

**NHTSA-RELATED
HIGHWAY SAFETY-RELATED PROVISIONS IN SAFETEA-LU, AS ENACTED
(Aug. 10, 2005; P.L. 109-59)**

TITLE I--FEDERAL-AID HIGHWAYS

Subtitle D--Highway Safety

- Sec. 1406. Safety incentive grants for use of seat belts.
Sec. 1407. Safety incentives to prevent operation of motor vehicles by intoxicated persons.

SEC. 1406. SAFETY INCENTIVE GRANTS FOR USE OF SEAT BELTS.

Section 157(g)(1) of title 23, United States Code, is amended by striking ``2004, and" and all that follows through ``2005" and inserting ``2004, and \$112,000,000 for fiscal year 2005".

SEC. 1407. SAFETY INCENTIVES TO PREVENT OPERATION OF MOTOR VEHICLES BY INTOXICATED PERSONS.

(a) Codification of Penalty.--Section 163 of title 23, United States Code, is amended--

- (1) by redesignating subsection (e) as subsection (f); and
- (2) by inserting after subsection (d) the following:

``(e) Penalty.--

``(1) <<NOTE: Deadline.>> In general.--On October 1, 2003, 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 from amounts apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) an amount equal to the amount specified in paragraph (2).

``(2) Amount to be withheld.--If a State is subject to a penalty under paragraph (1), the Secretary shall withhold for a fiscal year from the apportionments of the State described in paragraph (1) an amount equal to a percentage of the funds apportioned to the State under paragraphs (1), (3), and (4) of section 104(b) for fiscal year 2003. The percentage shall be as follows:

- ``(A) For fiscal year 2004, 2 percent.
- ``(B) For fiscal year 2005, 4 percent.
- ``(C) For fiscal year 2006, 6 percent.
- ``(D) For fiscal year 2007, and each fiscal year thereafter, 8 percent.

``(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."

(b) Authorization of Appropriations.--Section 163(f)(1) of such title (as redesignated by subsection (a)(1) of this section) is amended by striking ``2004, and" and inserting ``2004, and \$110,000,000 for fiscal year 2005".

(c) Repeal.--Section 351 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (23 U.S.C. 163 note; 114 Stat. 1356A-34) is repealed.

Subtitle I--Miscellaneous

Sec. 1906. Grant program to prohibit racial profiling.

SEC. 1906. <<NOTE: 23 USC 402 note.>> 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 information, relevant to the locality or time frame, that links persons of a particular race 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.--

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(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.

TITLE II--HIGHWAY SAFETY

- Sec. 2001. Authorization of appropriations.
- Sec. 2002. Highway safety programs.
- Sec. 2003. Highway safety research and outreach programs.
- Sec. 2004. Occupant protection incentive grants.
- Sec. 2005. Grants for primary safety belt use laws.
- Sec. 2006. State traffic safety information system improvements.
- Sec. 2007. Alcohol-impaired driving countermeasures.
- Sec. 2008. NHTSA accountability.
- Sec. 2009. High visibility enforcement program.
- Sec. 2010. Motorcyclist safety.
- Sec. 2011. Child safety and child booster seat incentive grants.

- Sec. 2012. Safety data.
- Sec. 2013. Drug-impaired driving enforcement.
- Sec. 2014. First responder vehicle safety program.
- Sec. 2015. Driver performance study.
- Sec. 2016. Rural State emergency medical services optimization pilot program.
- Sec. 2017. Older driver safety; law enforcement training.
- Sec. 2018. Safe intersections.
- Sec. 2019. National Highway Safety Advisory Committee technical correction.
- Sec. 2020. Presidential Commission on Alcohol-Impaired Driving.
- Sec. 2021. Sense of the Congress in support of increased public awareness of blood alcohol concentration levels and dangers of alcohol-impaired driving.
- Sec. 2022. Effective date.

TITLE II--HIGHWAY SAFETY

SEC. 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

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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) <<NOTE: 23 USC 401 note.>> 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.

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SEC. 2002. HIGHWAY SAFETY PROGRAMS.

(a) Programs To Be Included.--Section 402(a) of title 23, United States Code, is amended--

- (1) in clause (2) by striking ``and to increase public awareness of the benefit of motor vehicles equipped with airbags";
- (2) by redesignating clause (6) as clause (7);
- (3) by inserting after clause (5) the following: ``(6) 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
- (4) in the 10th sentence by inserting ``aggressive driving, fatigued driving, distracted driving," after ``school bus accidents,"

(b) Administration of State Programs.--Section 402(b)(1) of such title is amended--

- (1) in subparagraph (C) by striking ``and" at the end;
- (2) by redesignating clause (6) as clause (7);
- (3) in subparagraph (D) by striking ``State." and inserting ``State; and"; and
- (4) by adding at the end the following:
 - ``(E) 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;
 - ``(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; and

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

(c) Deduction Deletion.--Section 402(c) of such title is amended--

- (1) by striking the second sentence; and
- (2) in the sixth sentence by striking “three-fourths of 1 percent” and inserting “2 percent”.

(d) Law Enforcement and Consolidation of Applications.--Section 402 of such title is further amended by adding at the end the following:

“(l) 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.

“(m) Consolidation of Grant Applications.--The Secretary shall establish an approval process by which a State may apply for all grants under this chapter through a single application process

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with one annual deadline. The Bureau of Indian Affairs shall establish a similar simplified process for applications for grants from Indian tribes under this chapter.”.

(e) Conforming Repeal for Administrative Expenses.--Section 405(d) of such title is repealed.

SEC. 2003. HIGHWAY SAFETY RESEARCH AND OUTREACH PROGRAMS.

(a) Revised Authority and Requirements.--Section 403(a) of title 23, United States Code, is amended to read as follows:

“(a) Authority of the Secretary.--The Secretary is authorized to use funds appropriated to carry out this section to--

“(1) conduct research on all phases of highway safety and traffic conditions, including accident causation, highway or driver characteristics, communications, and emergency care;

“(2) conduct ongoing research into driver behavior and its effect on traffic safety;

“(3) conduct research on, launch initiatives to counter, and conduct demonstration projects on fatigued driving by drivers of motor vehicles and distracted driving in such vehicles, including the effect that the use of electronic devices and other factors deemed relevant by the Secretary have on driving;

“(4) conduct training or education programs in cooperation with other Federal departments and agencies, States, private sector persons, highway safety personnel, and law enforcement personnel;

“(5) conduct research on, and evaluate the effectiveness

of, traffic safety countermeasures, including seat belts and impaired driving initiatives;

``(6) conduct research on, evaluate, and develop 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;

``(7) conduct research, training, and education programs related to older drivers;

``(8) conduct demonstration projects; and

``(9) conduct research, training, and programs relating to motorcycle safety, including impaired driving."

(b) International Cooperation.--Section 403 of such title is amended by adding at the end the following:

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

(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. <<NOTE: Contracts.>> The Secretary shall 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.

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(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) <<NOTE: 23 USC 403 note.>> 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 <<NOTE: Reports.>> 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.

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(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.

SEC. 2004. OCCUPANT PROTECTION INCENTIVE GRANTS.

(a) General Authority.--Section 405(a) of title 23, United States Code, is amended--

(1) in paragraph (2) by striking "Transportation Equity Act for the 21st Century" and inserting "SAFETEA-LU";

(2) in paragraph (3) by striking "1997" and inserting "2003"; and

(3) in each of paragraphs (4)(A), (4)(B), and (4)(C) by inserting after "years" the following: "beginning after September 30, 2003,".

(c) Grant Amounts.--Section 405(c) of such title is amended--

(1) by striking "25 percent" and inserting "100 percent"; and

(2) by striking "1997" and inserting "2003".

SEC. 2005. GRANTS FOR PRIMARY SAFETY BELT USE LAWS.

(a) In General.--Section 406 of title 23, United States Code, is amended to read as follows:

``Sec. 406. Safety belt performance grants

``(a) In General.--The Secretary shall make grants to States in accordance with the provisions of this section to encourage the

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enactment and enforcement of laws requiring the use of safety belts in passenger motor vehicles.

``(b) Grants for Enacting Primary Safety Belt Use Laws.--

``(1) In general.--The Secretary shall make a single grant to each State that either--

``(A) enacts for the first time after December 31, 2002, and has in effect and is enforcing a conforming primary safety belt use law for all passenger motor vehicles; or

``(B) in the case of a State that does not have such a primary safety belt use law, has after December 31, 2005, a State safety belt use rate of 85 percent or more for each of the 2 calendar years immediately preceding the fiscal year of a grant, as measured under criteria determined by the Secretary.

``(2) Amount.--The amount of a grant available to a State in fiscal year 2006 or in a subsequent fiscal year under paragraph (1) shall equal 475 percent of the amount apportioned to the State under section 402(c) for fiscal year 2003.

``(3) July 1 cut-off.--For the purpose of determining the eligibility of a State for a grant under paragraph (1)(A), a conforming primary safety belt use law enacted after June 30th of any year shall--

``(A) not be considered to have been enacted in the Federal fiscal year in which that June 30th falls; but

``(B) be considered as if it were enacted after October 1 of the next Federal fiscal year.

``(4) Shortfall.--If the total amount of grants provided for by this subsection for a fiscal year exceeds the amount of funds available for such grants for that fiscal year, the Secretary shall make grants under this subsection to States in the order in which--

``(A) the conforming primary safety belt use law came into effect; or

``(B) the State's safety belt use rate was 85 percent or more for 2 consecutive calendar years (as measured under by criteria determined by the Secretary), whichever first occurs.

``(5) Catch-up grants.--The Secretary shall make a grant to any State eligible for a grant under this subsection that did not receive a grant for a fiscal year because of the application

of paragraph (4), in the next fiscal year if the State's conforming primary safety belt use law remains in effect or its safety belt use rate is 85 percent or more for the 2 consecutive calendar years preceding such next fiscal year (subject to the condition in paragraph (4)).

``(c) Grants for Pre-2003 Laws.--

``(1) In general.--To the extent that amounts made available for grants under this section for any of fiscal years 2006 through 2009 exceed the total amount of grants to be awarded under subsection (b) for the fiscal year, including amounts to be awarded for catch-up grants under subsection (b)(5), the Secretary shall make a single grant to each State that enacted, has in effect, and is enforcing a conforming primary safety belt use law for all passenger motor vehicles that was in effect before January 1, 2003.

``(2) Amount; installments.--The amount of a grant available to a State under this subsection shall be equal to 200

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percent of the amount of funds apportioned to the State under section 402(c) for fiscal year 2003. The Secretary may award the grant in annual installments.

``(d) Allocation of Unallocated Funds.--

``(1) Additional grants.--The Secretary shall make additional grants under this section of any amounts made available for grants under this section that, on July 1, 2009, have not been allocated to States under this section.

``(2) Allocation.--The additional grants made under this subsection shall be allocated among all States that, as of that date, have enacted, have in effect, and are enforcing conforming primary safety belt laws for all passenger motor vehicles. The allocations shall be made in accordance with the formula for apportioning funds among the States under section 402(c).

``(e) Use of Grant Funds.--

``(1) In general.--Subject to paragraph (2), a State may use a grant under this section for any safety purpose under this title or for any project that corrects or improves a hazardous roadway location or feature or proactively addresses highway safety problems, including--

- ``(A) intersection improvements;
- ``(B) pavement and shoulder widening;
- ``(C) installation of rumble strips and other warning devices;
- ``(D) improving skid resistance;
- ``(E) improvements for pedestrian or bicyclist safety;
- ``(F) railway-highway crossing safety;

- ``(G) traffic calming;
- ``(H) the elimination of roadside obstacles;
- ``(I) improving highway signage and pavement marking;
- ``(J) installing priority control systems for emergency vehicles at signalized intersections;
- ``(K) installing traffic control or warning devices at locations with high accident potential;
- ``(L) safety-conscious planning; and
- ``(M) improving crash data collection and analysis.

``(2) Safety activity requirement.--Notwithstanding paragraph (1), the Secretary shall ensure that at least \$1,000,000 of amounts received by States under this section are obligated for safety activities under this chapter.

``(3) Support activity.--The Secretary or his designee may engage in activities with States and State legislators to consider proposals related to safety belt use laws.

``(f) Carry-Forward of Excess Funds.--If the amount available for grants under this section for any fiscal year exceeds the sum of the grants made under this section for that fiscal year, the excess amount and obligational authority shall be carried forward and made available for grants under this section in the succeeding fiscal year.

``(g) Federal Share.--The Federal share payable for grants under this section shall be 100 percent.

``(h) Passenger Motor Vehicle Defined.--In this section, the term 'passenger motor vehicle' means--

- ``(1) a passenger car;
- ``(2) a pickup truck; and

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``(3) a van, minivan, or sport utility vehicle with a gross vehicle weight rating of less than 10,000 pounds.".

(b) Clerical Amendment.--The analysis for chapter 4 of such title is amended by striking the item relating to section 406 and inserting the following:

``406. Safety belt performance grants.".

SEC. 2006. STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.

(a) In General.--Section 408 of title 23, United States Code, is amended to read as follows:

``Sec. 408. State traffic safety information system improvements

``(a) Grant Authority.--Subject to the requirements of this section, the Secretary shall make grants to eligible States to support the development and implementation of effective programs by such States to--

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

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

``(3) 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; and

``(4) improve the compatibility and interoperability of the data systems of the State with national data systems and data systems of other States and enhance the ability of the Secretary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances.

``(b) First-Year Grants.--To be eligible for a first-year grant under this section in a fiscal year, a State shall demonstrate to the satisfaction of the Secretary that the State has--

``(1) established a highway safety data and traffic records coordinating committee with a multidisciplinary membership that includes, among others, managers, collectors, and users of traffic records and public health and injury control data systems; and

``(2) developed a multiyear highway safety data and traffic records system strategic plan--

``(A) that addresses existing deficiencies in the State's highway safety data and traffic records system;

``(B) that is approved by the highway safety data and traffic records coordinating committee;

``(C) that specifies how existing deficiencies in the State's highway safety data and traffic records system were identified;

``(D) that prioritizes, on the basis of the identified highway safety data and traffic records system deficiencies of the State, the highway safety data and traffic records system needs and goals of the State, including the activities under subsection (a);

``(E) that identifies performance-based measures by which progress toward those goals will be determined; and

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``(F) that specifies how the grant funds and any other funds of the State are to be used to address needs and goals identified in the multiyear plan.

``(c) Successive Year Grants.--A State shall be eligible for a grant under this subsection in a fiscal year succeeding the first fiscal year in which the State receives a grant under subsection (b) if the State--

``(1) certifies to the Secretary that an assessment or audit

of the State's highway safety data and traffic records system has been conducted or updated within the preceding 5 years;

((2) certifies to the Secretary that its highway safety data and traffic records coordinating committee continues to operate and supports the multiyear plan;

((3) specifies how the grant funds and any other funds of the State are to be used to address needs and goals identified in the multiyear plan;

((4) demonstrates to the Secretary measurable progress toward achieving the goals and objectives identified in the multiyear plan; and

((5) submits to the Secretary a current report on the progress in implementing the multiyear plan.

((d) Grant Amount.--Subject to subsection (e)(3), the amount of a year grant made to a State for a fiscal year under this section shall equal the higher of--

((1) the amount determined by multiplying--

((A) the amount appropriated to carry out this section for such fiscal year, by

((B) the ratio that the funds apportioned to the State under section 402 for fiscal year 2003 bears to the funds apportioned to all States under such section for fiscal year 2003; or

((2)(A) \$300,000 in the case of the first fiscal year a grant is made to a State under this section after the date of enactment of this subparagraph; or

((B) \$500,000 in the case of a succeeding fiscal year a grant is made to the State under this section after such date of enactment.

((e) Additional Requirements and Limitations.--

((1) Model data elements.--The Secretary, in consultation with States and other appropriate parties, shall determine the model data elements that are useful for the observation and analysis of State and national trends in occurrences, rates, outcomes, and circumstances of motor vehicle traffic accidents.

In order to be eligible for a grant under this section, a State shall submit to the Secretary a certification that the State has adopted and uses such model data elements, or a certification that the State will use grant funds provided under this section toward adopting and using the maximum number of such model data elements as soon as practicable.

((2) Data on use of electronic devices.--The model data elements required under paragraph (1) shall include data elements, as determined appropriate by the Secretary, in consultation with the States and appropriate elements of the law enforcement community, on the impact on traffic safety of the use of electronic devices while driving.

((3) Maintenance of effort.--No grant may be made to a State under this section in any fiscal year unless the

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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 highway safety data programs at or above the average level of such expenditures maintained by such State in the 2 fiscal years preceding the date of enactment of the SAFETEA-LU.

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

“(5) Limitation on use of grant proceeds.--A State may use the proceeds of a grant received under this section only to implement the program described in subsection (a) for which the grant is made.

“(f) Applicability of Chapter 1.--Section 402(d) of this title shall apply in the administration of this section.”.

(b) Clerical Amendment.--The analysis for chapter 4 of such title is amended by striking the item relating to section 408 and inserting the following:

“408. State traffic safety information system improvements.”.

SEC. 2007. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.

(a) Maintenance of Effort.--Section 410(a)(2) of title 23, United States Code, is amended--

(1) by striking “under this section” and inserting “under this subsection”; and

(2) by striking “Transportation Equity Act for the 21st Century” and inserting “SAFETEA-LU”.

(b) Revised Grant Authority.--Section 410 of such title is amended--

(1) in subsection (a)--

(A) by striking paragraph (3);

(B) by redesignating paragraph (4) as paragraph (3);

and

(C) in paragraph (3) (as so redesignated) by striking the second comma following “sixth”;

(2) by redesignating subsections (e) and (f) as subsections (h) and (i), respectively;

(3) by striking subsections (b) through (d) and inserting the following:

“(b) Eligibility Requirements.--To be eligible for a grant under subsection (a), a State shall--

“(1) have an alcohol related fatality rate of 0.5 or less per 100,000,000 vehicle miles traveled as of the date of the grant, as determined by the Secretary using the most recent

Fatality Analysis Reporting System of the National Highway Traffic Safety Administration; or

``(2)(A) for fiscal year 2006 by carrying out 3 of the programs and activities under subsection (c);

``(B) for fiscal year 2007 by carrying out 4 of the programs and activities under subsection (c); or

``(C) for fiscal years 2008 and 2009 by carrying out 5 of the programs and activities under subsection (c).

``(c) State Programs and Activities.--The programs and activities referred to in subsection (b) are the following:

``(1) Check point, saturation patrol program.--A State program to conduct a series of high visibility, statewide law enforcement campaigns in which law enforcement personnel

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monitor for impaired driving, either through the use of sobriety check points or saturation patrols, on a nondiscriminatory, lawful basis for the purpose of determining whether the operators of the motor vehicles are driving while under the influence of alcohol--

``(A) if the State organizes the campaigns in cooperation with related periodic national campaigns organized by the National Highway Traffic Safety Administration, except that this subparagraph does not preclude a State from initiating sustained high visibility, Statewide law enforcement campaigns independently of the cooperative efforts; and

``(B) if, for each fiscal year, the State demonstrates to the Secretary that the State and the political subdivisions of the State that receive funds under this section have increased, in the aggregate, the total number of impaired driving law enforcement activities at high incident locations (or any other similar activity approved by the Secretary) initiated in such State during the preceding fiscal year by a factor that the Secretary determines meaningful for the State over the number of such activities initiated in such State during the preceding fiscal year.

``(2) Prosecution and adjudication outreach program.--A State prosecution and adjudication program under which--

``(A) the State works to reduce the use of diversion programs by educating and informing prosecutors and judges through various outreach methods about the benefits and merits of prosecuting and adjudicating defendants who repeatedly commit impaired driving offenses;

``(B) the courts in a majority of the judicial jurisdictions of the State are monitored on the courts' adjudication of cases of impaired driving offenses; or

“(C) annual statewide outreach is provided for judges and prosecutors on innovative approaches to the prosecution and adjudication of cases of impaired driving offenses that have the potential for significantly improving the prosecution and adjudication of such cases.

“(3) Testing of bac.--An effective system for increasing from the previous year the rate of blood alcohol concentration testing of motor vehicle drivers involved in fatal accidents.

“(4) High risk drivers.--A law that establishes stronger sanctions or additional penalties for individuals convicted of operating a motor vehicle while under the influence of alcohol whose blood alcohol concentration is 0.15 percent or more than for individuals convicted of the same offense but with a lower blood alcohol concentration. For purposes of this paragraph, ‘additional penalties’ includes--

“(A) a 1-year suspension of a driver's license, but with the individual whose license is suspended becoming eligible after 45 days of such suspension to obtain a provisional driver's license that would permit the individual to drive--

“(i) only to and from the individual's place of employment or school; and

“(ii) only in an automobile equipped with a certified alcohol ignition interlock device; and

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“(B) a mandatory assessment by a certified substance abuse official of whether the individual has an alcohol abuse problem with possible referral to counseling if the official determines that such a referral is appropriate.

“(5) Programs for effective alcohol rehabilitation and dwi courts.--A program for effective inpatient and outpatient alcohol rehabilitation based on mandatory assessment and appropriate treatment for repeat offenders or a program to refer impaired driving cases to courts that specialize in driving while impaired cases that emphasize the close supervision of high-risk offenders.

“(6) Underage drinking program.--An effective strategy, as determined by the Secretary, for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages and for preventing persons from making alcoholic beverages available to individuals under age 21. Such a strategy may include--

“(A) the issuance of tamper-resistant drivers' licenses to individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals age 21 or older; and

“(B) a program provided by a nonprofit organization for training point of sale personnel concerning, at a

minimum--

- ``(i) the clinical effects of alcohol;
- ``(ii) methods of preventing second party sales of alcohol;
- ``(iii) recognizing signs of intoxication;
- ``(iv) methods to prevent underage drinking;
- and
- ``(v) Federal, State, and local laws that are relevant to such personnel; and

``(C) having a law in effect that creates a 0.02 percent blood alcohol content limit for drivers under 21 years old.

``(7) Administrative license revocation.--An administrative driver's license suspension or revocation system for individuals who operate motor vehicles while under the influence of alcohol that requires that--

``(A) in the case of an individual who, in any 5-year period beginning after the date of enactment of the Transportation Equity Act for the 21st Century, is determined on the basis of a chemical test to have been operating a motor vehicle while under the influence of alcohol or is determined to have refused to submit to such a test as proposed by a law enforcement officer, the State agency responsible for administering drivers' licenses, upon receipt of the report of the law enforcement officer--

``(i) suspend the driver's license of such individual for a period of not less than 90 days if such individual is a first offender in such 5-year period; except that under such suspension an individual may operate a motor vehicle, after the 15-day period beginning on the date of the suspension, to and from employment, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual; and

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``(ii) suspend the driver's license of such individual for a period of not less than 1 year, or revoke such license, if such individual is a repeat offender in such 5-year period; except that such individual to operate a motor vehicle, after the 45-day period beginning on the date of the suspension or revocation, to and from employment, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual; and

``(B) the suspension and revocation referred to

under clause (i) take effect not later than 30 days after the date on which the individual refused to submit to a chemical test or received notice of having been determined to be driving under the influence of alcohol, in accordance with the procedures of the State.

“(8) Self sustaining impaired driving prevention program.-- A program under which a significant portion of the fines or surcharges collected from individuals who are fined for operating a motor vehicle while under the influence of alcohol are returned to communities for comprehensive programs for the prevention of impaired driving.

“(d) Uses of Grants.--Subject to subsection (g)(2), grants made under this section may be used for all programs and activities described in subsection (c), and to defray the following costs:

“(1) Labor costs, management costs, and equipment procurement costs for the high visibility, Statewide law enforcement campaigns under subsection (c)(1).

“(2) The costs of the training of law enforcement personnel and the procurement of technology and equipment, including video equipment and passive alcohol sensors, to counter directly impaired operation of motor vehicles.

“(3) The costs of public awareness, advertising, and educational campaigns that publicize use of sobriety check points or increased law enforcement efforts to counter impaired operation of motor vehicles.

“(4) The costs of public awareness, advertising, and educational campaigns that target impaired operation of motor vehicles by persons under 34 years of age.

“(5) The costs of the development and implementation of a State impaired operator information system.

“(6) The costs of operating programs that result in vehicle forfeiture or impoundment or license plate impoundment.

“(e) Additional Authorities for Certain Authorized Uses.--

“(1) Combination of grant proceeds.--Grant funds used for a campaign under subsection (d)(3) may be combined, or expended in coordination, with proceeds of grants under section 402.

“(2) Coordination of uses.--Grant funds used for a campaign under paragraph (3) or (4) of subsection (d) may be expended--

“(A) in coordination with employers, schools, entities in the hospitality industry, and nonprofit traffic safety groups; and

“(B) in coordination with sporting events and concerts and other entertainment events.

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“(f) Allocation.--Subject to subsection (g), funds made available to carry out this section shall be allocated among States that meet the eligibility criteria in subsection (b) on the basis of the apportionment

formula under section 402(c).

((g) Grants to High Fatality Rate States.--

((1) In general.--The Secretary shall make a separate grant under this section to each State that--

((A) is among the 10 States with the highest impaired driving related fatalities as determined by the Secretary using the most recent Fatality Analysis Reporting System of the National Highway Traffic Safety Administration; and

((B) prepares a plan for grant expenditures under this subsection that is approved by the Administrator of the National Highway Traffic Safety Administration.

((2) Required uses.--At least one-half of the amounts allocated to States under this subsection may only be used for the program described in subsection (c)(1).

((3) Allocation.--Funds made available under this subsection shall be allocated among States described in paragraph (1) on the basis of the apportionment formula under section 402(c), except that no State shall be allocated more than 30 percent of the funds made available to carry out this subsection for a fiscal year.

((4) Funding.--Not more than 15 percent per fiscal year of amounts made available to carry out this section for a fiscal year shall be made available by the Secretary for making grants under this subsection."; and

(4) by adding at the end of subsection (i) (as redesignated by paragraph (2)) the following:

((4) Impaired operator.--The term 'impaired operator' means a person who, while operating a motor vehicle--

((A) has a blood alcohol content of 0.08 percent or higher; or

((B) is under the influence of a controlled substance.

((5) <<NOTE: Regulations.>> Impaired driving related fatality rate.--The term 'impaired driving related fatality rate' means the rate of alcohol related fatalities, as calculated in accordance with regulations which the Administrator of the National Highway Traffic Safety Administration shall prescribe."

(c) <<NOTE: Deadline. 23 USC 410 note.>> NHTSA To Issue Regulations.--Not later than 12 months after the date of enactment of this Act, the National Highway Traffic Safety Administration shall issue guidelines to the States specifying the types and formats of data that States should collect relating to drivers who are arrested or convicted for violation of laws prohibiting the impaired operation of motor vehicles.

SEC. 2008. NHTSA ACCOUNTABILITY.

(a) In General.--Chapter 4 of title 23, United States Code, is

amended by adding at the end the following:

``Sec. 412. Agency accountability

``(a) Triennial State Management Reviews.--At least once every 3 years the Secretary shall conduct a review of each State highway safety program. The review shall include a management evaluation of all grant programs funded under this chapter. The Secretary shall provide review-based recommendations on how each

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State could improve the management and oversight of its grant activities and may provide a management and oversight plan for such grant programs.

``(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) <<NOTE: Reports.>> 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. <<NOTE: Deadline.>> 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) <<NOTE: Public information. Internet.>> 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) GAO Review.--

“(1) Analysis.--The Comptroller General shall analyze the effectiveness of the Administration's oversight of traffic safety grants under this chapter by determining the usefulness of the Administration's advice to the States regarding administration and State activities under this chapter, the extent to

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which the States incorporate the Administration's recommendations into their highway safety programs, and the improvements that result in a State's highway safety program that may be attributable to the Administration's recommendations.

“(2) Report.--Not later than September 30, 2008, the Comptroller General shall submit a report on the results of the analysis to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.”.

(b) Clerical Amendment.--The analysis for chapter 4 of such title is amended by adding at the end the following:

“412. Agency accountability.”.

SEC. 2009. <<NOTE: 23 USC 402 note.>> 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.

SEC. 2010. <<NOTE: Grants. 23 USC 402 note.>> MOTORCYCLIST SAFETY.

(a) Authority To Make Grants.--Subject to the requirements of this section, the Secretary shall make grants to States that

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adopt and implement effective programs to reduce the number of single- and multi-vehicle crashes involving motorcyclists.

(b) Maintenance of Effort.--No grant may be made to a State under this section in a 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 the other sources for motorcyclist safety training programs and motorcyclist awareness programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of this Act.

(c) Allocation.--The amount of a grant made to a State for a fiscal year under this section may not be less than \$100,000 and may not exceed 25 percent of the amount apportioned to the State for fiscal year 2003 under section 402 of title 23, United States Code.

(d) Grant Eligibility.--

(1) In general.--A State becomes eligible for a grant under this section by adopting or demonstrating to the satisfaction of the Secretary--

(A) for the first fiscal year for which the State will receive a grant under this section, at least 1 of the 6 criteria listed in paragraph (2); and

(B) for the second, third, and fourth fiscal years for which the State will receive a grant under this section, at least 2 of the 6 criteria listed in paragraph (2).

(2) Criteria.--The criteria for eligibility for a grant under this section are the following:

(A) Motorcycle rider training courses.--An effective motorcycle rider training course that is offered throughout the State, provides a formal program of instruction in accident avoidance and other safety-oriented operational skills to motorcyclists and that 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 programs.

(e) Eligible Uses.--

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(1) In general.--A State may use funds from a grant under

this section only for motorcyclist safety training and motorcyclist awareness programs, including--

- (A) improvements to motorcyclist safety training curricula;
- (B) 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;
- (C) measures designed to increase the recruitment or retention of motorcyclist safety training instructors; and
- (D) 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).

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

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

(1) 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.

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

- (A) the presence of motorcycles on or near roadways;
- and
- (B) safe driving practices that avoid injury to motorcyclists.

(3) 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.

(4) State.--The term "State" has the same meaning such term has in section 101(a) of title 23, United States Code.

(g) <<NOTE: Deadline.>> Share-the-Road Model Language.--Not later than 1 year after the date of enactment of this Act, the Secretary, in

consultation with the Administrator of the National Highway Traffic Safety Administration, shall develop and provide to the States model language for use in traffic safety education courses, driver's manuals, and other driver's training materials instructing the drivers of motor vehicles on the importance of sharing the roads safely with motorcyclists.

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SEC. 2011. <<NOTE: 23 USC 405 note.>> CHILD SAFETY AND CHILD BOOSTER SEAT INCENTIVE GRANTS.

(a) General Authority.--Subject to the requirements of this section, the Secretary shall make grants to States that are enforcing a law requiring that any child riding in a passenger motor vehicle in the State who is too large to be secured in a child safety seat be secured in a child restraint that meets the requirements prescribed by the Secretary under section 3 of Anton's Law (49 U.S.C. 30127 note; 116 Stat. 2772).

(b) Maintenance of Effort.--No grant may be made to a State under this section in a 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 child safety seat and child restraint programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of this Act.

(c) Federal Share.--The Federal share of the costs of activities funded using amounts from grants under this section shall not exceed--

- (1) for the first 3 fiscal years for which a State receives a grant under this section, 75 percent; and
- (2) for the fourth fiscal year for which a State receives a grant under this section, 50 percent.

(d) Use of Grant Amounts.--

(1) Allocations.--Of the amounts received by a State in grants under this section for a fiscal year not more than 50 percent shall be used to fund programs for purchasing and distributing child safety seats and child restraints to low-income families.

(2) Remaining amounts.--Amounts received by a State in grants under this section, other than amounts subject to paragraph (1), shall be used to carry out child safety seat and child restraint programs, including the following:

- (A) A program to support enforcement of child restraint laws.
- (B) A program to train child passenger safety professionals, police officers, fire and emergency medical personnel, educators, and parents concerning all aspects of the use of child safety seats and child restraints.
- (C) A program to educate the public concerning the

proper use and installation of child safety seats and child restraints.

(e) Grant Amount.--The amount of a grant to a State for a fiscal year under this section may not exceed 25 percent of the amount apportioned to the State for fiscal year 2003 under section 402 of title 23, United States Code.

(f) Applicability of Chapter 1.--The provisions contained in section 402(d) of such title shall apply to this section.

(g) Report.--A State that receives a grant under this section shall transmit to the Secretary a report documenting the manner in which the grant amounts were obligated and expended and identifying the specific programs carried out using the grant funds. The report shall be in a form prescribed by the Secretary and may be combined with other State grant reporting requirements under of chapter 4 of title 23, United States Code.

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

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(1) Child restraint.--The term "child restraint" means any product designed to provide restraint to a child (including booster seats and other products used with a lap and shoulder belt assembly) that meets applicable Federal motor vehicle safety standards prescribed by the National Highway Traffic Safety Administration.

(2) Child safety seat.--The term "child safety seat" has the meaning such term has in section 405(f) of title 23, United States Code.

(3) Passenger motor vehicle.--The term "passenger motor vehicle" has the meaning such term has in section 405(f) of such title.

(4) State.--The term "State" has the meaning such term has in section 101(a) of such title.

SEC. 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.

SEC. 2013. <<NOTE: 23 USC 403 note.>> DRUG-IMPAIRED DRIVING ENFORCEMENT.

(a) Illicit Drug.--In this section, the term "illicit drug" includes substances listed in schedules I through V of section 112(e) of the Controlled Substances Act (21 U.S.C. 812) not obtained by a legal and valid prescription.

(b) Duties.--The Secretary shall--

(1) advise and coordinate with other Federal agencies on how to address the problem of driving under the influence of an illegal drug; and

(2) conduct research on the prevention, detection, and prosecution of driving under the influence of an illegal drug.

(c) Report.--

(1) In general.--Not later than 18 months after the date of enactment of this Act, the Secretary, in cooperation with the National Institutes of Health, shall submit to Congress a report on the problem of drug-impaired driving.

(2) Contents.--The report shall include, at a minimum, the following:

(A) An assessment of methodologies and technologies for measuring driver impairment resulting from use of the most common illicit drugs (including the use of such drugs in combination with alcohol).

(B) Effective and efficient methods for training law enforcement personnel, including drug recognition experts, to detect or measure the level of impairment of a driver

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who is under the influence of an illicit drug by the use of technology or otherwise.

(C) A description of the role of drugs as causal factor in traffic crashes and the extent of the problem of drug-impaired driving.

(D) A description and assessment of current State and Federal laws relating to drug-impaired driving.

(E) Recommendations for addressing the problem of drug-impaired driving, including recommendations on levels of impairment.

(F) Recommendations for developing a model statute relating to drug-impaired driving.

(d) Model Statute.--

(1) In general.--The Secretary shall develop a model statute for States relating to drug-impaired driving.

(2) Contents.--Based on recommendations and findings contained in the report submitted under subsection (c), the model statute may include--

- (A) threshold levels of impairment for illicit drugs;
- (B) practicable methods for detecting the presence of illicit drugs; and
- (C) penalties for drug impaired driving.

(3) Date.--The model statute shall be provided to States not later than 1 year after date of submission of the report under subsection (c).

(e) <<NOTE: Drugs and drug abuse.>> Research and Development.--Section 403(b) of title 23, United States Code, is amended by adding at the end the following:

``(5) Technology to detect drug use and enable States to efficiently process toxicology evidence.

``(6) Research on the effects of illicit drugs and the compound effects of alcohol and illicit drugs on impairment.".

(f) Funding.--Out of amounts made available to carry out section 403 of title 23, United States Code, for each of fiscal years 2006 through 2009, the Secretary shall make available \$1,200,000 for such fiscal year to carry out this section.

SEC. 2014. <<NOTE: 23 USC 402 note.>> FIRST RESPONDER VEHICLE SAFETY PROGRAM.

(a) <<NOTE: Deadline.>> In General.--Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the National Highway Traffic Safety Administration, should--

- (1) develop and implement a comprehensive program to promote compliance with State and local laws intended to increase the safe and efficient operation of first responder vehicles;
- (2) compile a list of best practices by State and local governments to promote compliance with the laws described in paragraph (1);
- (3) analyze State and local laws intended to increase the safe and efficient operation of first responder vehicles; and
- (4) develop model legislation to increase the safe and efficient operation of first responder vehicles.

(b) Partnerships.--The Secretary may enter into partnerships with qualified organizations to carry out this section.

(c) Public Outreach.--The Secretary shall use a variety of public outreach strategies to carry out this section, including public

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service announcements, publication of informational materials, and posting information on the Internet.

(d) Authorization of Appropriations.--There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out

this section for fiscal year 2006.

SEC. 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.

SEC. 2016. RURAL STATE EMERGENCY MEDICAL SERVICES OPTIMIZATION PILOT PROGRAM.

(a) In General.--From funds made available to carry out section 403 of title 23, United States Code, for fiscal year 2006, the Secretary shall make \$1,000,000 available to conduct a pilot program for optimizing emergency medical services in a rural State.

(b) Collecting Data.--The pilot program shall focus on collecting geo-coded data for highway accidents and resulting injuries, analyzing data to develop injury patterns and distributions, and improving placement and management of emergency medical services resources and personnel.

(c) <<NOTE: Contracts. Alaska.>> Selection.--The Secretary shall enter into an agreement with the State of Alaska to conduct the pilot program.

(d) Report.--Not later than 12 months after the completion of the pilot program, 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 pilot program and recommendations for application to other rural States.

SEC. 2017. OLDER DRIVER SAFETY; LAW ENFORCEMENT TRAINING.

(a) Improving Older Driver Safety.--

(1) In general.--Of the funds made available to carry out section 403 of title 23, United States Code, the Secretary shall allocate \$1,700,000 for each of fiscal years 2006 through 2009 to conduct a comprehensive research and demonstration program to improve traffic safety pertaining to older drivers.

(2) Elements of program.--The program shall--

(A) provide information and guidelines to assist older drivers, physicians, and other related medical

personnel, families, licensing agencies, enforcement officers, and various public and transit agencies in enhancing the safety of older drivers;

(B) improve the scientific basis of medical standards and screenings strategies used in the licensing of all drivers in a non-discriminatory manner;

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(C) conduct field tests to assess the safety benefits and mobility impacts of different driver licensing strategies and driver assessment and rehabilitation methods;

(D) assess the value and improve the safety potential of driver retraining courses of particular benefit to older drivers; and

(E) conduct other activities to accomplish the objectives of this section.

(3) Formulation of plan.--After consultation with affected parties, the Secretary shall formulate an older driver traffic safety plan to guide the design and implementation of the program.

(4) <<NOTE: Deadline.>> Submission of plan to congress.--Not later than 1 year after the date of enactment of this Act, the Secretary shall submit the plan to the Committee on Transportation and Infrastructure House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) <<NOTE: 23 USC 402 note.>> Law Enforcement Training.--

(1) Requirement for program.--The Secretary shall carry out a program to provide guidance and support to law enforcement agencies in police chase techniques that are consistent with the police chase guidelines issued by the International Association of Chiefs of Police.

(2) Amount for program.--Of the funds made available to carry out section 403 of title 23, United States Code, the Secretary shall allocate \$500,000 in each of fiscal years 2006 through 2009 to carry out this subsection.

SEC. 2018. SAFE INTERSECTIONS.

(a) In General.--Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

``Sec. 39. Traffic signal preemption transmitters

``(a) Offenses.--

``(1) Sale.--Whoever, in or affecting interstate or foreign commerce, knowingly sells a traffic signal preemption transmitter to a nonqualifying user shall be fined under this

title, or imprisoned not more than 1 year, or both.

“(2) Use.--Whoever, in or affecting interstate or foreign commerce, being a nonqualifying user makes unauthorized use of a traffic signal preemption transmitter shall be fined under this title, or imprisoned not more than 6 months, or both.

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

“(1) Traffic signal preemption transmitter.--The term ‘traffic signal preemption transmitter’ means any mechanism that can change or alter a traffic signal’s phase time or sequence.

“(2) Nonqualifying user.--The term ‘nonqualifying user’ means a person who uses a traffic signal preemption transmitter and is not acting on behalf of a public agency or private corporation authorized by law to provide fire protection, law enforcement, emergency medical services, transit services, maintenance, or other services for a Federal, State, or local government entity, but does not include a person using a traffic signal preemption transmitter for classroom or instructional purposes.”.

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(b) Clerical Amendment.--The analysis for such chapter is amended by adding at the end the following:

“39. Traffic signal preemption transmitters.”.

SEC. 2019. NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE TECHNICAL CORRECTION.

Section 404(d) of title 23, United States Code, is amended by striking “Commerce” and inserting “Transportation”.

SEC. 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

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(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.

SEC. 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.

SEC. 2022. <<NOTE: 23 USC 402 note.>> EFFECTIVE DATE.

Sections 2002 through 2007 of this title (and the amendments and repeals made by such sections) shall take effect October 1, 2005.

TITLE IV--MOTOR CARRIER SAFETY

Subtitle A--Commercial Motor Vehicle Safety

SEC. 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)).

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(f) <<NOTE: Reports. Deadline.>> 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.

TITLE X--MISCELLANEOUS PROVISIONS

Subtitle B--Other Miscellaneous Provisions

SEC. 10202. <<NOTE: 42 USC 300d-4.>> 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

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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.