



**U.S. Code of Federal Regulations: Title 23 – Highways
PL 109-59
The Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005
(SAFE-TEA)
Provisions for Drugged Driving Policy and Research:
(Original 2005 Text and Suggested 2009 Reauthorization Revised Text)**

The Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005 (SAFE-TEA) will be reauthorized this year (2009). One of the provisions of the original legislation called for the development of a national drugged driving policy, increased funds for drugged driving research, and authorization for the Department of Transportation to issue a model state statute on drugged driving to encourage states to adopt *per se* laws. Unfortunately DOT requested a continuation by Congress each ensuing year and nothing resulted. Now SAFE-TEA is up for re-authorization. This language must be preserved in the 2009 legislation, and preferably, modified, as recommended below.

Below is the relevant section of the 2005 text of the Transportation Equity Act:

SEC. 2013. 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 [of Transportation] 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 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) RESEARCH AND DEVELOPMENT .—[Amended 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

These are the suggested modifications to PL 109-59, Section 2013:

a. The Secretary shall issue the report and model law required in Section 2013 (c) and (d) of PL 109-59 no later than one year after the enactment of this act.

b. Title 49, Section 105 of the United States Code is amended by adding the following at the end of the section:

(f) The Administrator shall establish an Office of Drugged Driving within the Administration for the purposes of carrying out 23 USC 403(b).

6191 Executive Boulevard, Rockville, Maryland 20852

Ph: 301.231.9010 Fax: 301.231.5119

www.ibhinc.org, www.StopDruggedDriving.org, www.PreventionNotPunishment.org