

111TH CONGRESS
1ST SESSION

S. 1536

To amend title 23, United States Code, to reduce the amount of Federal highway funding available to States that do not enact a law prohibiting an individual from writing, sending, or reading text messages while operating a motor vehicle.

IN THE SENATE OF THE UNITED STATES

JULY 29, 2009

Mr. SCHUMER (for himself, Mr. MENENDEZ, Mrs. HAGAN, and Ms. LANDRIEU) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend title 23, United States Code, to reduce the amount of Federal highway funding available to States that do not enact a law prohibiting an individual from writing, sending, or reading text messages while operating a motor vehicle.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Avoiding Life-Endan-
5 gering and Reckless Texting by Drivers Act of 2009" or
6 the "ALERT Drivers Act".

1 SEC. 2. FINDINGS.

2 Congress finds that—

3 (1) cell phones and other electronic devices are
4 not only instrumentalities and channels of interstate
5 commerce, but products of interstate commerce;

6 (2) for those reasons, regulation of the use of
7 cellular telephones or other electronic devices to send
8 text messages is covered by the power of Congress
9 to regulate interstate commerce as enumerated in
10 article I, section 8 of the Constitution;

11 (3) additionally, the Supreme Court held in
12 *South Dakota v. Dole*, 483 U.S. 203 (June 23,
13 1987), that Congress may condition Federal high-
14 way funding on State compliance with certain condi-
15 tions;

16 (4) people in the United States are using cel-
17 lular telephones and other personal electronic devices
18 to send text messages or emails, more commonly
19 known as “texting”, with increasing frequency;

20 (5) according to the New York Times, more
21 than 110,000,000,000 text messages were sent in
22 the United States during the month of December
23 2008 alone, a tenfold increase in just 3 years;

24 (6) texting and portable email are valuable to
25 consumers, businesses, and private individuals
26 throughout the United States, but those services also

1 create an extreme risk when used by individuals
2 while operating motor vehicles;

3 (7) a 2008 study by Nationwide Insurance
4 found that 20 percent of drivers in the United
5 States send text messages while operating motor ve-
6 hicles;

7 (8) according to a study by Car and Driver
8 Magazine, texting while driving is more dangerous
9 than driving while intoxicated;

10 (9) a recent study by the Virginia Tech Trans-
11 portation Institute found operators of motor vehicles
12 who sent text messages while driving had a collision
13 risk that was 23 times greater while texting as com-
14 pared to the risk when the operators were not
15 texting;

16 (10) another study by the University of Utah
17 found that college students using a driving simulator
18 were 8 times more likely to have an accident while
19 texting;

20 (11) after a serious accident occurred on the
21 Boston public trolley system in May 2009, the trol-
22 ley operator was found to have been texting at the
23 time of the accident;

24 (12) the problem of texting while driving has
25 been recognized across the United States;