparagraphs (A) through (F), the Secretary may reallocate, before the last day of any fiscal year, any amounts remaining available to carry out any of the activities described in subsections (b) through (g) to increase the amount made available to carry out any of the other activities

described in such subsections, or the amount made available under section 402, in order to ensure, to the maximum extent possible, that all such amounts are obligated during such fiscal year.

(H) Maintenance of effort.--

(i) Requirements.--No grant may be made to a State in any fiscal year under subsection (b), (c), or (d) unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all State and local sources for programs described in those sections at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2012.

(ii) Waiver.--Upon the request of a State, the Secretary may waive or modify the requirements under clause (i) for not more than 1 fiscal year if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances.

(2) Other priority programs.--Funds provided under this section in each fiscal year may be used for research into technology to prevent alcohol-impaired driving (as described in subsection 403(h)).

(b) Occupant protection grants.--

(1) General authority.--Subject to the requirements under this subsection, the Secretary of Transportation shall award grants to States that adopt and implement effective occupant protection programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles.

(2) Federal share.--The Federal share of the costs of activities funded using amounts from grants awarded under this subsection may not exceed 80 percent for each fiscal year for which a State receives a grant.

(3) Eligibility.--

(A) High seat belt use rate.--A State with an observed seat belt use rate of 90 percent or higher, based on the most recent data from a survey that conforms with national criteria established by the National Highway Traffic Safety Administration, shall be eligible for a grant in a fiscal year if the State--

(i) submits an occupant protection plan during the first fiscal year;

(ii) participates in the Click It or Ticket national mobilization;

(iii) has an active network of child restraint inspection stations; and

(iv) has a plan to recruit, train, and maintain a sufficient number of child passenger safety technicians.

(B) Lower seat belt use rate.--A State with an observed seat belt use rate below 90 percent, based on the most recent data from a survey that conforms with national criteria established by the National Highway Traffic Safety Administration, shall be eligible for a grant in a fiscal year if--

(i) the State meets all of the requirements under clauses (i) through (iv) of subparagraph (A); and

(ii) the Secretary determines that the State meets at least 3 of the following criteria:

(I) The State conducts sustained (on-going and periodic) seat belt enforcement at a defined level of participation during the year.

(II) The State has enacted and enforces a primary enforcement seat belt use law.

(III) The State has implemented countermeasure programs for high-risk populations, such as drivers on rural roadways, unrestrained nighttime drivers, or teenage drivers.

(IV) The State has enacted and enforces occupant protection laws requiring front and rear occupant protection use by all occupants in an age-appropriate restraint.

(V) The State has implemented a comprehensive occupant protection program in which the State has--

(aa) conducted a program assessment;

(bb) developed a statewide strategic plan;

(cc) designated an occupant protection coordinator; and

(dd) established a statewide occupant protection task force.

(VI) The State--

(aa) completed an assessment of its occupant protection program during the 3-year period preceding the grant year; or

(bb) will conduct such an assessment during the first year of the grant.

(4) Use of grant amounts.--

(A) In general.--Grant funds received pursuant to this subsection may be used to--

(i) carry out a program to support high-visibility enforcement mobilizations, including paid media that emphasizes publicity for the program, and law enforcement;

(ii) carry out a program to train occupant protection safety professionals, police officers, fire and emergency medical personnel, educators, and parents concerning all aspects of the use of child restraints and occupant protection;

(iii) carry out a program to educate the public concerning the proper use and installation of child restraints, including related equipment and information systems;

(iv) carry out a program to provide community child passenger safety services, including programs about proper seating positions for children and how to reduce the improper use of child restraints;

(v) purchase and distribute child restraints to low-income families, provided that not more than 5 percent of the funds received in a fiscal year are used for such purpose; and

(vi) establish and maintain information systems containing data concerning occupant protection, including the collection and administration of child passenger safety and occupant protection surveys.

(B) High seat belt use rate.--A State that is eligible for funds under paragraph (3)(A) may use up to 75 percent of such funds for any project or activity eligible for funding under section 402.

(5) Grant amount.--The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State's apportionment under section 402 for fiscal year 2009.

(6) Definitions.--In this subsection:

(A) Child restraint.--The term "child restraint" means any device (including child safety seat, booster seat, harness, and excepting seat belts) that is--

(i) designed for use in a motor vehicle to restrain, seat, or position children who weigh 65 pounds (30 kilograms) or less; and

(ii) certified to the Federal motor vehicle safety standard prescribed by the National Highway Traffic Safety Administration for child restraints.

(B) Seat belt.--The term "seat belt" means--

(i) with respect to open-body motor vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

(ii) with respect to other motor vehicles, an occupant restraint system consisting of integrated lap and shoulder belts.

(c) State traffic safety information system improvements.--

(1) General authority.--Subject to the requirements under this subsection, the Secretary of Transportation shall award grants to States to support the development and implementation of effective State programs that--

(A) improve the timeliness, accuracy, completeness, uniformity, integration, and accessibility of the State safety data that is needed to identify priorities for Federal, State, and local highway and traffic safety programs;

(B) evaluate the effectiveness of efforts to make such improvements;

(C) link the State data systems, including traffic records, with other data systems within the State, such as systems that contain medical, roadway, and economic data;

(D) improve the compatibility and interoperability of the data systems of the State with national data systems and data systems of other States; and

(E) enhance the ability of the Secretary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances.

(2) Federal share.--The Federal share of the cost of adopting and implementing in a fiscal year a State program described in this subsection may not exceed 80 percent.

(3) Eligibility.--A State is not eligible for a grant under this subsection in a fiscal year unless the State demonstrates, to the satisfaction of the Secretary, that the State--

(A) has a functioning traffic records coordinating committee (referred to in this paragraph as "TRCC") that meets at least 3 times each year;

(B) has designated a TRCC coordinator;

(C) has established a State traffic record strategic plan that has been approved by the TRCC and describes specific quantifiable and measurable improvements anticipated in the State's core safety databases, including crash, citation or adjudication, driver, emergency medical services or injury surveillance system, roadway, and vehicle databases;

(D) has demonstrated quantitative progress in relation to the significant data program attribute of--

(i) accuracy;

(ii) completeness;

(iii) timeliness;

(iv) uniformity;

(v) accessibility; or

(vi) integration of a core highway safety database; and

(E) has certified to the Secretary that an assessment of the State's highway safety data and traffic records system was conducted or updated during the preceding 5 years.

(4) Use of grant amounts.--Grant funds received by a State under this subsection shall be used for making data program improvements to core highway safety databases related to quantifiable, measurable progress in any of the 6 significant data program attributes set forth in paragraph (3)(D).

(5) Grant amount.--The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State's apportionment under section 402 for fiscal year 2009.

(d) Impaired driving countermeasures.--

(1) In general.--Subject to the requirements under this subsection, the Secretary of Transportation shall award grants to States that adopt and implement--

(A) effective programs to reduce driving under the influence of alcohol, drugs, or the combination of alcohol and drugs; or

(B) alcohol-ignition interlock laws.

(2) Federal share.--The Federal share of the costs of activities funded using amounts from grants under this subsection may not exceed 80 percent in any fiscal year in which the State receives a grant.

(3) Eligibility.--

(A) Low-range States.--Low-range States shall be eligible for a grant under this subsection.

(B) Mid-range States.--A mid-range State shall be eligible for a grant under this subsection if--

(i) a statewide impaired driving task force in the State developed a statewide plan during the most recent 3 calendar years to address the problem of impaired driving; or

(ii) the State will convene a statewide impaired driving task force to develop such a plan during the first year of the grant.

(C) High-range States.--A high-range State shall be eligible for a grant under this subsection if the State--

(i)(I) conducted an assessment of the State's impaired driving program during the most recent 3 calendar years; or

(II) will conduct such an assessment during the first year of the grant;

(ii) convenes, during the first year of the grant, a statewide impaired driving task force to develop a statewide plan that--

(I) addresses any recommendations from the assessment conducted under clause (i);

(II) includes a detailed plan for spending any grant funds provided under this subsection; and

(III) describes how such spending supports the statewide program; and

(iii)(I) submits the statewide plan to the National Highway Traffic Safety Administration during the first year of the grant for the agency's review and approval;

(II) annually updates the statewide plan in each subsequent year of the grant; and

(III) submits each updated statewide plan for the agency's review and comment.

(4) Use of grant amounts.--

(A) Required programs.--High-range States shall use grant funds for--

(i) high visibility enforcement efforts; and

(ii) any of the activities described in subparagraph (B) if--

(I) the activity is described in the statewide plan; and

(II) the Secretary approves the use of funding for such activity.

(B) Authorized programs.--Medium-range and low-range States may use grant funds for--

(i) any of the purposes described in subparagraph (A);

(ii) hiring a full-time or part-time impaired driving coordinator of the State's activities to address the enforcement and adjudication of laws regarding driving while impaired by alcohol;

(iii) court support of high visibility enforcement efforts, training and education of criminal justice professionals (including law enforcement, prosecutors, judges, and probation officers) to assist such professionals in handling impaired driving cases, hiring traffic safety resource prosecutors, hiring judicial outreach liaisons, and establishing driving while intoxicated courts;

(iv) alcohol ignition interlock programs;

(v) improving blood-alcohol concentration testing and reporting;

(vi) paid and earned media in support of high visibility enforcement efforts, and conducting standardized field sobriety training, advanced roadside impaired driving evaluation training, and drug recognition expert training for law enforcement, and equipment and related expenditures used in connection with impaired driving enforcement in accordance with criteria established by the National Highway Traffic Safety Administration;

(vii) training on the use of alcohol screening and brief intervention;

(viii) developing impaired driving information systems; and

(ix) costs associated with a 24-7 sobriety program.

(C) Other programs.--Low-range States may use grant funds for any expenditure designed to reduce impaired driving based on problem identification. Medium and high-range States may use funds for such expenditures upon approval by the Secretary.

(5) Grant amount.--Subject to paragraph (6), the allocation of grant funds to a State under this section for a fiscal year shall be in proportion to the State's apportionment under section 402(c) for fiscal year 2009.

(6) Grants to States that adopt and enforce mandatory alcohol-ignition interlock laws.--

(A) In general.--The Secretary shall make a separate grant under this subsection to each State that adopts and is enforcing a mandatory alcohol-ignition interlock law for all individuals convicted of driving under the influence of alcohol or of driving while intoxicated.

(B) Use of funds.--Grants authorized under subparagraph (A) may be used by recipient States for any eligible activities under this subsection or section 402.

(C) Allocation.--Amounts made available under this paragraph shall be allocated among States described in subparagraph (A) on the basis of the apportionment formula set forth in section 402(c).

(D) Funding.--Not more than 15 percent of the amounts made available to carry out this subsection in a fiscal year shall be made available by the Secretary for making grants under this paragraph.

(7) Definitions.--In this subsection:

(A) 24-7 sobriety program.--The term “24-7 sobriety program” means a State law or program that authorizes a State court or a State agency, as a condition of sentence, probation, parole, or work permit, to--

(i) require an individual who plead guilty or was convicted of driving under the influence of alcohol or drugs to totally abstain from alcohol or drugs for a period of time; and

(ii) require the individual to be subject to testing for alcohol or drugs--

(I) at least twice per day;

(II) by continuous transdermal alcohol monitoring via an electronic monitoring device; or

(III) by an alternate method with the concurrence of the Secretary.

(B) Average impaired driving fatality rate.--The term “average impaired driving fatality rate” means the number of fatalities in motor vehicle crashes involving a driver with a blood alcohol concentration of at least 0.08 percent for every 100,000,000 vehicle miles traveled, based on the most recently reported 3 calendar years of final data from the Fatality Analysis Reporting System, as calculated in accordance with regulations prescribed by the Administrator of the National Highway Traffic Safety Administration.

(C) High-range state.--The term “high-range State” means a State that has an average impaired driving fatality rate of 0.60 or higher.

(D) Low-range state.--The term “low-range State” means a State that has an average impaired driving fatality rate of 0.30 or lower.

(E) Mid-range state.--The term “mid-range State” means a State that has an average impaired driving fatality rate that is higher than 0.30 and lower than 0.60.

(e) Distracted driving grants.--

(1) In general.--The Secretary shall award a grant under this subsection to any State that enacts and enforces a statute that meets the requirements set forth in paragraphs (2) and (3).

(2) Prohibition on texting while driving.--A State statute meets the requirements set forth in this paragraph if the statute--

(A) prohibits drivers from texting through a personal wireless communications device while driving;

(B) makes violation of the statute a primary offense; and

(C) Establishes.--

(i) a minimum fine for a first violation of the statute; and

(ii) increased fines for repeat violations.

(3) Prohibition on youth cell phone use while driving.--A State statute meets the requirements set forth in this paragraph if the statute--

(A) prohibits a driver who is younger than 18 years of age from using a personal wireless communications device while driving;

(B) makes violation of the statute a primary offense;

(C) requires distracted driving issues to be tested as part of the State driver's license examination; and

(D) establishes--

(i) a minimum fine for a first violation of the statute; and

(ii) increased fines for repeat violations.

(4) Permitted exceptions.--A statute that meets the requirements set forth in paragraphs (2) and (3) may provide exceptions for--

(A) a driver who uses a personal wireless communications device to contact emergency services;

(B) emergency services personnel who use a personal wireless communications device while--

(i) operating an emergency services vehicle; and

(ii) engaged in the performance of their duties as emergency services personnel; and

(C) an individual employed as a commercial motor vehicle driver or a school bus driver who uses a personal wireless communications device within the scope of such individual's employment if such use is permitted under the regulations promulgated pursuant to section 31152 of title 49.

(5) Use of grant funds.--Of the amounts received by a State under this subsection--

(A) at least 50 percent shall be used--

(i) to educate the public through advertising containing information about the dangers of texting or using a cell phone while driving;

(ii) for traffic signs that notify drivers about the distracted driving law of the State; or

(iii) for law enforcement costs related to the enforcement of the distracted driving law; and

(B) up to 50 percent may be used for any eligible project or activity under section 402.

(6) Additional grants.--In the first fiscal year that grants are awarded under this subsection, the Secretary may use up to 25 percent of the amounts available for grants under this subsection to award grants to States that--

(A) enacted statutes before the date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2012, which meet the requirements set forth in subparagraphs (A) and (B) of paragraph (2); and

(B) are otherwise ineligible for a grant under this subsection.

(7) Allocation to support State distracted driving laws.--Of the amounts available under this subsection in a fiscal year for distracted driving grants, the Secretary may expend up to \$5,000,000 for the development and placement of broadcast media to support the enforcement of State distracted driving laws.

(8) Distracted driving study.--

(A) In general.--The Secretary shall conduct a study of all forms of distracted driving.

(B) Components.--The study conducted under subparagraph (A) shall--

(i) examine the effect of distractions other than the use of personal wireless communications on motor vehicle safety;

(ii) identify metrics to determine the nature and scope of the distracted driving problem;

(iii) identify the most effective methods to enhance education and awareness; and

(iv) identify the most effective method of reducing deaths and injuries caused by all forms of distracted driving.

(C) Report.--Not later than 1 year after the date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2012, the Secretary shall submit a report containing the results of the study conducted under this paragraph to--

(i) the Committee on Commerce, Science, and Transportation of the Senate; and

(ii) the Committee on Transportation and Infrastructure of the House of Representatives.

(9) Definitions.--In this subsection:

(A) Driving.--The term “driving”--

(i) means operating a motor vehicle on a public road, including operation while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise; and

(ii) does not include operating a motor vehicle when the vehicle has pulled over to the side of, or off, an active roadway and has stopped in a location where it can safely remain stationary.

(B) Personal wireless communications device.--The term “personal wireless communications device”--

(i) means a device through which personal wireless services (as defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted; and

(ii) does not include a global navigation satellite system receiver used for positioning, emergency notification, or navigation purposes.

(C) 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.

(D) Public road.--The term “public road” has the meaning given such term in section 402(c).

(E) Texting.--The term “texting” 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.

(f) Motorcyclist safety.--

(1) Grants authorized.--Subject to the requirements under this subsection, the Secretary shall award grants to States that adopt and implement effective programs to reduce the number of single- and multi-vehicle crashes involving motorcyclists.

(2) Allocation.--The amount of a grant awarded to a State for a fiscal year under this subsection may not exceed 25 percent of the amount apportioned to the State for fiscal year 2003 under section 402.

(3) Grant eligibility.--A State becomes eligible for a grant under this subsection by adopting or demonstrating to the satisfaction of the Secretary, at least 2 of the following criteria:

(A) Motorcycle rider training courses.--An effective motorcycle rider training course that is offered throughout the State, which--

(i) provides a formal program of instruction in accident avoidance and other safety-oriented operational skills to motorcyclists; and

(ii) may include innovative training opportunities to meet unique regional needs.

(B) Motorcyclists awareness program.--An effective statewide program to enhance motorist awareness of the presence of motorcyclists on or near roadways and safe driving practices that avoid injuries to motorcyclists.

(C) Reduction of fatalities and crashes involving motorcycles.--A reduction for the preceding calendar year in the number of motorcycle fatalities and the rate of motor vehicle crashes involving motorcycles in the State (expressed as a function of 10,000 motorcycle registrations).

(D) Impaired driving program.--Implementation of a statewide program to reduce impaired driving, including specific measures to reduce impaired motorcycle operation.

(E) Reduction of fatalities and accidents involving impaired motorcyclists.--A reduction for the preceding calendar year in the number of fatalities and the rate of reported crashes involving alcohol- or drug-impaired motorcycle operators (expressed as a function of 10,000 motorcycle registrations).

(F) Fees collected from motorcyclists.--All fees collected by the State from motorcyclists for the purposes of funding motorcycle training and safety programs will be used for motorcycle training and safety purposes.

(4) Eligible uses.--

(A) In general.--A State may use funds from a grant under this subsection only for motorcyclist safety training and motorcyclist awareness programs, including--

(i) improvements to motorcyclist safety training curricula;

(ii) improvements in program delivery of motorcycle training to both urban and rural areas, including--

(I) procurement or repair of practice motorcycles;

(II) instructional materials;

(III) mobile training units; and

(IV) leasing or purchasing facilities for closed-course motorcycle skill training;

(iii) measures designed to increase the recruitment or retention of motorcyclist safety training instructors; and

(iv) public awareness, public service announcements, and other outreach programs to enhance driver awareness of motorcyclists, such as the 'share-the-road' safety messages developed under subsection (g).

(B) Suballocations of funds.--An agency of a State that receives a grant under this subsection may suballocate funds from the grant to a nonprofit organization incorporated in that State to carry out this subsection.

(5) Definitions.--In this subsection:

(A) Motorcyclist awareness.--The term "motorcyclist awareness" means individual or collective awareness of-

(i) the presence of motorcycles on or near roadways; and

(ii) safe driving practices that avoid injury to motorcyclists.

(B) Motorcyclist awareness program.--The term “motorcyclist awareness program” means an informational or public awareness program designed to enhance motorcyclist awareness that is developed by or in coordination with the designated State authority having jurisdiction over motorcyclist safety issues, which may include the State motorcycle safety administrator or a motorcycle advisory council appointed by the governor of the State.

(C) Motorcyclist safety training.--The term “motorcyclist safety training” means a formal program of instruction that is approved for use in a State by the designated State authority having jurisdiction over motorcyclist safety issues, which may include the State motorcycle safety administrator or a motorcycle advisory council appointed by the governor of the State.

(D) State.--The term “State” has the meaning given such term in section 101(a) of title 23, United States Code.

(g) State Graduated Driver Licensing Incentive Grant.--

(1) Grants authorized.--Subject to the requirements under this subsection, the Secretary shall award grants to States that adopt and implement graduated driver licensing laws in accordance with the requirements set forth in paragraph (2).

(2) Minimum requirements.--

(A) In general.--A State meets the requirements set forth in this paragraph if the State has a graduated driver licensing law that requires novice drivers younger than 21 years of age to comply with the 2-stage licensing process described in subparagraph (B) before receiving an unrestricted driver's license.

(B) Licensing process.--A State is in compliance with the 2-stage licensing process described in this subparagraph if the State's driver's license laws include--

(i) a learner's permit stage that--

(I) is at least 6 months in duration;

(II) prohibits the driver from using a cellular telephone or any communications device in a nonemergency situation; and

(III) remains in effect until the driver--

(aa) reaches 16 years of age and enters the intermediate stage; or

(bb) reaches 18 years of age;

(ii) an intermediate stage that--

(I) commences immediately after the expiration of the learner's permit stage;

(II) is at least 6 months in duration;

(III) prohibits the driver from using a cellular telephone or any communications device in a nonemergency situation;

(IV) restricts driving at night;

(V) prohibits the driver from operating a motor vehicle with more than 1 nonfamilial passenger younger than 21 years of age unless a licensed driver who is at least 21 years of age is in the motor vehicle; and

(VI) remains in effect until the driver reaches 18 years of age; and

(iii) any other requirement prescribed by the Secretary of Transportation, including--

(I) in the learner's permit stage--

(aa) at least 40 hours of behind-the-wheel training with a licensed driver who is at least 21 years of age;

(bb) a driver training course; and

(cc) a requirement that the driver be accompanied and supervised by a licensed driver, who is at least 21 years of age, at all times while such driver is operating a motor vehicle; and

(II) in the learner's permit or intermediate stage, a requirement, in addition to any other penalties imposed by State law, that the grant of an unrestricted driver's license be automatically delayed for any individual who, during the learner's permit or intermediate stage, is convicted of a driving-related offense, including--

(aa) driving while intoxicated;

(bb) misrepresentation of his or her true age;

(cc) reckless driving;

(dd) driving without wearing a seat belt;

(ee) speeding; or

(ff) any other driving-related offense, as determined by the Secretary.

(3) Rulemaking.--

(A) In general.--The Secretary shall promulgate regulations necessary to implement the requirements set forth in paragraph (2), in accordance with the notice and comment provisions under section 553 of title 5.

(B) Exception.--A State that otherwise meets the minimum requirements set forth in paragraph (2) shall be deemed by the Secretary to be in compliance with the requirement set forth in paragraph (2) if the State enacted a law before January 1, 2011, establishing a class of license that permits licensees or applicants younger than 18 years of age to drive a motor vehicle--

(i) in connection with work performed on, or for the operation of, a farm owned by family members who are directly related to the applicant or licensee; or

(ii) if demonstrable hardship would result from the denial of a license to the licensees or applicants.

(4) Allocation.--Grant funds allocated to a State under this subsection for a fiscal year shall be in proportion to a State's apportionment under section 402 for such fiscal year.

(5) Use of funds.--Of the grant funds received by a State under this subsection--

(A) at least 25 percent shall be used for--

(i) enforcing a 2-stage licensing process that complies with paragraph (2);

(ii) training for law enforcement personnel and other relevant State agency personnel relating to the enforcement described in clause (i);

(iii) publishing relevant educational materials that pertain directly or indirectly to the State graduated driver licensing law;

(iv) carrying out other administrative activities that the Secretary considers relevant to the State's 2-stage licensing process; and

(v) carrying out a teen traffic safety program described in section 402(m); and

(B) up to 75 percent may be used for any eligible project or activity under section 402.

[§ 406. Repealed. Pub.L. 112-141, Div. C, Title I, § 31109(b), July 6, 2012, 126 Stat. 756]

[§ 407. Repealed. Pub.L. 112-141, Div. C, Title I, § 31109(c), July 6, 2012, 126 Stat. 756]

[§ 408. Repealed. Pub.L. 112-141, Div. C, Title I, § 31109(d), July 6, 2012, 126 Stat. 756]

§ 409. Discovery and admission as evidence of certain reports and surveys

Notwithstanding any other provision of law, reports, surveys, schedules, lists, or data compiled or collected for the purpose of identifying, evaluating, or planning the safety enhancement of potential accident sites, hazardous roadway conditions, or railway-highway crossings, pursuant to sections 130, 144, and 148 of this title or for the purpose of developing any highway safety construction improvement project which may be implemented utilizing Federal-aid highway funds shall not be subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location mentioned or addressed in such reports, surveys, schedules, lists, or data.

[§ 410. Repealed. Pub.L. 112-141, Div. C, Title I, § 31109(e), July 6, 2012, 126 Stat. 757]

[§ 411. Repealed. Pub.L. 112-141, Div. C, Title I, § 31109(f), July 6, 2012, 126 Stat. 757]

§ 412. Agency accountability

(a) Triennial State management reviews.--

(1) In general.--Except as provided under paragraph (2), the Secretary shall conduct a review of each State highway safety program at least once every 3 years.

(2) Exceptions.--The Secretary may conduct reviews of the highway safety programs of the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands as often as the Secretary determines to be appropriate.

(3) Components.--Reviews under this subsection shall include--

(A) a management evaluation of all grant programs funded under this chapter;

(B) an assessment of State data collection and evaluation relating to performance measures established by the Secretary;

(C) a comparison of State efforts under subparagraphs (A) and (B) to best practices and programs that have been evaluated for effectiveness; and

(D) the development of recommendations on how each State could--

(i) improve the management and oversight of its grant activities; and

(ii) provide a management and oversight plan for such grant programs.”; and

(b) Recommendations before submission.--In order to provide guidance to State highway safety agencies on matters that should be addressed in the goals and initiatives of the State highway safety program before the program is submitted for review, the Secretary shall provide data-based recommendations to each State at least 90 days before the date on which the program is to be submitted for approval.

(c) State program review.--The Secretary shall--

(1) conduct a program improvement review of a highway safety program under this chapter of a State that does not make substantial progress over a 3-year period in meeting its priority program goals; and

(2) provide technical assistance and safety program requirements to be incorporated in the State highway safety program for any goal not achieved.

(d) Regional harmonization.--The Secretary and the Inspector General of the Department of Transportation shall undertake an administrative review of the practices and procedures of the management reviews and program reviews of State highway safety programs under this chapter conducted by the regional offices of the National Highway Traffic Safety Administration and prepare a written report of best practices and procedures for use by the regional offices in conducting such reviews. The report shall be completed within 180 days after the date of enactment of this section.

(e) Best practices guidelines.--

(1) **Uniform guidelines.**--The Secretary shall issue uniform management review guidelines and program review guidelines based on the report under subsection (d). Each regional office shall use the guidelines in executing its State administrative review duties under this section.

(2) **Publication.**--The Secretary shall make publicly available on the Web site (or successor electronic facility) of the Administration the following documents upon their completion:

(A) The Secretary's management review guidelines and program review guidelines.

(B) All State highway safety programs submitted under this chapter.

(C) State annual accomplishment reports.

(D) The Administration's Summary Report of findings from Management Reviews and Improvement Plans.

(3) Reports to State highway safety agencies.--The Secretary may not make publicly available a program, report, or review under paragraph (2) that is directed to a State highway safety agency until after the date on which the program, report, or review is submitted to that agency under this chapter.

[(f) Repealed. Pub. L. 112-141, Div. C, Title I, § 31107(2), July 6, 2012, 126 Stat. 755]

PUBLIC LAW 112-141
“MOVING AHEAD FOR PROGRESS IN THE 21ST
CENTURY ACT”

or
“MAP-21”

UNCODIFIED AUTHORIZATION OF APPROPRIATIONS

DIVISION C-TRANSPORTATION SAFETY AND SURFACE TRANSPORTATION POLICY

TITLE I—MOTOR VEHICLE AND HIGHWAY SAFETY IMPROVEMENT ACT OF 2012

Subtitle A—Highway Safety

SEC. 31101. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code—

- (A) \$235,000,000 for fiscal year 2013; and
- (B) \$235,000,000 for fiscal year 2014.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of title 23, United States Code—

- (A) \$110,500,000 for fiscal year 2013; and
- (B) \$113,500,000 for fiscal year 2014.

(3) NATIONAL PRIORITY SAFETY PROGRAMS.—For carrying out section 405 of title 23, United States Code—

- (A) \$265,000,000 for fiscal year 2013; and
- (B) \$272,000,000 for fiscal year 2014.

(4) NATIONAL DRIVER REGISTER.—For the National Highway Traffic Safety Administration to carry out chapter 303 of title 49, United States Code—

- (A) \$5,000,000 for fiscal year 2013; and
- (B) \$5,000,000 for fiscal year 2014.

(5) HIGH VISIBILITY ENFORCEMENT PROGRAM.—For carrying out section 2009 of SAFETEA-LU (23 U.S.C. 402 note)—

- (A) \$29,000,000 for fiscal year 2013; and
- (B) \$29,000,000 for fiscal year 2014.

(6) ADMINISTRATIVE EXPENSES.—For administrative and related operating expenses of the National Highway Traffic Safety Administration in carrying out chapter 4 of title 23, United States Code, and this subtitle—

- (A) \$25,500,000 for fiscal year 2013; and
- (B) \$25,500,000 for fiscal year 2014.

(b) PROHIBITION ON OTHER USES.—Except as otherwise provided in chapter 4 of title 23, United States Code, in this subtitle, and in the amendments made by this subtitle, the amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for a program under such chapter—

- (1) shall only be used to carry out such program; and
- (2) may not be used by States or local governments for construction purposes.

(c) APPLICABILITY OF TITLE 23.—Except as otherwise provided in chapter 4 of title 23, United States Code, and in this subtitle, amounts made available under subsection (a) for fiscal years 2013 and 2014 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(d) REGULATORY AUTHORITY.—Grants awarded under this subtitle shall be in accordance with regulations issued by the Secretary.

(e) STATE MATCHING REQUIREMENTS.—If a grant awarded under this subtitle requires a State to share in the cost, the aggregate of all expenditures for highway safety activities made during any fiscal year by the State and its political subdivisions (exclusive of Federal funds) for carrying out the grant (other than planning and administration) shall be available for the purpose of crediting the State during such fiscal year for the non-Federal share of the cost of any project under this subtitle (other than planning or administration) without regard to whether such expenditures were actually made in connection with such project.

(f) GRANT APPLICATION AND DEADLINE.—To receive a grant under this subtitle, a State shall submit an application, and the Secretary shall establish a single deadline for such applications to enable the award of grants early in the next fiscal year.

MAP-21 – UNCODIFIED HIGHWAY SAFETY PROGRAMS AND PROVISIONS

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SEC. 31106. HIGH VISIBILITY ENFORCEMENT PROGRAM.

Section 2009 of SAFETEA–LU (23 U.S.C. 402 note) is amended—

- (1) in subsection (a)—
 - (A) by striking “at least 2” and inserting “at least 3”; and
 - (B) by striking “years 2006 through 2012.” and inserting “fiscal years 2013 and 2014. The Administrator may also initiate and support additional campaigns in each of fiscal years 2013 and 2014 for the purposes specified in subsection (b).”;
- (2) in subsection (b), by striking “either or both” and inserting “outcomes related to at least 1”;
- (3) in subsection (c), by inserting “and Internet–based outreach” after “print media advertising”;
- (4) in subsection (e), by striking “subsections (a), (c), and (f)” and inserting “subsection (c)”;

(5) by striking subsection (f); and

(6) by redesignating subsection (g) as subsection (f).

[As amended by Section 31106 of MAP-21, Section 2009 of SAFETEA-LU (23 U.S.C. 402 note reads as follows:

§ 2009. High visibility enforcement program.

(a) In general.--The Administrator of the National Highway Traffic Safety Administration shall establish and administer a program under which at least 3 high-visibility traffic safety law enforcement campaigns will be carried out for the purposes specified in subsection (b) in each of fiscal years 2013 through 2014. The Administrator may also initiate and support additional campaigns in each of fiscal years 2013 and 2014 for the purposes specified in subsection (b).

(b) Purpose.--The purpose of each law enforcement campaign under this section shall be to achieve outcomes related to at least 1 of the following objectives:

(1) Reduce alcohol-impaired or drug-impaired operation of motor vehicles.

(2) Increase use of seat belts by occupants of motor vehicles.

(c) Advertising.--The Administrator may use, or authorize the use of, funds available to carry out this section to pay for the development, production, and use of broadcast and print media advertising and Internet-based outreach in carrying out traffic safety law enforcement campaigns under this section. Consideration shall be given to advertising directed at non-English speaking populations, including those who listen, read, or watch nontraditional media.

(d) Coordination with States.--The Administrator shall coordinate with the States in carrying out the traffic safety law enforcement campaigns under this section, including advertising funded under subsection (c), with a view to--

(1) relying on States to provide the law enforcement resources for the campaigns out of funding available under this section and sections 402, 405, 406, and 410 of title 23, United States Code; and

(2) providing out of National Highway Traffic Safety Administration resources most of the means necessary for national advertising and education efforts associated with the law enforcement campaigns.

(e) Use of funds.--Funds made available to carry out this section may only be used for activities described in subsection (c).

(f) State defined.--The term "State" has the meaning such term has under section 401 of title 23, United States Code.]

SEC. 31108. EMERGENCY MEDICAL SERVICES.

Section 10202 of Public Law 109-59 (42 U.S.C. 300d-4), is amended by adding at the end the following:

“(b) NATIONAL EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL.—

“(1) ESTABLISHMENT.—The Secretary of Transportation, in coordination with the Secretary of Health and Human Services and the Secretary of Homeland Security, shall establish a National Emergency Medical Services Advisory Council (referred to in this subsection as the ‘Advisory Council’).

“(2) MEMBERSHIP.—The Advisory Council shall be composed of 25 members, who—

“(A) shall be appointed by the Secretary of Transportation; and

“(B) shall collectively be representative of all sectors of the emergency medical services community.

“(3) PURPOSES.—The purposes of the Advisory Council are to advise and consult with—

“(A) the Federal Interagency Committee on Emergency Medical Services on matters relating to emergency medical services issues; and

“(B) the Secretary of Transportation on matters relating to emergency medical services issues affecting the Department of Transportation.

“(4) ADMINISTRATION.—The Administrator of the National Highway Traffic Safety Administration shall provide administrative support to the Advisory Council, including scheduling meetings, setting agendas, keeping minutes and records, and producing reports.

“(5) LEADERSHIP.—The members of the Advisory Council shall annually select a chairperson of the Advisory Council.

“(6) MEETINGS.—The Advisory Council shall meet as frequently as is determined necessary by the chairperson of the Advisory Council.

“(7) ANNUAL REPORTS.—The Advisory Council shall prepare an annual report to the Secretary of Transportation regarding the Advisory Council’s actions and recommendations.”.

SEC. 31109. REPEAL OF PROGRAMS.

(a) GENERAL PROVISION.—A repeal made by this section shall not affect amounts apportioned or allocated before the effective date of such repeal, provided that such apportioned or allocated funds continue to be subject to the requirements to which such funds were subject under the repealed section as in effect on the day before the date of the repeal.

(b) SAFETY BELT PERFORMANCE GRANTS.—Section 406 of title 23, United States Code, and the item relating to section 406 in the analysis for chapter 4 of title 23, United States Code, are repealed.

(c) INNOVATIVE PROJECT GRANTS.—Section 407 of title 23, United States Code, and the item relating to section 407 in the analysis for chapter 4, are repealed.

(d) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—Section 408 of title 23, United States Code, and the item relating to section 408 in the analysis for chapter 4, are repealed.

(e) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.—Section 410 of title 23, United States Code, and the item relating to section 410 in the analysis for chapter 4, are repealed.

(f) STATE HIGHWAY SAFETY DATA IMPROVEMENTS.—Section 411 of title 23, United States Code, and the item relating to section 411 in the analysis for chapter 4, are repealed.

(g) MOTORCYCLIST SAFETY.—Section 2010 of SAFETEA–LU (23 U.S.C. 402 note), and the item relating to section 2010 in the table of contents under section 1(b) of such Act, are repealed.

(h) CHILD SAFETY AND CHILD BOOSTER SEAT INCENTIVE GRANTS.—Section 2011 of SAFETEA–LU (23 U.S.C. 405 note), and the item relating to section 2011 in the table of contents under section 1(b) of that Act, are repealed.

(i) DRUG–IMPAIRED DRIVING ENFORCEMENT.—Section 2013 of SAFETEA–LU (23 U.S.C. 403 note), and the item relating to section 2013 in the table of contents under section 1(b) of that Act, are repealed.

(j) FIRST RESPONDER VEHICLE SAFETY PROGRAM.—Section 2014 of SAFETEA–LU (23 U.S.C. 402 note), and the item relating to section 2014 in the table of contents under section 1(b) of that Act, are repealed.

(k) RURAL STATE EMERGENCY MEDICAL SERVICES OPTIMIZATION PILOT PROGRAM.—Section 2016 of SAFETEA–LU (119 Stat. 1541), and the item relating to section 2016 in the table of contents under section 1(b) of that Act, are repealed.

(l) OLDER DRIVER SAFETY; LAW ENFORCEMENT TRAINING.—Section 2017 of SAFETEA–LU (119 Stat. 1541), and the item relating to section 2017 in the table of contents under section 1(b) of that Act, are repealed.

RELATED HIGHWAY SAFETY PROVISIONS

CHAPTER 1. -- FEDERAL-AID HIGHWAYS

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§ 153. Use of safety belts and motorcycle helmets

(a) Authority to make grants.--The Secretary may make grants to a State in a fiscal year in accordance with this section if the State has in effect in such fiscal year--

(1) a law which makes unlawful throughout the State the operation of a motorcycle if any individual on the motorcycle is not wearing a motorcycle helmet; and

(2) a law which makes unlawful throughout the State the operation of a passenger vehicle whenever an individual in a front seat of the vehicle (other than a child who is secured in a child restraint system) does not have a safety belt properly fastened about the individual's body.

(b) Use of grants.--A grant made to a State under this section shall be used to adopt and implement a traffic safety program to carry out the following purposes:

(1) **Education.**--To educate the public about motorcycle and passenger vehicle safety and motorcycle helmet, safety belt, and child restraint system use and to involve public health education agencies and other related agencies in these efforts.

(2) **Training.**--To train law enforcement officers in the enforcement of State laws described in subsection (a).

(3) **Monitoring.**--To monitor the rate of compliance with State laws described in subsection (a).

(4) **Enforcement.**--To enforce State laws described in subsection (a).

(c) Maintenance of effort.--A grant may not be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for any traffic safety program described in subsection (b) at or above the average level of such expenditures in the State's 2 fiscal years preceding the date of the enactment of this section.

(d) Federal share.--A State may not receive a grant under this section in more than 3 fiscal years. The Federal share payable for a grant under this section shall not exceed--

(1) in the first fiscal year the State receives a grant, 75 percent of the cost of implementing in such fiscal year a traffic safety program described in subsection (b);

(2) in the second fiscal year the State receives a grant, 50 percent of the cost of implementing in such fiscal year such traffic safety program; and

(3) in the third fiscal year the State receives a grant, 25 percent of the cost of implementing in such fiscal year such traffic safety program.

(e) Maximum aggregate amount of grants.--The aggregate amount of grants made to a State under this section shall not exceed 90 percent of the amount apportioned to such State for fiscal year 1990 under section 402.

(f) Eligibility for grants.--

(1) General rule.--A State is eligible in a fiscal year for a grant under this section only if the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State implements in such fiscal year a traffic safety program described in subsection (b).

(2) Second-year grants.--A State is eligible for a grant under this section in a fiscal year succeeding the first fiscal year in which a State receives a grant under this section only if the State in the preceding fiscal year--

(A) had in effect at all times a State law described in subsection (a)(1) and achieved a rate of compliance with such law of not less than 75 percent; and

(B) had in effect at all times a State law described in subsection (a)(2) and achieved a rate of compliance with such law of not less than 50 percent.

(3) Third-year grants.--A State is eligible for a grant under this section in a fiscal year succeeding the second fiscal year in which a State receives a grant under this section only if the State in the preceding fiscal year--

(A) had in effect at all times a State law described in subsection (a)(1) and achieved a rate of compliance with such law of not less than 85 percent; and

(B) had in effect at all times a State law described in subsection (a)(2) and achieved a rate of compliance with such law of not less than 70 percent.

(g) Measurements of rates of compliance.--For the purposes of subsections (f)(2) and (f)(3), a State shall measure compliance with State laws described in subsection (a) using methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

(h) Penalty.--

(1) Prior to fiscal year 2012.--If, at any time in a fiscal year beginning after September 30, 1994, and before October 1, 2011, State does not have in effect a law described in subsection (a)(2), the Secretary shall transfer 3 percent of the funds apportioned to the State for the succeeding fiscal year under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 of this title to the apportionment of the State under section 402 of this title.

(2) Fiscal year 2012 and thereafter.--If, at any time in a fiscal year beginning after September 30, 2011, a State does not have in effect a law described in subsection (a)(2), the Secretary shall transfer an amount equal to 2 percent of the funds apportioned to the State for the succeeding fiscal year under each of paragraphs (1) through (3) of section 104(b) to the apportionment of the State under section 402.

(3) Federal share.--The Federal share of the cost of any project carried out under section 402 with funds transferred to the apportionment of section 402 shall be 100 percent.

(4) Transfer of obligation authority.--If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall allocate an amount of obligation authority distributed for such fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out only projects under section 402 which is determined by multiplying--

(A) the amount of funds transferred to the apportionment of section 402 of the State under section 402 for such fiscal year; by

(B) the ratio of the amount of obligation authority distributed for such fiscal year to the State for Federal-aid highways and highway safety construction programs to the total of the sums apportioned to the State for Federal-aid highways and highway safety construction (excluding sums not subject to any obligation limitation) for such fiscal year.

(5) Limitation on applicability of highway safety obligations.--Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs carried out by the Federal Highway Administration under section 402 shall apply to funds transferred under this subsection to the apportionment of section 402.

(i) Definitions.--For the purposes of this section, the following definitions apply:

(1) Motorcycle.--The term "motorcycle" means a motor vehicle which is designed to travel on not more than 3 wheels in contact with the surface.

(2) Motor vehicle.--The term "motor vehicle" has the meaning such term has under section 154 of this title.

(3) Passenger vehicle.--The term "passenger vehicle" means a motor vehicle which is designed for transporting 10 individuals or less, including the driver, except that such term does not include a vehicle which is constructed on a truck chassis, a motorcycle, a trailer, or any motor vehicle which is not required on the date of the enactment of this section under a Federal motor vehicle safety standard to be equipped with a belt system.

(4) Safety belt.--The term "safety belt" means--

(A) with respect to open-body passenger vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

(B) with respect to other passenger vehicles, an occupant restraint system consisting of integrated lap shoulder belts.

(j) Authorization of appropriations.--There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$17,000,000 for fiscal year 1992. From sums made available

to carry out section 402 of this title, the Secretary shall make available \$17,000,000 for fiscal year 1992 and \$24,000,000 for each of fiscal years 1993 and 1994 to carry out this section.

(k) Applicability of chapter 1 provisions.--All provisions of this chapter that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditures of such funds to Federal-aid systems, shall apply to funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section and except that sums authorized by this section shall remain available until expended.

UNCODIFIED PROVISION
NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1995
Nov. 28, 1995; P.L. 104-59; Title III, § 355, 109 Stat. 624

SEC. 355. SAFETY BELT USE LAW REQUIREMENTS FOR NEW HAMPSHIRE AND MAINE.

(a) **IN GENERAL.**—For purposes of this section and section 153 of title 23, United States Code, the States of New Hampshire and Maine shall each be treated as having in effect a State law described in subsection (a)(2) of such section and as having achieved a rate of compliance with the State law required by subsections (f)(2) and (f)(3) of such section upon certification by the Secretary that the State has achieved—

(1) a safety belt use rate in each of fiscal years 1995 and 1996, of not less than 50 percent; and

(2) a safety belt use rate in each fiscal year thereafter of not less than the national average safety belt use rate, as determined by the Secretary.

(b) **RETROACTIVE APPLICABILITY.**—

(1) **EFFECTIVE DATE.**—Subsection (a) shall take effect September 30, 1995.

(2) **TREATMENT OF CONTINUANCE OF SAFETY BELT USE LAW.**—If the State of New Hampshire or Maine continues in effect a law described in subsection (a)(2) of section 153 of title 23, United States Code, within 60 days after the date of the enactment of this section, the State shall be treated, for purposes of this section and such section, as having in effect a State law described in such subsection on September 30, 1995.

(c) **RESERVATION OF APPORTIONMENT PENDING CERTIFICATION.**—If, at any time in a fiscal year beginning after September 30, 1994, the State of New Hampshire or Maine does not have in effect a law described in subsection (a)(2) of section 153 of title 23, United States Code, the Secretary shall reserve 3 percent of the funds to be apportioned to the State for the succeeding fiscal year, under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 of such title, if the Secretary has not certified, in accordance with subsection (a) of this section, that the State has

achieved the applicable safety belt use rate.

(d) **EFFECT ON NONCERTIFICATION.**—If, at the end of the fiscal year in which the funds are reserved under subsection (c), the Secretary has not certified, in accordance with subsection (a), that the State of New Hampshire or Maine achieved the applicable safety belt use rate, the Secretary shall transfer the funds reserved from the State under subsection (c) to the apportionment of the State under section 402 of title 23, United States Code.

UNCODIFIED PROVISION
TRANSPORTATION EQUITY ACT FOR THE TWENTY-FIRST CENTURY (TEA-21)
June 9, 1998; P.L. 105-178; Title I, § 1211(c), 112 Stat. 188

(c) **SAFETY BELT USE LAW REQUIREMENTS.**—Section 355 of the National Highway System Designation Act of 1995 (109 Stat. 624) is amended—

- (1) in the section heading by striking “**AND MAINE**”;
- (2) in subsection (a)—
 - (A) by striking “States of New Hampshire and Maine shall each” and inserting “State of New Hampshire shall”; and
 - (B) in paragraph (1) by striking “and 1996” and inserting “through 2000”; and
- (3) by striking “or Maine” each place it appears.

§ 154. Open container requirements

(a) **Definitions.**--In this section, the following definitions apply:

- (1) **Alcoholic beverage.**--The term “alcoholic beverage” has the meaning given the term in section 158(c).
- (2) **Motor vehicle.**--The term “motor vehicle” means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated exclusively on a rail or rails.
- (3) **Open alcoholic beverage container.**--The term “open alcoholic beverage container” means any bottle, can, or other receptacle--
 - (A) that contains any amount of alcoholic beverage; and
 - (B)(i) that is open or has a broken seal; or

(ii) the contents of which are partially removed.

(4) Passenger area.--The term "passenger area" shall have the meaning given the term by the Secretary by regulation.

(b) Open container laws--

(1) In general.--For the purposes of this section, each State shall have in effect a law that prohibits the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle (including possession or consumption by the driver of the vehicle) located on a public highway, or the right-of-way of a public highway, in the State.

(2) Motor vehicles designed to transport many passengers.--For the purposes of this section, if a State has in effect a law that makes unlawful the possession of any open alcoholic beverage container by the driver (but not by a passenger)--

(A) in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation; or

(B) in the living quarters of a house coach or house trailer,

the State shall be deemed to have in effect a law described in this subsection with respect to such a motor vehicle for each fiscal year during which the law is in effect.

(c) Transfer of funds.--

(1) Fiscal years 2001 and 2002.--On October 1, 2000, and October 1, 2001, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall transfer an amount equal to 1 1/2 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402--

(A) to be used for alcohol-impaired driving countermeasures; or

(B) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

(2) Fiscal year 2012 and thereafter.--

(A) Reservation of funds.--On October 1, 2011, and each October 1 thereafter, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall reserve an amount equal to 2.5 percent of the funds to be apportioned to the State on that date under each of paragraphs (1) and (2) of section 104(b) until the State certifies to the Secretary the means by which the State will use those reserved funds in accordance with subparagraphs (A) and (B) of paragraph (1) and paragraph (3).

(B) Transfer of funds.--As soon as practicable after the date of receipt of a certification from a State under subparagraph (A), the Secretary shall--

(i) transfer the reserved funds identified by the State for use as described in subparagraphs (A) and (B) of paragraph (1) to the apportionment of the State under section 402; and

(ii) release the reserved funds identified by the State as described in paragraph (3).

(3) Use for highway safety improvement program.--

(A) In general.--A State may elect to use all or a portion of the funds transferred under paragraph (2) for activities eligible under section 148.

(B) State departments of transportation.--If the State makes an election under subparagraph (A), the funds shall be transferred to the department of transportation of the State, which shall be responsible for the administration of the funds.

(4) Federal share.--The Federal share of the cost of a project carried out with funds transferred under paragraph (1) or (2), or used under paragraph (3), shall be 100 percent.

(5) Derivation of amount to be transferred.--The amount to be transferred under paragraph (2) may be derived from the following:

(A) The apportionment of the State under section 104(b)(1).

(B) The apportionment of the State under section 104(b)(2).

(6) Transfer of obligation authority.--

(A) In general.--If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall transfer an amount, determined under subparagraph (B), of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out projects under section 402.

(B) Amount.--The amount of obligation authority referred to in subparagraph (A) shall be determined by multiplying--

(i) the amount of funds transferred under subparagraph (A) to the apportionment of the State under section 402 for the fiscal year, by

(ii) the ratio that--

(I) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs, bears to

(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

(7) Limitation on applicability of obligation limitation.--Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under this subsection to the apportionment of a State under such section.

[§ 157 Repealed--(formerly “Safety incentive grants for use of seat belts”); Pub. L. 112-141, Div. A, Title I, § 1519(b)(1)(A), July 6, 2012, 126 Stat. 575]

§ 158. National minimum drinking age

(a) Withholding of funds for noncompliance.--

(1) In general.--

(A) Fiscal years before 2012.--The Secretary shall withhold 10 per centum of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(3), and 104(b)(4) of this title on the first day of each fiscal year after the second fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than twenty-one years of age is lawful.

(B) Fiscal year 2012 and thereafter.--For fiscal year 2012 and each fiscal year thereafter, the amount to be withheld under this section shall be an amount equal to 8 percent of the amount apportioned to the noncompliant State, as described in subparagraph (A), under paragraphs (1) and (2) of section 104(b).

(2) State grandfather law as complying.--If, before the later of (A) October 1, 1986, or (B) the tenth day following the last day of the first session the legislature of a State convenes after the date of the enactment of this

paragraph, such State has in effect a law which makes unlawful the purchase and public possession in such State of any alcoholic beverage by a person who is less than 21 years of age (other than any person who is 18 years of age or older on the day preceding the effective date of such law and at such time could lawfully purchase or publicly possess any alcoholic beverage in such State), such State shall be deemed to be in compliance with paragraph (1) in each fiscal year in which such law is in effect.

(b) Effect of withholding of funds.--No funds withheld under this section from apportionment to any State after September 30, 1988, shall be available for apportionment to that State.

(c) Alcoholic beverage defined.--As used in this section, the term "alcoholic beverage" means--

- (1) beer as defined in section 5052(a) of the Internal Revenue Code of 1986,
- (2) wine of not less than one-half of 1 per centum of alcohol by volume, or
- (3) distilled spirits as defined in section 5002(a)(8) of such Code.

§ 161. Operation of motor vehicles by intoxicated minors

(a) Withholding of apportionments for noncompliance.--

(1) Prior to fiscal year 2012.--The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) on October 1, 1999, and on October 1 of each fiscal year thereafter through fiscal year 2011, if the State does not meet the requirement of paragraph (3) on that date.

(2) Fiscal year 2012 and thereafter.--The Secretary shall withhold an amount equal to 8 percent of the amount required to be apportioned to any State under each of paragraphs (1) and (2) of section 104(b) on October 1, 2011, and on October 1 of each fiscal year thereafter, if the State does not meet the requirement of paragraph (3) on that date.

(3) Requirement.--A State meets the requirement of this paragraph if the State has enacted and is enforcing a law that considers an individual under the age of 21 who has a blood alcohol concentration of 0.02 percent or greater while operating a motor vehicle in the State to be driving while intoxicated or driving under the influence of alcohol.

(b) Period of availability; effect of compliance and non-compliance.--

(1) Period of availability of withheld funds.--

(A) Funds withheld on or before September 30, 2000.--Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2000, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

(B) Funds withheld after September 30, 2000.--No funds withheld under this section from apportionment to any State after September 30, 2000, shall be available for apportionment to the State.

(2) Apportionment of withheld funds after compliance.--If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1), the State meets the requirement of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirement, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

(3) Period of availability of subsequently apportioned funds.--Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned. Sums not obligated at the end of that period shall lapse.

(4) Effect of noncompliance.--If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirement of subsection (a)(3), the funds shall lapse.

§ 163. Safety incentives to prevent operation of motor vehicles by intoxicated persons

(a) General authority.--The Secretary shall make a grant, in accordance with this section, to any State that has enacted and is enforcing a law that provides that any person with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle in the State shall be deemed to have committed a per se offense of driving while intoxicated (or an equivalent per se offense).

(b) Grants.--For each fiscal year, funds authorized to carry out this section shall be apportioned to each State that has enacted and is enforcing a law meeting the requirements of subsection (a) in an amount determined by multiplying--

(1) the amount authorized to carry out this section for the fiscal year; by

(2) the ratio that the amount of funds apportioned to each such State under section 402 for such fiscal year bears to the total amount of funds apportioned to all such States under section 402 for such fiscal year.

(c) Use of grants.--A State may obligate funds apportioned under subsection (b) for any project eligible for assistance under this title.

(d) Federal share.--The Federal share of the cost of a project funded under this section shall be 100 percent.

(e) Penalty.--

(1) Fiscal years 2007 through 2011.--On October 1, 2006, and October 1 of each fiscal year thereafter through fiscal year 2011, if a State has not enacted or is not enforcing a law described in subsection (a), the Secretary shall withhold an amount equal to 8 percent of the amounts to be apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b).

(2) Fiscal year 2012 and thereafter.--On October 1, 2011, and October 1 of each fiscal year thereafter, if a State has not enacted or is not enforcing a law described in subsection (a), the Secretary shall withhold an amount equal to 6 percent of the amounts to be apportioned to the State on that date under each of paragraphs (1) and (2) of section 104(b).

(3) Failure to comply.--If, within 4 years from the date that an apportionment for a State is withheld in accordance with this subsection, the Secretary determines that the State has enacted and is enforcing a law described in subsection (a), the apportionment of the State shall be increased by an amount equal to the amount withheld. If, at the end of such 4-year period, any State has not enacted or is not enforcing a law described in subsection (a) any amounts so withheld from such State shall lapse.

(f) Authorization of appropriations.--

(1) In general.--There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$55,000,000 for fiscal year 1998, \$65,000,000 for fiscal year 1999, \$80,000,000 for fiscal year 2000, \$90,000,000 for fiscal year 2001, \$100,000,000 for fiscal year 2002, \$110,000,000 for fiscal year 2003, \$110,000,000 for fiscal year 2004, and \$110,000,000 for fiscal year 2005 \$91,315,068 for the period of October 1, 2004, through July 30, 2005.

(2) Availability of funds.--Notwithstanding section 118(b)(2), the funds authorized by this subsection shall remain available until expended.

§ 164. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence

(a) Definitions.--In this section, the following definitions apply:

(1) Alcohol concentration.--The term "alcohol concentration" means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(2) Driving while intoxicated; driving under the influence.--The terms “driving while intoxicated” and “driving under the influence” mean driving or being in actual physical control of a motor vehicle while having an alcohol concentration above the permitted limit as established by each State.

(3) Motor vehicle.--The term “motor vehicle” means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated solely on a rail line or a commercial vehicle.

(4) Repeat intoxicated driver law.--The term “repeat intoxicated driver law” means a State law that provides, as a minimum penalty, that an individual convicted of a second or subsequent offense for driving while intoxicated or driving under the influence after a previous conviction for that offense shall--

(A) receive--

(i) a suspension of all driving privileges for not less than 1 year; or

(ii) a suspension of unlimited driving privileges for 1 year, allowing for the reinstatement of limited driving privileges subject to restrictions and limited exemptions as established by State law, if an ignition interlock device is installed for not less than 1 year on each of the motor vehicles owned or operated, or both, by the individual;

(B) be subject to the impoundment or immobilization of, or the installation of an ignition interlock system on, each motor vehicle owned or operated, or both, by the individual;

(C) receive an assessment of the individual's degree of abuse of alcohol and treatment as appropriate; and

(D) receive--

(i) in the case of the second offense--

(I) an assignment of not less than 30 days of community service; or

(II) not less than 5 days of imprisonment; and

(ii) in the case of the third or subsequent offense--

(I) an assignment of not less than 60 days of community service; or

(II) not less than 10 days of imprisonment.

[(5) Redesignated (4)]

(b) Transfer of funds.--

(1) Fiscal years 2001 and 2002.--On October 1, 2000, and October 1, 2001, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer an amount equal to 1 1/2 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402--

(A) to be used for alcohol-impaired driving countermeasures; or

(B) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

(2) Fiscal year 2012 and thereafter.--

(A) Reservation of funds.--On October 1, 2011, and each October 1 thereafter, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall reserve an amount equal to 2.5 percent of the funds to be apportioned to the State on that date under each of paragraphs (1) and (2) of section 104(b) until the State certifies to the Secretary the means by which the States will use those reserved funds among the uses authorized under subparagraphs (A) and (B) of paragraph (1), and paragraph (3).

(B) Transfer of funds.--As soon as practicable after the date of receipt of a certification from a State under subparagraph (A), the Secretary shall--

(i) transfer the reserved funds identified by the State for use as described in subparagraphs (A) and (B) of paragraph (1) to the apportionment of the State under section 402; and

(ii) release the reserved funds identified by the State as described in paragraph (3).

(3) Use for highway safety improvement program.--

(A) In general.--A State may elect to use all or a portion of the funds transferred under paragraph (2) for activities eligible under section 148.

(B) State departments of transportation.--If the State makes an election under subparagraph (A), the funds shall be transferred to the department of transportation of the State, which shall be responsible for the administration of the funds.

(4) Federal share.--The Federal share of the cost of a project carried out with funds transferred under paragraph (1) or (2), or used under paragraph (3), shall be 100 percent.

(5) Derivation of amount to be transferred.--The amount to be transferred under paragraph (2) may be derived from the following:

(A) The apportionment of the State under section 104(b)(1).

(B) The apportionment of the State under section 104(b)(2).

(6) Transfer of obligation authority.--

(A) **In general.**--If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall transfer an amount, determined under subparagraph (B), of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out projects under section 402.

(B) **Amount.**--The amount of obligation authority referred to in subparagraph (A) shall be determined by multiplying--

(i) the amount of funds transferred under subparagraph (A) to the apportionment of the State under section 402 for the fiscal year, by

(ii) the ratio that--

(I) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs, bears to

(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

(7) Limitation on applicability of obligation limitation.--Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under this subsection to the apportionment of a State under such section.

UNITED STATES CODE
TITLE 49. TRANSPORTATION
SUBTITLE VI—MOTOR VEHICLE AND DRIVER PROGRAMS
PART A—GENERAL

CHAPTER 303—NATIONAL DRIVER REGISTER

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§ 30301. Definitions

In this chapter--

(1) “alcohol” has the same meaning given that term in regulations prescribed by the Secretary of Transportation.

(2) “chief driver licensing official” means the official in a State who is authorized to--

(A) maintain a record about a motor vehicle operator's license issued by the State; and

(B) issue, deny, revoke, suspend, or cancel a motor vehicle operator's license issued by the State.

(3) “controlled substance” has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(4) “motor vehicle” means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on public streets, roads, or highways, but does not include a vehicle operated only on a rail line.

(5) “motor vehicle operator's license” means a license issued by a State authorizing an individual to operate a motor vehicle on public streets, roads, or highways.

(6) “participating State” means a State that has notified the Secretary under section 30303 of this title of its participation in the National Driver Register.

(7) “State” means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(8) “State of record” means a State that has given the Secretary a report under section 30304 of this title about an individual who is the subject of a request for information made under section 30305 of this title.

§ 30302. National Driver Register

(a) **Establishment and contents.**--The Secretary of Transportation shall establish as soon as practicable and maintain a National Driver Register to assist chief driver licensing officials of participating States in exchanging information about the motor vehicle driving records of individuals. The Register shall contain an index of the information reported to the Secretary under section 30304 of this title. The Register shall enable the Secretary (electronically or, until all States can participate electronically, by United States mail)--

(1) to receive information submitted under section 30304 of this title by the chief driver licensing official of a State of record;

(2) to receive a request for information made by the chief driver licensing official of a participating State under section 30305 of this title;

(3) to refer the request to the chief driver licensing official of a State of record; and

(4) in response to the request, to relay information provided by a chief driver licensing official of a State of record to the chief driver licensing official of a participating State, without interception of the information.

(b) **Accuracy of information.**--The Secretary is not responsible for the accuracy of information relayed to the chief driver licensing official of a participating State. However, the Secretary shall maintain the Register in a way that ensures against inadvertent alteration of information during a relay. The Secretary shall make continual improvements to modernize the Register's data processing system.

(c) **Transition from prior register.**--(1) The Secretary shall provide by regulation for the orderly transition from the register maintained under the Act of July 14, 1960 (Public Law 86-660, 74 Stat. 526), as restated by section 401 of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89-563, 80 Stat. 730), to the Register maintained under this chapter.

(2)(A) The Secretary shall delete from the Register a report or information that was compiled under the Act of July 14, 1960 (Public Law 86-660, 74 Stat. 526), as restated by section 401 of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89-563, 80 Stat. 730), and transferred to the Register, after the earlier of--

(i) the date the State of record removes it from the State's file;

(ii) 7 years after the date the report or information is entered in the Register; or

(iii) the date a fully electronic Register system is established.

(B) The report or information shall be disposed of under chapter 33 of title 44.

(3) If the chief driver licensing official of a participating State finds that information provided for inclusion in the Register is erroneous or is related to a conviction of a traffic offense that subsequently is reversed, the official immediately shall notify the Secretary. The Secretary shall provide for the immediate deletion of the information from the Register.

(d) **Assignment of personnel.**--In carrying out this chapter, the Secretary shall assign personnel necessary to ensure the effective operation of the Register.

(e) **Transfer of selected functions to non-federal management.**--

(1) **Agreement.**--The Secretary may enter into an agreement with an organization that represents the interests of the States to manage, administer, and operate the National Driver Register's computer timeshare and user assistance functions. If the Secretary decides to enter into such an agreement, the Secretary shall ensure that the management of these functions is compatible with this chapter and the regulations issued to implement this chapter.

(2) **Required demonstration.**--Any transfer of the National Driver Register's computer timeshare and user assistance functions to an organization that represents the interests of the States shall begin only after a determination is made by the Secretary that all States are participating in the National Driver Register's "Problem Driver Pointer System" (the system used by the Register to effect the exchange of motor vehicle driving records) and that the system is functioning properly.

(3) **Transition period.**--Any agreement entered into under this subsection shall include a provision for a transition period sufficient to allow the States to make the budgetary and legislative changes the States may need to pay fees charged by the organization representing their interests for their use of the National Driver Register's computer timeshare and user assistance functions. During this transition period, the Secretary shall continue to fund these transferred functions.

(4) **Fees.**--The total of the fees charged by the organization representing the interests of the States in any fiscal year for the use of the National Driver Register's computer timeshare and user assistance functions shall not exceed the total cost to the organization of performing these functions in such fiscal year.

(5) Limitation on statutory construction.--Nothing in this subsection may be construed to diminish, limit, or otherwise affect the authority of the Secretary to carry out this chapter.

§ 30303. State participation

(a) Notification.--A State may become a participating State under this chapter by notifying the Secretary of Transportation of its intention to be bound by section 30304 of this title.

(b) Withdrawal.--A participating State may end its status as a participating State by notifying the Secretary of its withdrawal from participation in the National Driver Register.

(c) Form and way of notification.--Notification by a State under this section shall be made in the form and way the Secretary prescribes by regulation.

§ 30304. Reports by chief driver licensing officials

(a) Individuals covered.--As soon as practicable, the chief driver licensing official of each participating State shall submit to the Secretary of Transportation a report containing the information specified by subsection (b) of this section for each individual--

(1) who is denied a motor vehicle operator's license by that State for cause;

(2) whose motor vehicle operator's license is revoked, suspended, or canceled by that State for cause; or

(3) who is convicted under the laws of that State of any of the following motor vehicle-related offenses or comparable offenses:

(A) operating a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance.

(B) a traffic violation arising in connection with a fatal traffic accident, reckless driving, or racing on the highways.

(C) failing to give aid or provide identification when involved in an accident resulting in death or personal injury.

(D) perjury or knowingly making a false affidavit or statement to officials about activities governed by a law or regulation on the operation of a motor vehicle.

(b) Contents.--**(1)** Except as provided in paragraph (2) of this subsection, a report under subsection (a) of this section shall contain--

(A) the individual's legal name, date of birth, sex, and, at the Secretary's discretion, height, weight, and eye and hair color;

(B) the name of the State providing the information; and

(C) the social security account number if used by the State for driver record or motor vehicle license purposes, and the motor vehicle operator's license number if different from the social security account number.

(2) A report under subsection (a) of this section about an event that occurs during the 2-year period before the State becomes a participating State is sufficient if the report contains all of the information that is available to the chief driver licensing official when the State becomes a participating State.

(c) **Time for filing.**--If a report under subsection (a) of this section is about an event that occurs--

(1) during the 2-year period before the State becomes a participating State, the report shall be submitted not later than 6 months after the State becomes a participating State; or

(2) after the State becomes a participating State, the report shall be submitted not later than 31 days after the motor vehicle department of the State receives any information specified in subsection (b)(1) of this section that is the subject of the report.

(d) **Events occurring before participation.**--This section does not require a State to report information about an event that occurs before the 2-year period before the State becomes a participating State.

(e) **Driver record inquiry.**--Before issuing a motor vehicle operator's license to an individual or renewing such a license, a State shall request from the Secretary information from the National Driver Register under section 30302 and the commercial driver's license information system under section 31309 on the individual's driving record.

§ 30305. Access to Register information

(a) **Referrals of information requests.**--(1) To carry out duties related to driver licensing, driver improvement, or transportation safety, the chief driver licensing official of a participating State may request the Secretary of Transportation to refer, electronically or by United States mail, a request for information about the motor vehicle driving record of an individual to the chief driver licensing official of a State of record.

(2) The Secretary of Transportation shall relay, electronically or by United States mail, information received from the chief driver licensing official of a State of record in response to a request under paragraph (1) of this subsection to the chief driver licensing official of the participating State requesting the information. However, the

Secretary may refuse to relay information to the chief driver licensing official of a participating State that does not comply with section 30304 of this title.

(b) Requests to obtain information.--(1) The Chairman of the National Transportation Safety Board and the Administrator of the Federal Highway Administration may request the chief driver licensing official of a State to obtain information under subsection (a) of this section about an individual who is the subject of an accident investigation conducted by the Board or the Administrator. The Chairman and the Administrator may receive the information.

(2) An individual who is employed, or is seeking employment, as a driver of a motor vehicle may request the chief driver licensing official of the State in which the individual is employed or seeks employment to provide information about the individual under subsection (a) of this section to the individual's employer or prospective employer. An employer or prospective employer may receive the information and shall make the information available to the individual. Information may not be obtained from the National Driver Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(3) An individual who has received, or is applying for, an airman's certificate may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Administrator of the Federal Aviation Administration. The Administrator may receive the information and shall make the information available to the individual for review and written comment. The Administrator may use the information to verify information required to be reported to the Administrator by an airman applying for an airman medical certificate and to evaluate whether the airman meets the minimum standards prescribed by the Administrator to be issued an airman medical certificate. The Administrator may not otherwise divulge or use the information. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(4) An individual who is employed, or is seeking employment, by a rail carrier as an operator of a locomotive may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the individual's employer or prospective employer or to the Secretary of Transportation. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(5) An individual who holds, or is applying for, a license or certificate of registry under section 7101 of title 46, or a merchant mariner's document under section 7302 of title 46, may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Secretary of the department in which the Coast Guard is operating. The Secretary may receive the information and shall make the information available to the individual for review and written comment before denying, suspending, or revoking the license, certificate, or document of the individual based on the information and before using the information in an action taken under chapter 77 of title 46. The Secretary may not otherwise divulge or use the information,

except for purposes of section 7101, 7302, or 7703 of title 46. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(6) The head of a Federal department or agency that issues motor vehicle operator's licenses may request the chief driver licensing official of a State to obtain information under subsection (a) of this section about an individual applicant for a motor vehicle operator's license from such department or agency. The department or agency may receive the information, provided it transmits to the Secretary a report regarding any individual who is denied a motor vehicle operator's license by that department or agency for cause; whose motor vehicle operator's license is revoked, suspended, or canceled by that department or agency for cause; or about whom the department or agency has been notified of a conviction of any of the motor vehicle-related offenses or comparable offenses listed in section 30304(a)(3) and over whom the department or agency has licensing authority. The report shall contain the information specified in section 30304(b).

(7) An individual who is an officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment of any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Commandant of the Coast Guard. The Commandant may receive the information and shall make the information available to the individual. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(8) An individual who is seeking employment by an air carrier as a pilot may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the prospective employer of the individual or to the Secretary of Transportation. Information may not be obtained from the National Driver Register under this subsection if the information was entered in the Register more than 5 years before the request unless the information is about a revocation or suspension still in effect on the date of the request.

(9) An individual who has or is seeking access to national security information for purposes of Executive Order No. 12968, or any successor Executive order, or an individual who is being investigated for Federal employment under authority of Executive Order No. 10450, or any successor Executive order, may request the chief driver licensing official of a State to provide information about the individual pursuant to subsection (a) of this section to a Federal department or agency that is authorized to investigate the individual for the purpose of assisting in the determination of the eligibility of the individual for access to national security information or for Federal employment in a position requiring access to national security information. A Federal department or agency that receives information about an individual under the preceding sentence may use such information only for purposes of the authorized investigation and only in accordance with applicable law.

(10) A request under this subsection shall be made in the form and way the Secretary of Transportation prescribes by regulation.

(11) An individual may request the chief driver licensing official of a State to obtain information about the individual under subsection (a) of this section--

(A) to learn whether information about the individual is being provided;

(B) to verify the accuracy of the information; or

(C) to obtain a certified copy of the information.

(12) The head of a Federal department or agency authorized to receive information regarding an individual from the Register under this section may request and receive such information from the Secretary.

(c) **Relationship to other laws.**--A request for, or receipt of, information from the Register is subject to sections 552 and 552a of title 5, and other applicable laws of the United States or a State, except that--

(1) the Secretary of Transportation may not relay or otherwise provide information specified in section 30304(b)(1)(A) or (C) of this title to a person not authorized by this section to receive the information;

(2) a request for, or receipt of, information by a chief driver licensing official, or by a person authorized by subsection (b) of this section to request and receive the information, is deemed to be a routine use under section 552a(b) of title 5; and

(3) receipt of information by a person authorized by this section to receive the information is deemed to be a disclosure under section 552a(c) of title 5, except that the Secretary of Transportation is not required to retain the accounting made under section 552a(c)(1) for more than 7 years after the disclosure.

(d) **Availability of information provided under prior law.**--Information provided by a State under the Act of July 14, 1960 (Public Law 86-660, 74 Stat. 526), as restated by section 401 of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89-563, 80 Stat. 730), and under this chapter, shall be available under this section during the transition from the register maintained under that Act to the Register maintained under this chapter.

§ 30306. National Driver Register Advisory Committee

(a) **Organization.**--There is a National Driver Register Advisory Committee.

(b) **Duties.**--The Committee shall advise the Secretary of Transportation on--

(1) the efficiency of the maintenance and operation of the National Driver Register; and

(2) the effectiveness of the Register in assisting States in exchanging information about motor vehicle driving records.

(c) Composition and appointment.--The Committee is composed of 15 members appointed by the Secretary as follows:

(1) 3 members appointed from among individuals who are specially qualified to serve on the Committee because of their education, training, or experience, and who are not officers or employees of the United States Government or a State.

(2) 3 members appointed from among groups outside the Government that represent the interests of bus and trucking organizations, enforcement officials, labor, or safety organizations.

(3) 9 members, geographically representative of the participating States, appointed from among individuals who are chief driver licensing officials of participating States.

(d) Terms.--(1) Except as provided in paragraph (2) of this subsection, the term of each member is 3 years.

(2) A vacancy on the Committee shall be filled in the same way as an original appointment. A member appointed to fill a vacancy serves for the remainder of the term of that member's predecessor. After a member's term ends, the member may continue to serve until a successor takes office.

(e) Pay and expenses.--Members of the Committee serve without pay. However, the Secretary may reimburse a member for reasonable travel expenses incurred by the member in attending meetings of the Committee.

(f) Meetings, Chairman, Vice Chairman, and quorum.--(1) The Committee shall meet at least once a year.

(2) The Committee shall elect a Chairman and a Vice Chairman from among its members.

(3) Eight members are a quorum.

(4) The Committee shall meet at the call of the Chairman or a majority of the members.

(g) Personnel and services.--The Secretary may provide the Committee with personnel, penalty mail privileges, and similar services the Secretary considers necessary to assist the Committee in carrying out its duties and powers under this section.

(h) Reports.--At least once a year, the Committee shall submit to the Secretary a report on the matters specified in subsection (b) of this section. The report shall include any recommendations of the Committee for changes in the Register.

(i) Relationship to other laws.--The Committee is exempt from sections 10(e) and (f) and 14 of the Federal Advisory Committee Act (5 App. U.S.C.).

§ 30307. Criminal penalties

(a) General penalty.--A person (except an individual described in section 30305(b)(6) of this title) shall be fined under title 18, imprisoned for not more than one year, or both, if--

(1) the person receives under section 30305 of this title information specified in section 30304(b)(1)(A) or (C) of this title;

(2) disclosure of the information is not authorized by section 30305 of this title; and

(3) the person willfully discloses the information knowing that disclosure is not authorized.

(b) Information penalty.--A person knowingly and willfully requesting, or under false pretenses obtaining, information specified in section 30304(b)(1)(A) or (C) of this title from a person receiving the information under section 30305 of this title shall be fined under title 18, imprisoned for not more than one year, or both.

§ 30308. Authorization of appropriations

(a) General.--The Secretary of Transportation shall make available from amounts made available to carry out section 402 of title 23 \$4,000,000 for each of the fiscal years ending September 30, 1993, and September 30, 1994, \$2,550,000 for each of fiscal years 1995, 1996, and 1997, and \$1,855,000 for the period of October 1, 1997, through March 31, 1998 to carry out this chapter.

(b) Availability of amounts.--Amounts authorized under this section remain available until expended.

UNCODIFIED PROVISION
TRANSPORTATION EQUITY ACT FOR THE 21st CENTURY (TEA-21)
June 9, 1998, P.L. 105-178; Title II, § 2009(a)(6), 112 Stat. 338

"SEC. 2009. Authorizations of Appropriations.

"(a) In General.-The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

"(6) National Driver Register.-For carrying out chapter 303 of title 49, United States Code, by the National Highway Traffic Safety Administration, \$2,000,000 for each of fiscal years 1998 through 2003."

SURFACE TRANSPORTATION EXTENSION ACTS

(All of the Extensions of SAFETEA-LU’s Highway Safety Authorizations, 2009-2012)

<u>Public Law</u>	<u>Time Period Covered</u>	<u>Duration</u>	<u>Section #</u>
P.L. 111-68	10/01/2009 – 10/31/2009	1 month	Sec. 157(a)-(b)
P.L. 111-88	11/01/2009 – 12/18/2009	1.5 months	Sec. 101
P.L. 111-118	12/19/2009 – 2/28/2010	2.5 months	Sec. 1008(a)
P.L. 111-144	3/01/2010 – 3/28/2010	28 days	Sec. 4
P.L. 111-147	3/29/2010 – 12/31/2010	9 months	Sec. 421
P.L. 111-322	1/01/2011 – 3/04/2011	3 months	Sec. 2201
P.L. 112-5	3/05/2011 – 9/30/2011	7 months	Sec. 201
P.L. 112-30	10/01/2011 – 3/31/2012	6 months	Sec. 121
P.L. 112-102	4/01/2012 – 6/30/2012	3 months	Sec. 201
P.L. 112-140	7/01/2012 – 7/06/2012	6 days	Sec. 201
P.L. 112-141	7/07/2012 – 9/30/2012	3 months	Sec. 112001

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P.L. 111-68

SEC. 157. (a) EXTENSION OF SURFACE TRANSPORTATION PROGRAMS.—Except as otherwise provided in this section, requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under titles I through VI of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1144), the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I through VI of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), titles I through V of the Transportation Equity Act for the 21st Century (112 Stat. 107), title 23, United States Code, and chapter 53 of title 49, United States Code, which would otherwise expire on or cease to apply after September 30, 2009, are incorporated by reference and shall continue in effect through the date specified in section 106(3) of this joint resolution.

(b) USE OF FUNDS.—Except as otherwise expressly provided in this section, funds made available for obligation under this joint resolution and expended under the authority of this section shall be distributed, administered, limited, and made available for obligation in the same manner and at the same rate as funds authorized to be appropriated for fiscal year 2009 to carry out programs, projects, activities, eligibilities, and requirements under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1144), the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I through VI of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), titles I through V of the Transportation Equity Act for the 21st Century (112 Stat. 107), title 23, United States Code, chapter 53 of title 49, United States Code, including section 5338(f)(1) of title 49, United States Code, chapter 303 of part A of subtitle VI of title 49, United States Code, and part B of subtitle VI of title 49, United States Code.

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P.L. 111-88

SEC. 101. The Continuing Appropriations Resolution, 2010 (division B of Public Law 111-68) is amended by striking the date specified in section 106(3) and inserting “December 18, 2009”.

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P.L. 111-118

SEC. 1008. (a) For purposes of the continued extension of surface transportation programs and related authority to make expenditures from the Highway Trust Fund and other trust funds under sections 157 through 162 of the Continuing Appropriations Resolution, 2010, the date specified in section 106(3) of such resolution shall be deemed to be February 28, 2010.

P.L. 111-144

SEC. 4. EXTENSION OF SURFACE TRANSPORTATION PROGRAMS.

(a) **IN GENERAL.**—Except as provided in subsection (b), for purposes of the continued extension of surface transportation programs and related authority to make expenditures from the Highway Trust Fund and other trust funds under sections 157 through 162 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68; 123 Stat. 2050), the date specified in section 106(3) of that resolution (Public Law 111–68; 123 Stat. 2045) shall be deemed to be March 28, 2010.

(b) **EXCEPTION.**—Subsection (a) shall not apply if an extension of the programs and authorities described in that subsection for a longer term than the extension contained in the Continuing Appropriations Resolution, 2010 (Public Law 111–68; 123 Stat. 2050), is enacted before the date of enactment of this Act.

P.L. 111-147

SEC. 421. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) **CHAPTER 4 HIGHWAY SAFETY PROGRAMS.**—Section 2001(a)(1) of the SAFETEA–LU (119 Stat. 1519) is amended— (1) by striking “and”; and (2) by striking “2009.” and inserting “2009, \$235,000,000 for fiscal year 2010, and \$58,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(b) **HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.**—Section 2001(a)(2) of the SAFETEA–LU (119 Stat. 1519) is amended— (1) by striking “and”; and (2) by striking “2009.” and inserting “2009, \$107,329,000 for fiscal year 2010, and \$27,061,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(c) **OCCUPANT PROTECTION INCENTIVE GRANTS.**— (1) **EXTENSION OF PROGRAM.**—Section 405(a) of title 23, United States Code, is amended—

(A) in paragraph (3), by striking “6” and inserting “8”; and

(B) in paragraph (4)(C), by striking “fifth and sixth” and inserting “fifth through eighth”.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—Section 2001(a)(3) of the SAFETEA–LU (119 Stat. 1519) is amended—

(A) by striking “and”; and

(B) by striking “2009.” and inserting “2009, \$25,000,000 for fiscal year 2010, and \$6,250,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(d) **SAFETY BELT PERFORMANCE GRANTS.**—Section 2001(a)(4) of the SAFETEA–LU (119 Stat. 1519) is amended—

- (1) by striking “and”; and
 - (2) by striking “2009.” and inserting “2009, \$124,500,000 for fiscal year 2010, and \$31,125,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.
- (e) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—Section 2001(a)(5) of the SAFETEA–LU (119 Stat. 1519) is amended—
- (1) by striking “and”; and
 - (2) by striking “2009.” and inserting “2009, \$34,500,000 for fiscal year 2010, and \$8,625,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.
- (f) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—
- (1) EXTENSION OF PROGRAM.—Section 410 of title 23, United States Code, is amended—
 - (A) in subsection (a)(3)(C), by striking “fifth, sixth, seventh, and eighth” and inserting “fifth through tenth”; and
 - (B) in subsection (b)(2)(C), by striking “2008 and 2009” and inserting “2008, 2009, 2010, and 2011”.
 - (2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(6) of the SAFETEA–LU (119 Stat. 1519) is amended—
 - (A) by striking “and”; and
 - (B) by striking “2009.” and inserting “2009, \$139,000,000 for fiscal year 2010, and \$34,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.
- (g) NATIONAL DRIVER REGISTER.—Section 2001(a)(7) of the SAFETEA–LU (119 Stat. 1520) is amended—
- (1) by striking “and”; and
 - (2) by striking “2009.” and inserting “2009, \$4,078,000 for fiscal year 2010, and \$1,029,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.
- (h) HIGH VISIBILITY ENFORCEMENT PROGRAM.—
- (1) EXTENSION OF PROGRAM.—Section 2009(a) of the SAFETEA–LU (23 U.S.C. 402 note) is amended by striking “2009” and inserting “2011”.
 - (2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(8) of the SAFETEA–LU (119 Stat. 1520) is amended—
 - (A) by striking “and”; and
 - (B) by striking “2009.” and inserting “2009, \$29,000,000 for fiscal year 2010, and \$7,250,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.
- (i) MOTORCYCLIST SAFETY.—
- (1) EXTENSION OF PROGRAM.—Section 2010(d)(1)(B) of the SAFETEA–LU (23 U.S.C. 402 note) is amended by striking “and fourth” and inserting “fourth, fifth, and sixth”.
 - (2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(9) of the SAFETEA–LU (119 Stat. 1520) is amended—
 - (A) by striking “and”; and
 - (B) by striking “2009.” and inserting “2009, \$7,000,000 for fiscal year 2010, and \$1,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.
- (j) CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.—
- (1) EXTENSION OF PROGRAM.—Section 2011(c)(2) of the SAFETEA–LU (23 U.S.C. 405 note) is amended by striking “fourth fiscal year” and inserting “fourth, fifth, and sixth fiscal years”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(10) of the SAFETEA-LU (119 Stat. 1520) is amended—

(A) by striking “and”; and

(B) by striking “2009.” and inserting “2009, \$7,000,000 for fiscal year 2010, and \$1,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(k) ADMINISTRATIVE EXPENSES.—Section 2001(a)(11) of the SAFETEA-LU (119 Stat. 1520) is amended—

(1) by striking “and” the last place it appears; and

(2) by striking “2009.” and inserting “2009, \$25,047,000 for fiscal year 2010, and \$6,332,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(l) APPLICABILITY OF TITLE 23.—Section 2001(c) of the SAFETEA-LU (119 Stat. 1520) is amended by striking “2009” and inserting “2011”.

(m) DRUG-IMPAIRED DRIVING ENFORCEMENT.—Section 2013(f) of the SAFETEA-LU (23 U.S.C. 403 note) is amended by striking “2009” and inserting “2011”.

(n) OLDER DRIVER SAFETY; LAW ENFORCEMENT TRAINING.—Section 2017 of the SAFETEA-LU is amended—

(1) in subsection (a)(1) (119 Stat. 1541), by striking “2009” and inserting “2011”; and

(2) in subsection (b)(2) (23 U.S.C. 402 note), by striking “2009” and inserting “2011”.

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P.L. 111-322

SEC. 2201. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2001(a)(1) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$58,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.” and inserting “and \$99,795,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.”.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2001(a)(2) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$27,061,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.” and inserting “and \$45,967,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.”.

(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2001(a)(3) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$6,250,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.” and inserting “and \$10,616,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.”.

(d) SAFETY BELT PERFORMANCE GRANTS.—Section 2001(a)(4) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$31,125,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.” and inserting “and \$52,870,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.”.

(e) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVE-

MENTS.—Section 2001(a)(5) of SAFETEA–LU (119 Stat. 1519) is amended by striking “and \$8,625,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.” and inserting “and \$14,651,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.”.

(f) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE

GRANT PROGRAM.—Section 2001(a)(6) of SAFETEA–LU (119 Stat. 1519) is amended by striking “and \$34,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.” and inserting “and \$59,027,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.”.

(g) NATIONAL DRIVER REGISTER.—Section 2001(a)(7) of SAFETEA–LU (119 Stat. 1520) is amended by striking “and \$1,029,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.” and inserting “and \$1,748,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.”.

(h) HIGH VISIBILITY ENFORCEMENT PROGRAM.—Section 2001(a)(8) of SAFETEA–LU (119 Stat. 1520) is amended by striking “and \$7,250,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.” and inserting “and \$12,315,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.”.

(i) MOTORCYCLIST SAFETY.—Section 2001(a)(9) of SAFETEA–LU (119 Stat. 1520) is amended by striking “and \$1,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.” and inserting “and \$2,973,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.”.

(j) CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.—Section 2001(a)(10) of SAFETEA–LU (119 Stat. 1520) is amended by striking “and \$1,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.” and inserting “and \$2,973,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.”.

(k) ADMINISTRATIVE EXPENSES.—Section 2001(a)(11) of SAFETEA–LU (119 Stat. 1520) is amended by striking “and \$6,332,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.” and inserting “and \$10,756,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.”.

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P.L. 112-5

SEC. 201. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2001(a)(1) of SAFETEA–LU (119 Stat. 1519) is amended by striking “and \$99,795,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.” and inserting “and \$235,000,000 for fiscal year 2011.”.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section

2001(a)(2) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$45,967,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.” and inserting “and \$108,244,000 for fiscal year 2011.”.

(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2001(a)(3) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$10,616,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.” and inserting “and \$25,000,000 for fiscal year 2011.”.

(d) SAFETY BELT PERFORMANCE GRANTS.—Section 2001(a)(4) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$52,870,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.” and inserting “and \$124,500,000 for fiscal year 2011.”.

(e) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—Section 2001(a)(5) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$14,651,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.” and inserting “and \$34,500,000 for fiscal year 2011.”.

(f) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—Section 2001(a)(6) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$59,027,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.” and inserting “and \$139,000,000 for fiscal year 2011.”.

(g) NATIONAL DRIVER REGISTER.—Section 2001(a)(7) of SAFETEA-LU (119 Stat. 1520) is amended by striking “and \$1,748,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.” and inserting “and \$4,116,000 for fiscal year 2011.”.

(h) HIGH VISIBILITY ENFORCEMENT PROGRAM.—Section 2001(a)(8) of SAFETEA-LU (119 Stat. 1520) is amended by striking “and \$12,315,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.” and inserting “and \$29,000,000 for fiscal year 2011.”.

(i) MOTORCYCLIST SAFETY.—Section 2001(a)(9) of SAFETEA-LU (119 Stat. 1520) is amended by striking “and \$2,973,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.” and inserting “and \$7,000,000 for fiscal year 2011.”.

(j) CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.—Section 2001(a)(10) of SAFETEA-LU (119 Stat. 1520) is amended by striking “and \$2,973,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.” and inserting “and \$7,000,000 for fiscal year 2011.”.

(k) ADMINISTRATIVE EXPENSES.—Section 2001(a)(11) of SAFETEA-LU (119 Stat. 1520) is amended by striking “and \$10,756,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.” and inserting “and \$25,328,000 for fiscal year 2011.”.

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SEC. 121. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2001(a)(1) of SAFETEA–LU (119 Stat. 1519) is amended by striking “and \$235,000,000 for fiscal year 2011.” and inserting “\$235,000,000 for fiscal year 2011, and \$117,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2001(a)(2) of SAFETEA–LU (119 Stat. 1519) is amended by striking “and \$108,244,000 for fiscal year 2011.” and inserting “\$108,244,000 for fiscal year 2011, and \$54,122,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”.

(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—

(1) EXTENSION OF PROGRAM.—Section 405(a) of title 23, United States Code, is amended—

(A) in paragraph (3) by striking “8” and inserting “9”;
and

(B) in paragraph (4)(C) by striking “fifth through eighth” and inserting “fifth through ninth”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(3) of SAFETEA–LU (119 Stat. 1519) is amended by striking “and \$25,000,000 for fiscal year 2011.” and inserting “\$25,000,000 for fiscal year 2011, and \$12,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”.

(d) SAFETY BELT PERFORMANCE GRANTS.—Section 2001(a)(4) of SAFETEA–LU (119 Stat. 1519) is amended by striking “and \$124,500,000 for fiscal year 2011.” and inserting “\$124,500,000 for fiscal year 2011, and \$24,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”.

(e) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—Section 2001(a)(5) of SAFETEA–LU (119 Stat. 1519) is amended by striking “and \$34,500,000 for fiscal year 2011.” and inserting “\$34,500,000 for fiscal year 2011, and \$17,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”.

(f) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—

(1) EXTENSION OF PROGRAM.—Section 410 of title 23, United States Code, is amended—

(A) in subsection (a)(3)(C) by striking “in each of” and all that follows through “fiscal years” and inserting “in each of the fifth through eleventh fiscal years”; and

(B) in subsection (b)(2)(C) by striking “fiscal years 2008, 2009, 2010, and 2011” and inserting “each of fiscal years 2008 through 2012”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(6) of SAFETEA–LU (119 Stat. 1519) is amended by striking “and \$139,000,000 for fiscal year 2011.” and inserting “\$139,000,000 for fiscal year 2011, and \$69,500,000 for the period beginning

on October 1, 2011, and ending on March 31, 2012.”.

(g) NATIONAL DRIVER REGISTER.—Section 2001(a)(7) of SAFETEA–LU (119 Stat. 1520) is amended by striking “and \$4,116,000 for fiscal year 2011.” and inserting “\$4,116,000 for fiscal year 2011, and \$2,058,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”.

(h) HIGH VISIBILITY ENFORCEMENT PROGRAM.—

(1) EXTENSION OF PROGRAM.—Section 2009(a) of SAFETEA–LU (23 U.S.C. 402 note) is amended by striking “2011” and inserting “2012”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(8) of SAFETEA–LU (119 Stat. 1520) is amended by striking “and \$29,000,000 for fiscal year 2011.” and inserting “\$29,000,000 for fiscal year 2011, and \$14,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”.

(i) MOTORCYCLIST SAFETY.—

(1) EXTENSION OF PROGRAM.—Section 2010(d)(1)(B) of SAFETEA–LU (23 U.S.C. 402 note) is amended by striking “fourth, fifth, and sixth” and inserting “fourth, fifth, sixth, and seventh”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(9) of SAFETEA–LU (119 Stat. 1520) is amended by striking “and \$7,000,000 for fiscal year 2011.” and inserting “\$7,000,000 for fiscal year 2011, and \$3,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”.

(j) CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.—

(1) EXTENSION OF PROGRAM.—Section 2011(c)(2) of SAFETEA–LU (23 U.S.C. 405 note) is amended by striking “fourth, fifth, and sixth fiscal years” and inserting “fourth, fifth, sixth, and seventh fiscal years”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(10) of SAFETEA–LU (119 Stat. 1520) is amended by striking “and \$7,000,000 for fiscal year 2011.” and inserting “\$7,000,000 for fiscal year 2011, and \$3,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”.

(k) ADMINISTRATIVE EXPENSES.—Section 2001(a)(11) of SAFETEA–LU (119 Stat. 1520) is amended by striking “and \$25,328,000 for fiscal year 2011.” and inserting “\$25,328,000 for fiscal year 2011, and \$12,664,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”.

(l) APPLICABILITY OF TITLE 23.—Section 2001(c) of SAFETEA–LU (119 Stat. 1520) is amended by striking “2011” and inserting “2012”.

(m) DRUG-IMPAIRED DRIVING ENFORCEMENT.—Section 2013(f) of SAFETEA–LU (23 U.S.C. 403 note) is amended by striking “2011” and inserting “2012”.

(n) OLDER DRIVER SAFETY; LAW ENFORCEMENT TRAINING.—Section 2017 of SAFETEA–LU is amended—

(1) in subsection (a)(1) (119 Stat. 1541), by striking “2011” and inserting “2012”; and

(2) in subsection (b)(2) (23 U.S.C. 402 note), by striking “2011” and inserting “2012”.

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SEC. 201. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2001(a)(1) of SAFETEA–LU (119 Stat. 1519) is amended by striking “\$235,000,000 for fiscal year 2009” and all that follows through the period at the end and inserting “\$235,000,000 for each of fiscal years 2009 through 2011, and \$176,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2001(a)(2) of SAFETEA–LU (119 Stat. 1519) is amended by striking “and \$54,122,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.” and inserting “and \$81,183,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”.

(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2001(a)(3) of SAFETEA–LU (119 Stat. 1519) is amended by striking “\$25,000,000 for fiscal year 2006” and all that follows through the period at the end and inserting “\$25,000,000 for each of fiscal years 2006 through 2011, and \$18,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”.

(d) SAFETY BELT PERFORMANCE GRANTS.—Section 2001(a)(4) of SAFETEA–LU (119 Stat. 1519) is amended by striking “and \$24,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.” and inserting “and \$36,375,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”.

(e) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—Section 2001(a)(5) of SAFETEA–LU (119 Stat. 1519) is amended by striking “for fiscal year 2006” and all that follows through the period at the end and inserting “for each of fiscal years 2006 through 2011 and \$25,875,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”.

(f) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—Section 2001(a)(6) of SAFETEA–LU (119 Stat. 1519) is amended by striking “\$139,000,000 for fiscal year 2009” and all that follows through the period at the end and inserting “\$139,000,000 for each of fiscal years 2009 through 2011, and \$104,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”.

(g) NATIONAL DRIVER REGISTER.—Section 2001(a)(7) of SAFETEA–LU (119 Stat. 1520) is amended by striking “and \$2,058,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.” and inserting “and \$3,087,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”.

(h) HIGH VISIBILITY ENFORCEMENT PROGRAM.—Section 2001(a)(8) of SAFETEA–LU (119 Stat. 1520) is amended by striking “for fiscal year 2006” and all that follows through the period at the end and inserting “for each of fiscal years 2006 through 2011 and \$21,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”.

(i) MOTORCYCLIST SAFETY.—Section 2001(a)(9) of SAFETEA–LU (119 Stat. 1520) is amended by striking “\$7,000,000 for fiscal year 2009” and all that follows through the period at the end and inserting “\$7,000,000 for each of fiscal years 2009 through 2011, and \$5,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”.

(j) **CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.**—Section 2001(a)(10) of SAFETEA–LU (119 Stat. 1520) is amended by striking “\$7,000,000 for fiscal year 2009” and all that follows through the period at the end and inserting “\$7,000,000 for each of fiscal years 2009 through 2011, and \$5,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”.

(k) **ADMINISTRATIVE EXPENSES**—Section 2001(a)(11) of SAFETEA–LU (119 Stat. 1520) is amended by striking “and \$12,664,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.” and inserting “and \$18,996,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”.

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SEC. 201. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) **CHAPTER 4 HIGHWAY SAFETY PROGRAMS.**—Section 2001(a)(1) of SAFETEA–LU (119 Stat. 1519) is amended by striking “\$235,000,000 for each of fiscal years 2009 through 2011, and \$176,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “\$235,000,000 for each of fiscal years 2009 through 2011, and \$178,600,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(b) **HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.**—Section 2001(a)(2) of SAFETEA–LU (119 Stat. 1519) is amended by striking “\$108,244,000 for fiscal year 2011, and \$81,183,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “\$108,244,000 for fiscal year 2011, and \$82,265,440 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(c) **OCCUPANT PROTECTION INCENTIVE GRANTS.**—Section 2001(a)(3) of SAFETEA–LU (119 Stat. 1519) is amended by striking “\$25,000,000 for each of fiscal years 2006 through 2011, and \$18,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “\$25,000,000 for each of fiscal years 2006 through 2011, and \$19,000,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(d) **SAFETY BELT PERFORMANCE GRANTS.**—Section 2001(a)(4) of SAFETEA–LU (119 Stat. 1519) is amended by striking “\$124,500,000 for fiscal year 2011, and \$36,375,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “\$124,500,000 for fiscal year 2011, and \$36,860,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(e) **STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.**—Section 2001(a)(5) of SAFETEA–LU (119 Stat. 1519) is amended by striking “\$34,500,000 for each of fiscal years 2006 through 2011 and \$25,875,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “\$34,500,000 for each of fiscal years 2006 through 2011 and \$26,220,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(f) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—Section 2001(a)(6) of SAFETEA-LU (119 Stat. 1519) is amended by striking “\$139,000,000 for each of fiscal years fiscal years 2009 through 2011, and \$104,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “\$139,000,000 for each of fiscal years 2009 through 2011, and \$105,640,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(g) NATIONAL DRIVER REGISTER.—Section 2001(a)(7) of SAFETEA-LU (119 Stat. 1520) is amended by striking “\$4,116,000 for fiscal year 2011, and \$3,087,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “\$4,116,000 for fiscal year 2011, and \$3,128,160 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(h) HIGH VISIBILITY ENFORCEMENT PROGRAM.—Section 2001(a)(8) of SAFETEA-LU (119 Stat. 1520) is amended by striking “\$29,000,000 for each of fiscal years 2006 through 2011 and \$21,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “\$29,000,000 for each of fiscal years 2006 through 2011 and \$22,040,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(i) MOTORCYCLIST SAFETY.—Section 2001(a)(9) of SAFETEA-LU (119 Stat. 1520) is amended by striking “\$7,000,000 for each of fiscal years 2009 through 2011, and \$5,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “\$7,000,000 for each of fiscal years 2009 through 2011, and \$5,320,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(j) CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.—Section 2001(a)(10) of SAFETEA-LU (119 Stat. 1520) is amended by striking “\$7,000,000 for each of fiscal years 2009 through 2011, and \$5,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “\$7,000,000 for each of fiscal years 2009 through 2011, and \$5,320,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(k) ADMINISTRATIVE EXPENSES.—Section 2001(a)(11) of SAFETEA-LU (119 Stat. 1520) is amended by striking “\$25,328,000 for fiscal year 2011, and \$18,996,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “\$25,328,000 for fiscal year 2011, and \$19,249,280 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

P.L. 112-141

SEC. 112001. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2001(a)(1) of SAFETEA-LU (119 Stat. 1519) is amended by striking “\$235,000,000 for each of fiscal years 2009 through 2011” and all that follows through the period at the end and inserting “and \$235,000,000 for each of fiscal years 2009 through 2012.”.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section

2001(a)(2) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$81,183,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “and \$108,244,000 for fiscal year 2012.”.

(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2001(a)(3) of SAFETEA-LU (119 Stat. 1519) is amended by striking “\$25,000,000 for each of fiscal years 2006 through 2011” and all that follows through the period at the end and inserting “and \$25,000,000 for each of fiscal years 2006 through 2012.”.

(d) SAFETY BELT PERFORMANCE GRANTS.—Section 2001(a)(4) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$36,375,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “and \$48,500,000 for fiscal year 2012.”.

(e) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—Section 2001(a)(5) of SAFETEA-LU (119 Stat. 1519) is amended by striking “for each of fiscal years 2006 through 2011” and all that follows through the period at the end and inserting “for each of fiscal years 2006 through 2012.”.

(f) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—Section 2001(a)(6) of SAFETEA-LU (119 Stat. 1519) is amended by striking “\$139,000,000 for each of fiscal years 2009 through 2011” and all that follows through the period at the end and inserting “and \$139,000,000 for each of fiscal years 2009 through 2012.”.

(g) NATIONAL DRIVER REGISTER.—Section 2001(a)(7) of SAFETEA-LU (119 Stat. 1520) is amended by striking “and \$3,087,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “and \$4,116,000 for fiscal year 2012.”.

(h) HIGH VISIBILITY ENFORCEMENT PROGRAM.—Section 2001(a)(8) of SAFETEA-LU (119 Stat. 1520) is amended by striking “for each of fiscal years 2006 through 2011” and all that follows through the period at the end and inserting “for each of fiscal years 2006 through 2012.”.

(i) MOTORCYCLIST SAFETY.—Section 2001(a)(9) of SAFETEA-LU (119 Stat. 1520) is amended by striking “\$7,000,000 for each of fiscal years 2009 through 2011” and all that follows through the period at the end and inserting “and \$7,000,000 for each of fiscal years 2009 through 2012.”.

(j) CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.—Section 2001(a)(10) of SAFETEA-LU (119 Stat. 1520) is amended by striking “\$7,000,000 for each of fiscal years 2009 through 2011” and all that follows through the period at the end and inserting “and \$7,000,000 for each of fiscal years 2009 through 2012.”.

(k) ADMINISTRATIVE EXPENSES.—Section 2001(a)(11) of SAFETEA-LU (119 Stat. 1520) is amended by striking “\$25,328,000 for fiscal year 2011” and all that follows through the period at the end and inserting “and \$25,328,000 for each of fiscal years 2011 and 2012.”.

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NEXT GENERATION 9-1-1 ADVANCEMENT ACT OF 2012

Subtitle E—Next Generation 9-1-1 Advancement Act of 2012
47 USC 1401 note.

6501. SHORT TITLE.

This subtitle may be cited as the “Next Generation 9-1-1 Advancement Act of 2012”.

6502. DEFINITIONS.

47 USC 1471

In this subtitle, the following definitions shall apply:

(1) 9-1-1 services and e9-1-1 services.--The terms “9-1-1 Services” and “E9-1-1 services” shall have the meaning given those terms in section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942), as amended by this subtitle.

(2) Multi-line telephone system.--The term “multi-line telephone system” or “MLTS” means a system comprised of common control units, telephone sets, control hardware and software and adjunct systems, including network and premises based systems, such as Centrex and VoIP, as well as PBX, Hybrid, and Key Telephone Systems (as classified by the Commission under part 68 of title 47, Code of Federal Regulations), and includes systems owned or leased by governmental agencies and non-profit entities, as well as for profit businesses.

(3) Office.--The term “Office” means the 9-1-1 Implementation Coordination Office established under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942), as amended by this subtitle.

SEC. 6503. COORDINATION OF 9-1-1 IMPLEMENTATION.

Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended to read as follows:

SEC. 158. COORDINATION OF 9-1-1, E9-1-1, AND NEXT GENERATION 9-1-1 IMPLEMENTATION.

§ 942. Coordination of 9-1-1, E9-1-1, and Next Generation 9-1-1 implementation

(a) 9-1-1 Implementation Coordination Office

(1) Establishment and continuation

The Assistant Secretary and the Administrator of the National Highway Traffic Safety Administration shall--

(A) establish and further a program to facilitate coordination and communication between Federal, State, and local emergency communications systems, emergency personnel, public safety organizations, telecommunications carriers, and telecommunications equipment manufacturers and vendors involved in the implementation of 9-1-1 services; and

(B) establish a 9-1-1 Implementation Coordination Office to implement the provisions of this section.

(2) Management plan

(A) Development

The Assistant Secretary and the Administrator shall develop a management plan for the grant program established under this section, including by developing--

(i) plans related to the organizational structure of such program; and

(ii) funding profiles for each fiscal year of the duration of such program.

(B) Submission to Congress

Not later than 90 days after February 22, 2012, the Assistant Secretary and the Administrator shall submit the management plan developed under subparagraph (A) to--

(i) the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and

(ii) the Committees on Energy and Commerce and Appropriations of the House of Representatives.

(3) Purpose of Office

The Office shall--

(A) take actions, in concert with coordinators designated in accordance with subsection (b)(3)(A)(ii), to improve coordination and communication with respect to the implementation of 9-1-1 services, E9-1-1 services, and Next Generation 9-1-1 services;

(B) develop, collect, and disseminate information concerning practices, procedures, and technology used in the implementation of 9-1-1 services, E9-1-1 services, and Next Generation 9-1-1 services;

(C) advise and assist eligible entities in the preparation of implementation plans required under subsection (b)(3)(A)(iii);

(D) receive, review, and recommend the approval or disapproval of applications for grants under subsection (b); and

(E) oversee the use of funds provided by such grants in fulfilling such implementation plans.

(4) Reports

The Assistant Secretary and the Administrator shall provide an annual report to Congress by the first day of October of each year on the activities of the Office to improve coordination and communication with respect to the implementation of 9-1-1 services, E9-1-1 services, and Next Generation 9-1-1 services.

(b) 9-1-1, E9-1-1, and Next Generation 9-1-1 implementation grants

(1) Matching grants

The Assistant Secretary and the Administrator, acting through the Office, shall provide grants to eligible entities for--

(A) the implementation and operation of 9-1-1 services, E9-1-1 services, migration to an IP-enabled emergency network, and adoption and operation of Next Generation 9-1-1 services and applications;

(B) the implementation of IP-enabled emergency services and applications enabled by Next Generation 9-1-1 services, including the establishment of IP backbone networks and the application layer software infrastructure needed to interconnect the multitude of emergency response organizations; and

(C) training public safety personnel, including call-takers, first responders, and other individuals and organizations who are part of the emergency response chain in 9-1-1 services.

(2) Matching requirement

The Federal share of the cost of a project eligible for a grant under this section shall not exceed 60 percent.

(3) Coordination required

In providing grants under paragraph (1), the Assistant Secretary and the Administrator shall require an eligible entity to certify in its application that--

(A) in the case of an eligible entity that is a State government, the entity--

(i) has coordinated its application with the public safety answering points located within the jurisdiction of such entity;

(ii) has designated a single officer or governmental body of the entity to serve as the coordinator of implementation of 9-1-1 services, except that such designation need not vest such coordinator with direct legal authority to implement 9-1-1 services, E9-1-1 services, or Next Generation 9-1-1 services or to manage emergency communications operations;

(iii) has established a plan for the coordination and implementation of 9-1-1 services, E9-1-1 services, and Next Generation 9-1-1 services; and

(iv) has integrated telecommunications services involved in the implementation and delivery of 9-1-1 services, E9-1-1 services, and Next Generation 9-1-1 services; or

(B) in the case of an eligible entity that is not a State, the entity has complied with clauses (i), (iii), and (iv) of subparagraph (A), and the State in which it is located has complied with clause (ii) of such subparagraph.

(4) Criteria

Not later than 120 days after February 22, 2012, the Assistant Secretary and the Administrator shall issue regulations, after providing the public with notice and an opportunity to comment, prescribing the criteria for selection for grants under this section. The criteria shall include performance requirements and a timeline for completion of any project to be financed by a grant under this section. The Assistant Secretary and the Administrator shall update such regulations as necessary.

(c) Diversion of 9-1-1 charges

(1) Designated 9-1-1 charges

For the purposes of this subsection, the term “designated 9-1-1 charges” means any taxes, fees, or other charges imposed by a State or other taxing jurisdiction that are designated or presented as dedicated to deliver or improve 9-1-1 services, E9-1-1 services, or Next Generation 9-1-1 services.

(2) Certification

Each applicant for a matching grant under this section shall certify to the Assistant Secretary and the Administrator at the time of application, and each applicant that receives such a grant shall certify to the Assistant Secretary and the Administrator annually thereafter during any period of time during which the funds from the grant are available to the applicant, that no portion of any designated 9-1-1 charges imposed by a State or other taxing jurisdiction within which the applicant is located are being obligated or expended for any purpose other than the purposes for which such charges are designated or presented during the period beginning 180 days immediately preceding the date of the application and continuing through the period of time during which the funds from the grant are available to the applicant.

(3) Condition of grant

Each applicant for a grant under this section shall agree, as a condition of receipt of the grant, that if the State or other taxing jurisdiction within which the applicant is located, during any period of time during which the funds from the grant are available to the applicant, obligates or expends designated 9-1-1 charges for any purpose other than the purposes for which such charges are designated or presented, eliminates such charges, or redesignates such charges for purposes other than the implementation or operation of 9-1-1 services, E9-1-1 services, or Next Generation 9-1-1 services, all of the funds from such grant shall be returned to the Office.

(4) Penalty for providing false information

Any applicant that provides a certification under paragraph (2) knowing that the information provided in the certification was false shall--

(A) not be eligible to receive the grant under subsection (b);

(B) return any grant awarded under subsection (b) during the time that the certification was not valid; and

(C) not be eligible to receive any subsequent grants under subsection (b).

(d) Funding and termination

(1) In general

From the amounts made available to the Assistant Secretary and the Administrator under section 1457(b)(6) of this title, the Assistant Secretary and the Administrator are authorized to provide grants under this section through the end of fiscal year 2022. Not more than 5 percent of such amounts may be obligated or expended to cover the administrative costs of carrying out this section.

(2) Termination

Effective on October 1, 2022, the authority provided by this section terminates and this section shall have no effect.

(e) Definitions

In this section, the following definitions shall apply:

(1) 9-1-1 services

The term “9-1-1 services” includes both E9-1-1 services and Next Generation 9-1-1 services.

(2) E9-1-1 services

The term “E9-1-1 services” means both phase I and phase II enhanced 9-1-1 services, as described in section 20.18 of the Commission's regulations (47 C.F.R. 20.18), as in effect on February 22, 2012, or as subsequently revised by the Commission.

(3) Eligible entity

(A) In general

The term “eligible entity” means a State or local government or a tribal organization (as defined in section 450b(1) of Title 25).

(B) Instrumentalities

The term “eligible entity” includes public authorities, boards, commissions, and similar bodies created by one or more eligible entities described in subparagraph (A) to provide 9-1-1 services, E9-1-1 services, or Next Generation 9-1-1 services.

(C) Exception

The term “eligible entity” does not include any entity that has failed to submit the most recently required certification under subsection (c) within 30 days after the date on which such certification is due.

(4) Emergency call

The term “emergency call” refers to any real-time communication with a public safety answering point or other emergency management or response agency, including--

- (A) through voice, text, or video and related data; and
- (B) nonhuman-initiated automatic event alerts, such as alarms, telematics, or sensor data, which may also include real-time voice, text, or video communications.

(5) Next Generation 9-1-1 services

The term “Next Generation 9-1-1 services” means an IP-based system comprised of hardware, software, data, and operational policies and procedures that--

- (A) provides standardized interfaces from emergency call and message services to support emergency communications;
- (B) processes all types of emergency calls, including voice, data, and multimedia information;
- (C) acquires and integrates additional emergency call data useful to call routing and handling;
- (D) delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;
- (E) supports data or video communications needs for coordinated incident response and management; and
- (F) provides broadband service to public safety answering points or other first responder entities.

(6) Office

The term “Office” means the 9-1-1 Implementation Coordination Office.

(7) Public safety answering point

The term “public safety answering point” has the meaning given the term in section 222 of this title.

(8) State

The term “State” means any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession of the United States.

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AUTHORIZATION OF APPROPRIATIONS
RE: NEXT GENERATION 9-1-1 ADVANCEMENT ACT OF 2012
See Sec. 6413(b)(6) <<below, in boldface>>

SEC. 6413. PUBLIC SAFETY TRUST FUND. <<NOTE: 47 USC 1457.>>

(a) Establishment of Public Safety Trust Fund.—

(1) In general.—There is established in the Treasury of the United States a trust fund to be known as the Public Safety Trust Fund.

(2) Availability.—Amounts deposited in the Public Safety Trust Fund shall remain available through fiscal year 2022. Any amounts remaining in the Fund after the end of such fiscal year shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(b) Use of Fund.—As amounts are deposited in the Public Safety Trust Fund, such amounts shall be used to make the following deposits or payments in the following order of priority:

(1) Repayment of amount borrowed for first responder network authority.—An amount not to exceed \$2,000,000,000 shall be available to the NTIA to reimburse the general fund of the Treasury for any amounts borrowed under section 6207.

(2) State and local implementation fund.--\$135,000,000 shall be deposited in the State and Local Implementation Fund established by section 6301.

(3) Buildout by first responder network authority.—\$7,000,000,000, reduced by the amount borrowed under section 6207, shall be deposited in the Network Construction Fund established by section 6206.

(4) Public safety research.--\$100,000,000 shall be available to the Director of NIST to carry out section 6303.

(5) Deficit reduction.--\$20,400,000,000 shall be deposited in the general fund of the Treasury, where such amount shall be dedicated for the sole purpose of deficit reduction.

(6) 9-1-1, E9-1-1, and next generation 9-1-1 implementation grants.--\$115,000,000 shall be available to the Assistant Secretary and the Administrator of the National Highway Traffic Safety Administration to carry out the grant program under section 158 of the National Telecommunications and Information Administration Organization Act, as amended by section 6503 of this title.

(7) Additional public safety research.--\$200,000,000 shall be available to the Director of NIST to carry out section 6303.

(8) Additional deficit reduction.—Any remaining amounts deposited in the Public Safety Trust Fund shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(c) Investment.—Amounts in the Public Safety Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on, and proceeds from, any such investment shall be credited to, and become a part of, the Fund.

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SEC. 6504. REQUIREMENTS FOR MULTI-LINE TELEPHONE SYSTEMS.

(a) In General.--Not later than 270 days after the date of the enactment of this Act, the Administrator of General Services, in conjunction with the Office, shall issue a report to Congress identifying the 9-1-1 capabilities of the multi-line telephone system in use by all Federal agencies in all Federal buildings and properties.

(b) Commission Action.--

(1) In general.--Not later than 90 days after the date of the enactment of this Act, the Commission shall issue a public notice seeking comment on the feasibility of MLTS manufacturers including within all such systems manufactured or sold after a date certain, to be determined by the Commission, one or more mechanisms to provide a sufficiently precise indication of a 9-1-1 caller's location, while avoiding the imposition of undue burdens on MLTS manufacturers, providers, and operators.

(2) Specific requirement.--The public notice under paragraph (1) shall seek comment on the National Emergency Number Association's "Technical Requirements Document On Model Legislation E9-1-1 for Multi-Line Telephone Systems" (NENA 06-750, Version 2).

SEC. 6505. GAO STUDY OF STATE AND LOCAL USE OF 9-1-1 SERVICE CHARGES.

(a) In General.--Not later than 60 days after the date of the enactment of this Act, the Comptroller General of the United States shall initiate a study of--

(1) the imposition of taxes, fees, or other charges imposed by States or political subdivisions of States that are designated or presented as dedicated to improve emergency communications services, including 9-1-1 services or enhanced 9-1-1 services, or related to emergency communications services operations or improvements; and

(2) the use of revenues derived from such taxes, fees, or charges.

(b) Report.--Not later than 18 months after initiating the study required by subsection (a), the Comptroller General shall prepare and submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives setting forth the findings, conclusions, and recommendations, if any, of the study, including--

(1) the identity of each State or political subdivision that imposes such taxes, fees, or other charges; and

(2) the amount of revenues obligated or expended by that State or political subdivision for any purpose other than the purposes for which such taxes, fees, or charges were designated or presented.

SEC. 6506. PARITY OF PROTECTION FOR PROVISION OR USE OF NEXT GENERATION 9-1-1 SERVICES.

<<47 USC 1472.>>

(a) Immunity.--A provider or user of Next Generation 9-1-1 services, a public safety answering point, and the officers, directors, employees, vendors, agents, and authorizing government entity (if any) of such provider, user, or public safety answering point, shall have immunity and protection from liability under Federal and State law to the extent provided in subsection (b) with respect to--

- (1) the release of subscriber information related to emergency calls or emergency services;
- (2) the use or provision of 9-1-1 services, E9-1-1 services, or Next Generation 9-1-1 services; and
- (3) other matters related to 9-1-1 services, E9-1-1 services, or Next Generation 9-1-1 services.

(b) Scope of Immunity and Protection From Liability.--The scope and extent of the immunity and protection from liability afforded under subsection (a) shall be the same as that provided under section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) to wireless carriers, public safety answering points, and users of wireless 9-1-1 service (as defined in paragraphs (4), (3), and (6), respectively, of section 6 of that Act (47 U.S.C. 615b)) with respect to such release, use, and other matters.

SEC. 6507. COMMISSION PROCEEDING ON AUTODIALING.

<<47 USC 1473.>>

(a) In General.--Not later than 90 days after the date of the enactment of this Act, the Commission shall initiate a proceeding to create a specialized Do-Not-Call registry for public safety answering points.

(b) Features of the Registry.--
The Commission shall issue regulations, after providing the public with notice and an opportunity to comment, that--

- (1) permit verified public safety answering point administrators or managers to register the telephone numbers of all 9-1-1 trunks and other lines used for the provision of emergency services to the public or for communications between public safety agencies;
- (2) provide a process for verifying, no less frequently than once every 7 years, that registered numbers should continue to appear upon the registry;
- (3) provide a process for granting and tracking access to the registry by the operators of automatic dialing equipment;
- (4) protect the list of registered numbers from disclosure or dissemination by parties granted access to the registry; and
- (5) prohibit the use of automatic dialing or "robocall" equipment to establish contact with registered numbers.

(c) Enforcement.--The Commission shall--

- (1) establish monetary penalties for violations of the protective regulations established pursuant to subsection (b)(4) of not less than \$100,000 per incident nor more than \$1,000,000 per incident;
- (2) establish monetary penalties for violations of the prohibition on automatically dialing registered numbers

established pursuant to subsection (b)(5) of not less than \$10,000 per call nor more than \$100,000 per call; and (3) provide for the imposition of fines under paragraphs (1) or (2) that vary depending upon whether the conduct leading to the violation was negligent, grossly negligent, reckless, or willful, and depending on whether the violation was a first or subsequent offence.

SEC. 6508. REPORT ON COSTS FOR REQUIREMENTS AND SPECIFICATIONS OF NEXT GENERATION 9-1-1 SERVICES.

(a) In General.--Not later than 1 year after the date of the enactment of this Act, the Office, in consultation with the Administrator of the National Highway Traffic Safety Administration, the Commission, and the Secretary of Homeland Security, shall prepare and submit a report to Congress that analyzes and determines detailed costs for specific Next Generation 9-1-1 service requirements and specifications.

(b) Purpose of Report.--The purpose of the report required under subsection (a) is to serve as a resource for Congress as it considers creating a coordinated, long-term funding mechanism for the deployment and operation, accessibility, application development, equipment procurement, and training of personnel for Next Generation 9-1-1 services.

(c) Required Inclusions.--The report required under subsection (a) shall include the following:

(1) How costs would be broken out geographically and allocated among public safety answering points, broadband service providers, and third-party providers of Next Generation 9-1-1 services.

(2) An assessment of the current state of Next Generation 9-1-1 service readiness among public safety answering points.

(3) How differences in public safety answering points' access to broadband across the United States may affect costs.

(4) A technical analysis and cost study of different delivery platforms, such as wireline, wireless, and satellite.

(5) An assessment of the architectural characteristics, feasibility, and limitations of Next Generation 9-1-1 service delivery.

(6) An analysis of the needs for Next Generation 9-1-1 services of persons with disabilities.

(7) Standards and protocols for Next Generation 9-1-1 services and for incorporating Voice over Internet Protocol and "Real-Time Text" standards.

SEC. 6509. COMMISSION RECOMMENDATIONS FOR LEGAL AND STATUTORY FRAMEWORK FOR NEXT GENERATION 9-1-1 SERVICES.

Not later than 1 year after the date of the enactment of this Act, the Commission, in coordination with the Secretary of Homeland Security, the Administrator of the National Highway Traffic Safety Administration, and the Office, shall prepare and submit a report to Congress that contains recommendations for the legal and statutory framework for Next Generation 9-1-1 services, consistent with recommendations in the National Broadband Plan developed by the Commission pursuant to the American Recovery and

Reinvestment Act of 2009, including the following:

(1) A legal and regulatory framework for the development of Next Generation 9-1-1 services and the transition from legacy 9-1-1 to Next Generation 9-1-1 networks.

(2) Legal mechanisms to ensure efficient and accurate transmission of 9-1-1 caller information to emergency response agencies.

(3) Recommendations for removing jurisdictional barriers and inconsistent legacy regulations including--

(A) proposals that would require States to remove regulatory roadblocks to Next Generation 9-1-1 services development, while recognizing existing State authority over 9-1-1 services;

(B) eliminating outdated 9-1-1 regulations at the Federal level; and

(C) preempting inconsistent State regulations.

PUBLIC LAW 109-59
SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT:
A LEGACY FOR USERS
(SAFETEA-LU)

UNCODIFIED AUTHORIZATION OF APPROPRIATIONS

§ 2001. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.--The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) HIGHWAY SAFETY PROGRAMS.--For carrying out section 402 of title 23, United States Code, \$163,680,000 for fiscal year 2005, \$217,000,000 for fiscal year 2006, \$220,000,000 for fiscal year 2007, \$225,000,000 for fiscal year 2008, and \$235,000,000 for fiscal year 2009.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.--For carrying out section 403 of title 23, United States Code, \$71,424,000 for fiscal year 2005, \$110,000,000 for fiscal year 2006, \$107,750,000 for fiscal year 2007, \$107,750,000 for fiscal year 2008, and \$105,500,000 for fiscal year 2009.

(3) OCCUPANT PROTECTION INCENTIVE GRANTS.--For carrying out section 405 of title 23, United States Code, \$19,840,000 for fiscal year 2005, \$25,000,000 for fiscal year 2006, \$25,000,000 for fiscal year 2007, \$25,000,000 for fiscal year 2008, and \$25,000,000 for fiscal year 2009.

(4) SAFETY BELT PERFORMANCE GRANTS.--For carrying out section 406 of title 23, United States Code, \$124,500,000 for fiscal year 2006, \$124,500,000 for fiscal year 2007, \$124,500,000 for fiscal year 2008, and \$124,500,000 for fiscal year 2009.

(5) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.-- For carrying out section 408 of title 23, United States Code, \$34,500,000 for fiscal year 2006, \$34,500,000 for fiscal year 2007, \$34,500,000 for fiscal year 2008, and \$34,500,000 for fiscal year 2009.

(6) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.--For carrying out section 410 of title 23, United States Code, \$39,680,000 for fiscal year 2005, \$120,000,000 for fiscal year 2006, \$125,000,000 for fiscal year 2007, \$131,000,000 for fiscal year 2008, and \$139,000,000 for fiscal year 2009.

(7) NATIONAL DRIVER REGISTER.--For the National Highway Traffic Safety Administration to carry out chapter 303 of title 49, United States Code, \$3,968,000 for fiscal year 2005, \$4,000,000 for fiscal year 2006, \$4,000,000 for fiscal year 2007, \$4,000,000 for fiscal year 2008, and \$4,000,000 for fiscal year 2009.

(8) HIGH VISIBILITY ENFORCEMENT PROGRAM.--For carrying out section 2009 of this title \$29,000,000 for fiscal year 2006, \$29,000,000 for fiscal year 2007, \$29,000,000 for fiscal year 2008, and \$29,000,000 for fiscal year 2009.

(9) MOTORCYCLIST SAFETY.--For carrying out section 2010 of this title \$6,000,000 for fiscal year 2006, \$6,000,000 for fiscal year 2007, \$6,000,000 for fiscal year 2008, and \$7,000,000 for fiscal year 2009.

(10) CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.--For carrying out section 2011 of this title \$6,000,000 for fiscal year 2006, \$6,000,000 for fiscal year 2007, \$6,000,000 for fiscal year 2008, and \$7,000,000 for fiscal year 2009.

(11) ADMINISTRATIVE EXPENSES.--For administrative and related operating expenses of the National Highway Traffic Safety Administration in carrying out chapter 4 of title 23, United States Code, and this title \$17,500,000 for fiscal year 2006, \$17,750,000 for fiscal year 2007, \$18,250,000 for fiscal year 2008, and \$18,500,000 for fiscal year 2009.

(b) PROHIBITION ON OTHER USES.--Except as otherwise provided in chapter 4 of title 23, United States Code, and this title, (including the amendments made by this title), the amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for a program under such chapter shall only be used to carry out such program and may not be used by States or local governments for construction purposes.

(c) APPLICABILITY OF TITLE 23.--Except as otherwise provided in chapter 4 of title 23, United States Code, and this title, amounts made available under subsection (a) for each of fiscal years 2005 through 2009 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(d) TRANSFERS.--In each fiscal year, the Secretary may transfer any amounts remaining available under paragraph (3), (5), or (6) of subsection (a) to the amounts made available under any other of such paragraphs in order to ensure, to the maximum extent possible, that each State receives the maximum incentive funding for which the State is eligible under sections 405, 408, and 410 of title 23, United States Code.

(e) CLARIFICATIONS.--The amounts made available by each of subsections (a)(1) through (a)(7) shall be less any amounts made available from the Highway Trust Fund (other than the Mass Transit Account) by laws enacted before the date of enactment of this Act for the respective programs referred to in each of such subsections for fiscal year 2005. Amounts authorized by such subsections are post-rescission and shall not be subject to any rescission after the date of enactment of this Act.

SAFETEA-LU -- UNCODIFIED PROGRAMS AND PROVISIONS

**(as amended by Public Law 110-244 – June 6, 2008 –
SAFETEA-LU Technical Corrections Act of 2008)**

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§ 1906. Grant Program to Prohibit Racial Profiling

(a) Grants.--Subject to the requirements of this section, the Secretary shall make grants to a State that--

(1)(A) has enacted and is enforcing a law that prohibits the use of racial profiling in the enforcement of State laws regulating the use of Federal-aid highways; and

(B) is maintaining and allows public inspection of statistical information for each motor vehicle stop made by a law enforcement officer on a Federal-aid highway in the State regarding the race and ethnicity of the driver and any passengers; or

(2) provides assurances satisfactory to the Secretary that the State is undertaking activities to comply with the requirements of paragraph (1).

(b) Eligible activities.--A grant received by a State under subsection (a) shall be used by the State--

(1) In the case of a State eligible under subsection (a)(1), for costs of--

(A) collecting and maintaining of data on traffic stops;

(B) evaluating the results of the data; and

(C) developing and implementing programs to reduce the occurrence of racial profiling, including programs to train law enforcement officers; and

(2) In the case of a State eligible under subsection (a)(2), for costs of-- **(A)** activities to comply with the requirements of subsection (a)(1); and **(B)** any eligible activity under paragraph (1).

(c) Racial profiling.--

(1) In general.--To meet the requirement of subsection (a)(1), a State law shall prohibit, in the enforcement of State laws regulating the use of Federal-aid highways, a State or local law enforcement officer from using the race or ethnicity of the driver or passengers to any degree in making routine or spontaneous law enforcement decisions, such as ordinary traffic stops on Federal-aid highways.

(2) Limitation.--Nothing in this subsection shall alter the manner in which a State or local law enforcement officer considers race or ethnicity whenever there is trustworthy or ethnicity to an identified criminal incident, scheme, or organization.

(d) Limitations.--

(1) Maximum amount of grants.--The total amount of grants made to a State under this section in a fiscal year may not exceed 5 percent of the amount made available to carry out this section in the fiscal year.

(2) Eligibility.--A State may not receive a grant under subsection (a)(2) in more than 2 fiscal years.

(e) Authorization of appropriations.--

(1) In general.--There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$7,500,000 for each of fiscal years 2005 through 2009.

(2) Contract authority.--Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except the Federal share of the cost of activities carried out using such funds shall be 80 percent, and such funds shall remain available until expended and shall not be transferable."

§ 2003. Highway safety research and outreach programs.

(c) On-scene motor vehicle collision causation.--

(1) Study.--The Secretary shall conduct under section 403 of title 23, United States Code, a nationally representative study to collect on-scene motor vehicle collision data and to determine crash causation. The Secretary may enter into a contract with the National Academy of Sciences to conduct a review of the research, design, methodology, and implementation of the study.

(2) Consultation.--The study under this subsection may be conducted in consultation with other Federal departments and agencies with relevant expertise.

(3) Final report.--Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a report on the results of the study conducted under this subsection to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(d) Research on distracted, inattentive, and fatigued drivers.--In conducting research under section 403(a)(3) of title 23, United States Code, the Secretary shall carry out not less than 2 demonstration projects to evaluate new and innovative means of combating traffic system problems caused by distracted, inattentive, or fatigued drivers. The demonstration projects shall be in addition to any other research carried out under such section.

(e) Pedestrian safety.--

(1) In general.--The Secretary shall--

(A) produce a comprehensive report on pedestrian safety that builds on the current level of knowledge of pedestrian safety countermeasures by identifying the most effective advanced technology and intelligent transportation systems, such as automated pedestrian detection and warning systems (infrastructure-based and vehicle-based), road design, and vehicle structural design that could potentially mitigate the crash forces on pedestrians in the event of a crash; and

(B) include in the report recommendations on how new technological developments could be incorporated into educational and enforcement efforts and how they could be integrated into national design guidelines developed by the American Association of State Highway and Transportation Officials.

(2) Due date.--The Secretary shall complete the report under this subsection not less than 2 years after the date of enactment of this Act and submit a copy of the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(f) Refusal of intoxication testing.--

(1) Study.--The Secretary shall carry out under section 403 of title 23, United States Code, a study of the frequency with which persons arrested for the offense of operating a motor vehicle while under the influence of alcohol and persons arrested for the offense of operating a motor vehicle while intoxicated refuse to take a test to determine blood alcohol concentration levels and the effect such refusals have on the ability of States to prosecute such persons for those offenses.

(2) Consultation.--In carrying out the study under this subsection, the Secretary shall consult with the Governors of the States, the States' Attorneys General, and the United States Sentencing Commission.

(3) Report.--

(a) Requirement for report.--Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) Content.--The report shall include any recommendation for legislation, including any recommended model State legislation, and any other recommendations that the Secretary considers appropriate for implementing a program designed to decrease the occurrence of refusals by arrested persons to submit to a test to determine blood alcohol concentration levels.

(g) Impaired motorcycle driving.--

(1) Study.--In conducting research under section 403(a)(9) of title 23, United States Code, the Secretary shall conduct a study on educational, public information and other activities targeted at reducing motorcycle accidents and resulting fatalities and injuries, where the operator of the motorcycle is impaired.

(2) Report.--Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study, including the data collected and statistics compiled and recommendations to reduce the number of motorcycle accidents described in paragraph (1) and the resulting fatalities and injuries.

(h) Reducing impaired driving recidivism.--

(1) Study.--The Secretary shall conduct a study on reducing the incidence of alcohol- related motor vehicle crashes and fatalities through research of advanced vehicle-based alcohol detection systems, including an assessment of the practicability and cost effectiveness of such systems.

(2) Report.--Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

§ 2009. High visibility enforcement program.

(a) In general.--The Administrator of the National Highway Traffic Safety Administration shall establish and administer a program under which at least 2 high- visibility traffic safety law enforcement campaigns will be carried out for the purposes specified in subsection (b) in each of years 2006 through 2009.

(b) Purpose.--The purpose of each law enforcement campaign under this section shall be to achieve either or both of the following objectives:

(1) Reduce alcohol-impaired or drug-impaired operation of motor vehicles.

(2) Increase use of seat belts by occupants of motor vehicles.

(c) Advertising.--The Administrator may use, or authorize the use of, funds available to carry out this section to pay for the development, production, and use of broadcast and print media advertising in carrying out traffic safety law enforcement campaigns under this section. Consideration shall be given to advertising directed at non-English speaking populations, including those who listen, read, or watch nontraditional media.

(d) Coordination with States.--The Administrator shall coordinate with the States in carrying out the traffic safety law enforcement campaigns under this section, including advertising funded under subsection (c), with a view to--

(1) relying on States to provide the law enforcement resources for the campaigns out of funding available under this section and sections 402, 405, 406, and 410 of title 23, United States Code; and

(2) providing out of National Highway Traffic Safety Administration resources most of the means necessary for national advertising and education efforts associated with the law enforcement campaigns.

(e) Use of funds.--Funds made available to carry out this section may only be used for activities described in subsections (a), (c), and (f).

(f) Annual evaluation.--The Secretary shall conduct an annual evaluation of the effectiveness of campaigns referred to in subsection (a).

(g) State defined.--The term "State" has the meaning such term has under section 401 of title 23, United States Code.

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§ 2012. Safety data.

(a) In general.--Using funds made available to carry out section 403 of title 23, United States Code, for fiscal years 2005 through 2009, the Secretary shall collect data and compile statistics on accidents involving motor vehicles being backed up that result in fatalities and injuries and that occur on public and nonpublic roads and residential and commercial driveways and parking facilities.

(b) Report.--Not later than January 1, 2009, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on accidents described in subsection (a), including the data collected and statistics compiled under subsection (a) and any recommendations regarding measures to be taken to reduce the number of such accidents and the resulting fatalities and injuries.

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§ 2015. Driver performance study.

(a) In general.--Using funds made available to carry out section 403 of title 23, United States Code, for fiscal year 2005, the Secretary shall make \$1,000,000 available to conduct a study on the risks associated with glare

to oncoming drivers, including increased risks to drivers on 2-lane highways, increased risks to drivers over the age of 50, and the overall effects of glare on driver performance.

(b) Report.--Not later than 18 months after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study and any recommendations regarding measures to reduce the risks associated with glare to oncoming drivers.

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§ 2020. Presidential Commission on Alcohol-Impaired Driving.

(a) Findings.--Congress finds that--

- (1) there has been considerable progress over the past 25 years in reducing the number and rate of alcohol-related highway fatalities;
- (2) the National Highway Traffic Safety Administration projects that fatalities in alcohol-related crashes declined in 2003 for the 2nd year in a row;
- (3) in spite of this progress, an estimated 17,013 Americans died in 2003, in alcohol-related crashes;
- (4) these fatalities comprise 40 percent of the annual total highway fatalities;
- (5) about 250,000 are injured each year in alcohol-related crashes;
- (6) the past 2 years of decreasing alcohol-related fatalities follows a 3-year increase;
- (7) alcohol-impaired driving is the Nation's most frequently committed violent crime;
- (8) the annual cost of alcohol-related crashes is over \$100,000,000,000, including \$9,000,000,000 in costs to employers;
- (9) a Presidential Commission on Alcohol Impaired Driving in 1982 and 1983 helped to lead to substantial progress on this issue; and
- (10) these facts point to the need to renew the national commitment to preventing these deaths and injuries.

(b) Sense of the Congress.--It is the sense of Congress that, in an effort to further change the culture of alcohol-impaired driving on our Nation's highways, the President should consider establishing a Presidential Commission on Alcohol-Impaired Driving--

- (1) comprised of representatives of--
 - (A) State and local governments, including State legislators;
 - (B) law enforcement;
 - (C) traffic safety experts, including researchers;
 - (D) victims of alcohol-related crashes;

(E) affected industries, including the alcohol, insurance, motorcycle, and auto industries;

(F) the business community;

(G) labor;

(H) the medical community;

(I) public health; and

(J) Members of Congress; and

(2) that not later than September 30, 2006, would--

(A) conduct a full examination of alcohol-impaired driving issues; and

(B) make recommendations for a broad range of policy and program changes that would serve to further reduce the level of deaths and injuries caused by alcohol impaired driving.

§ 2021. Sense of the Congress in Support of Increased Public Awareness of Blood Alcohol Concentration Levels and Dangers of Alcohol-Impaired Driving.

(a) **Findings.**--Congress finds that--

(1) in 2003--

(A) 17,013 Americans died in alcohol-related traffic crashes;

(B) 40 percent of the persons killed in traffic crashes died in alcohol-related crashes; and

(C) drivers with blood alcohol concentration levels over 0.15 were involved in 58 percent of alcohol-related traffic fatalities;

(2) research shows that 77 percent of Americans think they have received enough information about alcohol-impaired driving and the way in which alcohol affects individual blood alcohol levels; and

(3) only 28 percent of the American public can correctly identify the legal limit of blood alcohol concentration of the State in which they reside.

(b) **Sense of Congress.**--It is the sense of Congress that the National Highway Traffic Safety Administration should work with State and local governments and independent organizations to increase public awareness of-

(1) State legal limits on blood alcohol concentration levels; and

(2) the dangers of alcohol-impaired driving.

§ 2022. EFFECTIVE DATE.

Sections 2002 through 2007 of this title (and the amendments and repeals made by such sections) shall take effect October 1, 2005.

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§ 4127. OUTREACH AND EDUCATION.

(a) In general.--The Secretary shall conduct, through any combination of grants, contracts, or cooperative agreements, an outreach and education program to be administered by the Federal Motor Carrier Safety Administration and the National Highway Traffic Safety Administration.

(b) Program elements.--The program shall include, at a minimum, the following:

(1) A program to promote a more comprehensive and national effort to educate commercial motor vehicle drivers and passenger vehicle drivers about how commercial motor vehicle drivers and passenger vehicle drivers can more safely share the road with each other.

(2) A program to promote enhanced traffic enforcement efforts aimed at reducing the incidence of the most common unsafe driving behaviors that cause or contribute to crashes involving commercial motor vehicles and passenger vehicles.

(3) A program to establish a public-private partnership to provide resources and expertise for the development and dissemination of information relating to sharing the road referred to in paragraphs (1) and (2) to each partner's constituents and to the general public through the use of brochures, videos, paid and public advertisements, the Internet, and other media.

(c) Federal share.--The Federal share of a program or activity for which a grant is made under this section shall be 100 percent of the cost of such program or activity.

(d) Annual report.--The Secretary shall prepare and transmit to Congress an annual report on the programs and activities carried out under this section. The final annual report shall be submitted not later than September 30, 2009.

(e) Funding.--From amounts made available under section 31104(i) of title 49, United States Code, the Secretary shall make available \$1,000,000 to the Federal Motor Carrier Safety Administration, and \$3,000,000 to the National Highway Traffic Safety Administration, for each of fiscal years 2006, 2007, 2008, and 2009 to carry out this section (other than subsection (f)).

(f) Study.--The Comptroller General shall update the Government Accountability Office's evaluation of the "Share the Road Safely" program to determine if it has achieved reductions in the number and severity of commercial motor vehicle crashes, including reductions in the number of deaths and the severity of injuries sustained in these crashes and shall report its updated evaluation to Congress no later than June 30, 2006.

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§ 5513. Research grants.

(e) Automobile accident injury research.--

(1) Grants.--The Secretary shall make a grant to the Forsyth Institute for research and technology development for preventing and minimizing head, craniofacial, and spinal cord injuries resulting from automobile accidents.

(2) Funding.--Of the amounts made available under section 5101(a)(1) of this Act, \$500,000 in each of fiscal years 2006 through 2009 shall be available to carry out this subsection.

(m) Federal share.--The Federal share of the cost of activities carried out in accordance with this section shall be 80 percent unless otherwise expressly provided by this section or otherwise determined by the Secretary.

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§ 10202. Emergency medical services.

(a) Federal interagency committee on emergency medical services.--

(1) Establishment.--The Secretary of Transportation, the Secretary of Health and Human Services, and the Secretary of Homeland Security, acting through the Under Secretary for Emergency Preparedness and Response, shall establish a Federal Interagency Committee on Emergency Medical Services.

(2) Membership.--The Interagency Committee shall consist of the following officials, or their designees:

(A) The Administrator, National Highway Traffic Safety Administration.

(B) The Director, Preparedness Division, Directorate of Emergency Preparedness and Response of the Department of Homeland Security.

(C) The Administrator, Health Resources and Services Administration, Department of Health and Human Services.

(D) The Director, Centers for Disease Control and Prevention, Department of Health and Human Services.

(E) The Administrator, United States Fire Administration, Directorate of Emergency Preparedness and Response of the Department of Homeland Security.

(F) The Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services.

(G) The Under Secretary of Defense for Personnel and Readiness.

(H) The Director, Indian Health Service, Department of Health and Human Services.

(I) The Chief, Wireless Telecommunications Bureau, Federal Communications Commission.

(J) A representative of any other Federal agency appointed by the Secretary of Transportation or the Secretary of Homeland Security through the Under Secretary for Emergency Preparedness and Response, in consultation with the Secretary of Health and Human Services, as having a significant role in relation to the purposes of the Interagency Committee.

(K) A State emergency medical services director appointed by the Secretary.

(3) Purposes.--The purposes of the Interagency Committee are as follows:

(A) To ensure coordination among the Federal agencies involved with State, local, tribal, or regional emergency medical services and 9-1-1 systems.

(B) To identify State, local, tribal, or regional emergency medical services and 9-1-1 needs.

(C) To recommend new or expanded programs, including grant programs, for improving State, local, tribal, or regional emergency medical services and implementing improved emergency medical services communications technologies, including wireless 9-1-1.

(D) To identify ways to streamline the process through which Federal agencies support State, local, tribal or regional emergency medical services.

(E) To assist State, local, tribal or regional emergency medical services in setting priorities based on identified needs.

(F) To advise, consult, and make recommendations on matters relating to the implementation of the coordinated State emergency medical services programs.

(4) Administration.--The Administrator of the National Highway Traffic Safety Administration, in cooperation with the Administrator of the Health Resources and Services Administration of the Department of Health and Human Services and the Director of the Preparedness Division, Directorate of Emergency Preparedness and Response of the Department of Homeland Security, shall provide administrative support to the Interagency Committee, including scheduling meetings, setting agendas, keeping minutes and records, and producing reports.

(5) Leadership.--The members of the Interagency Committee shall select a chairperson of the Committee each year.

(6) Meetings.--The Interagency Committee shall meet as frequently as is determined necessary by the chairperson of the Committee.

(7) Annual reports.--The Interagency Committee shall prepare an annual report to Congress regarding the Committee's activities, actions, and recommendations.

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