

of the Department appointed by him the Chairman of the Committee.

1973—Subsec. (a)(1). Pub. L. 93-87 added the National Highway Traffic Safety Administrator to the membership of the National Highway Safety Advisory Committee.

1967—Subsec. (a)(1). Pub. L. 90-150, §1(1), substituted "Department of Transportation" for "Department of Commerce", increased number of Committee appointees from twenty-nine to thirty-five, and provided for selection of members from representatives of national organizations of passenger car, bus, and truck owners.

Subsec. (a)(2)(A). Pub. L. 90-150, §1(2), substituted provisions for expirations of term of office of initial appointees one, two, and three years after date of appointment for twelve, twelve, and eleven members, respectively, for former provisions for such expiration one, two, and three years following enactment date of Sept. 9, 1966, for ten, ten, and nine members, respectively, and prohibited reappointment within one year after end of preceding term of member serving a three-year term of office.

#### TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

### § 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<sup>1</sup> 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

<sup>1</sup> So in original. Probably should be "section".

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 (ongoing 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.<sup>2</sup>

(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

<sup>2</sup> So in original.

(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 pro-

grams 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 non-familial 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.

(Added Pub. L. 105-178, title II, §2003(a)(1), June 9, 1998, 112 Stat. 325; amended Pub. L. 109-59, title II, §§2002(e), 2004, Aug. 10, 2005, 119 Stat. 1522, 1524; Pub. L. 111-147, title IV, §421(c)(1), Mar. 18, 2010, 124 Stat. 84; Pub. L. 112-30, title I, §121(c)(1), Sept. 16, 2011, 125 Stat. 347; Pub. L. 112-141, div. C, title I, §31105(a), July 6, 2012, 126 Stat. 741.)

REFERENCES IN TEXT

The date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2012, referred to in subsecs. (a)(1)(H)(i), (e)(6)(A), (8)(C), is the date of enactment of title I of div. C of Pub. L. 112-141, which was approved July 6, 2012.

PRIOR PROVISIONS

A prior section 405, added Pub. L. 93-87, title II, §230(a), Aug. 13, 1973, 87 Stat. 293; amended Pub. L. 93-643, §121, Jan. 4, 1975, 88 Stat. 2289, related to the Federal-aid safer roads demonstration program, prior to repeal by Pub. L. 94-280, title I, §135(c), May 5, 1976, 90 Stat. 442.

AMENDMENTS

2012—Pub. L. 112-141 amended section generally. Prior to amendment, section related to occupant protection incentive grants.

2011—Subsec. (a)(3). Pub. L. 112-30, §121(c)(1)(A), substituted "9" for "8".

Subsec. (a)(4)(C). Pub. L. 112-30, §121(c)(1)(B), substituted "fifth through ninth" for "fifth through eighth".

2010—Subsec. (a)(3). Pub. L. 111-147, §421(c)(1)(A), substituted "8" for "6".

Subsec. (a)(4)(C). Pub. L. 111-147, §421(c)(1)(B), substituted "fifth through eighth" for "fifth and sixth".

2005—Subsec. (a)(2). Pub. L. 109-59, §2004(a)(1), substituted "SAFETEA-LU" for "Transportation Equity Act for the 21st Century".

Subsec. (a)(3). Pub. L. 109-59, §2004(a)(2), substituted "2003" for "1997".

Subsec. (a)(4). Pub. L. 109-59, §2004(a)(3), inserted "beginning after September 30, 2003," after "years" in subpars. (A) to (C).

Subsec. (c). Pub. L. 109-59, §2004(c), substituted “100 percent” for “25 percent” and “2003” for “1997”.

Subsec. (d). Pub. L. 109-59, §2002(e), struck out heading and text of subsec. (d). Text read as follows: “Funds authorized to be appropriated to carry out this section in a fiscal year shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.”

#### EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

#### EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109-59 effective Oct. 1, 2005, see section 2022 of Pub. L. 109-59, set out as a note under section 402 of this title.

#### CHILD SAFETY AND CHILD BOOSTER SEAT INCENTIVE GRANTS

Pub. L. 109-59, title II, §2011, Aug. 10, 2005, 119 Stat. 1538, as amended by Pub. L. 111-147, title IV, §421(j)(1), Mar. 18, 2010, 124 Stat. 85; Pub. L. 112-30, title I, §121(j)(1), Sept. 16, 2011, 125 Stat. 348, related to child safety and child booster seat incentive grants, prior to repeal by Pub. L. 112-141, div. C, title I, §31109(h), July 6, 2012, 126 Stat. 757.

#### CHILD PASSENGER PROTECTION EDUCATION GRANTS

Pub. L. 105-178, title II, §2003(b), June 9, 1998, 112 Stat. 327, authorized the Secretary to make grants to States to implement child passenger protection programs, required reports from States and the Secretary regarding those programs, and authorized appropriations for fiscal years 2000 and 2001.

### **[§§ 406 to 408. Repealed. Pub. L. 112-141, div. C, title I, § 31109(b)–(d), July 6, 2012, 126 Stat. 756]**

Section 406, added Pub. L. 93-643, §126(a), Jan. 4, 1975, 88 Stat. 2291; amended Pub. L. 94-280, title II, §205, May 5, 1976, 90 Stat. 453; Pub. L. 95-599, title I, §129(g), Nov. 6, 1978, 92 Stat. 2708; Pub. L. 109-59, title II, §2005(a), Aug. 10, 2005, 119 Stat. 1524, related to safety belt performance grants.

Section 407, added Pub. L. 95-599, title II, §208(a), Nov. 6, 1978, 92 Stat. 2732, related to innovative project grants.

Section 408, added Pub. L. 97-364, title I, §101(a), Oct. 25, 1982, 96 Stat. 1738; amended Pub. L. 98-363, §§4, 7, July 17, 1984, 98 Stat. 436, 438; Pub. L. 100-17, title II, §203(a), (b), Apr. 2, 1987, 101 Stat. 219; Pub. L. 109-59, title II, §2006(a), Aug. 10, 2005, 119 Stat. 1527, related to State traffic safety information system improvements.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

#### REPEAL OF PROGRAMS

Pub. L. 112-141, div. C, title I, §31109(a), July 6, 2012, 126 Stat. 756, provided that: “A repeal made by this section [repealing sections 406 to 408, 410, and 411 of this title and repealing provisions set out as notes under sections 402, 403, and 405 of this title] shall not affect amounts apportioned or allocated before the effective date of such repeal [Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title], 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.”

### **§ 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.

(Added Pub. L. 100-17, title I, §132(a), Apr. 2, 1987, 101 Stat. 170; amended Pub. L. 102-240, title I, §1035(a), Dec. 18, 1991, 105 Stat. 1978; Pub. L. 104-59, title III, §323, Nov. 28, 1995, 109 Stat. 591; Pub. L. 109-59, title I, §1401(a)(3)(C), Aug. 10, 2005, 119 Stat. 1225.)

#### AMENDMENTS

2005—Pub. L. 109-59 substituted “148” for “152”.

1995—Pub. L. 104-59 inserted “or collected” after “data compiled”.

1991—Pub. L. 102-240 substituted “Discovery and admission” for “Admission” in section catchline and “subject to discovery or admitted into evidence in a Federal or State court proceeding” for “admitted into evidence in Federal or State court” in text.

#### EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102-240, set out as a note under section 104 of this title.

### **[§§ 410, 411. Repealed. Pub. L. 112-141, div. C, title I, § 31109(e), (f), July 6, 2012, 126 Stat. 757]**

Section 410, added Pub. L. 100-690, title IX, §9002(a), Nov. 18, 1988, 102 Stat. 4521; amended Pub. L. 101-516, title III, §336, Nov. 5, 1990, 104 Stat. 2186; Pub. L. 102-240, title II, §2004(a), Dec. 18, 1991, 105 Stat. 2073; Pub. L. 102-388, title VI, §§601-606, Oct. 6, 1992, 106 Stat. 1569, 1570; Pub. L. 104-59, title III, §324, Nov. 28, 1995, 109 Stat. 591; Pub. L. 105-18, title II, §8003, June 12, 1997, 111 Stat. 195; Pub. L. 105-130, §6(b), Dec. 1, 1997, 111 Stat. 2558; Pub. L. 105-178, title II, §2004(a), June 9, 1998, 112 Stat. 328; Pub. L. 108-88, §6(e)(1), Sept. 30, 2003, 117 Stat. 1120; Pub. L. 108-310, §6(e)(1), Sept. 30, 2004, 118 Stat. 1152; Pub. L. 109-59, title II, §2007(a), (b), Aug. 10, 2005, 119 Stat. 1529; Pub. L. 110-244, title III, §303(c)(2), (3), June 6, 2008, 122 Stat. 1619; Pub. L. 111-147, title IV, §421(f)(1), Mar. 18, 2010, 124 Stat. 85; Pub. L. 112-30, title I, §121(f)(1), Sept. 16, 2011, 125 Stat. 347, related to alcohol-impaired driving countermeasures.

Section 411, added Pub. L. 105-178, title II, §2005(a), June 9, 1998, 112 Stat. 332; amended Pub. L. 110-244, title III, §303(c)(4), June 6, 2008, 122 Stat. 1619, related to State highway safety data improvements.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.