''(a) GENERAL AUTHORITY.—Subject to the requirements of this section, the Secretary [of Transportation] 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 [Pub. L. 107–318] (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 [of Transportation] 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 [Aug. 10, 2005].

''(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, fifth, and sixth fiscal years 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 [of Transportation] 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 [sic] chapter 4 of title 23, United States Code.

''(h) DEFINITIONS.—In this section, the following definitions apply:

''(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.''

CHILD PASSENGER PROTECTION EDUCATION GRANTS

Pub. L. 105–178, title II, § 2003(b), June 9, 1998, 112 Stat. 327, provided that:

''(1) IN GENERAL.—The Secretary may make a grant to a State that submits an application, in such form and manner as the Secretary may prescribe, that is approved by the Secretary to carry out the activities specified in paragraph (2) through—

''(A) the child passenger protection program of the State; and

''(B) at the option of the State, a grant program established by the State to carry out 1 or more of the activities specified in paragraph (2) by a political subdivision of the State or an appropriate private entity.

''(2) USE OF FUNDS.—Funds provided to a State as a grant under this subsection shall be used to implement child passenger protection programs that—

''(A) are designed to prevent deaths and injuries to children;

''(B) educate the public concerning—

''(i) all aspects of the proper installation of child restraints using standard seatbelt hardware, supplemental hardware, and modification devices (if needed), including special installation techniques;

''(ii) appropriate child restraint design, selection, and placement; and

''(iii) harness threading and harness adjustment on child restraints; and

''(C) train and retrain child passenger safety professionals, police officers, fire and emergency medical personnel, and other educators concerning all aspects of child restraint use.

''(3) GRANT AWARDS.—The Secretary may make a grant under this subsection without regard to whether a State is eligible to receive, or has received, a grant under section 405 of title 23, United States Code (as inserted by subsection (a) of this section).

''(4) FEDERAL SHARE.—The Federal share of the cost of a program carried out using funds made available from a grant under this subsection may not exceed 80 percent.

''(5) REPORT.—Each State that receives a grant under this subsection shall transmit to the Secretary a report for the period covered by the grant that, at a minimum, describes the program activities carried out with the funds made available under the grant.

''(6) REPORT TO CONGRESS.—Not later than June 1, 2002, the Secretary shall transmit to Congress a report on the implementation of this subsection that includes a description of the programs carried out and materials developed and distributed by the States that receive grants under this subsection.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $7,500,000 for each of fiscal years 2000 and 2001.''

## § 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 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 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

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

(Added Pub. L. 93–643, § 126(a), Jan. 4, 1975, 88 Stat. 2291; amended Pub. L. 94–280, title II, § 205, May 5, 1976, 90 Stat. 453; Pub. L. 95–599, title I, § 129(g), Nov. 6, 1978, 92 Stat. 2708; Pub. L. 109–59, title II, § 2005(a), Aug. 10, 2005, 119 Stat. 1524.)

AMENDMENTS

2005—Pub. L. 109–59 amended section catchline and text generally, substituting provisions relating to safety belt performance grants for provisions relating to school bus driver training.

1978—Subsec. (c). Pub. L. 95–599 substituted ''section shall not exceed 75 per centum'' for ''title shall not exceed 70 per centum''.

1976—Subsecs. (b), (c). Pub. L. 94–280 redesignated as subsec. (c) the authorization provisions previously set out as a second subsec. (b), provided for obligation of at least $7,000,000 for fiscal years 1977 and 1978 to carry out this section, and provided for availability of funds for obligation in the same manner and to the same extent as if the funds were apportioned under section 402(c) of this title.

EFFECTIVE DATE OF 2005 AMENDMENT

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

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment Pub. L. 95–599 effective with respect to obligations incurred after Nov. 6, 1978, see section 129(h) of Pub. L. 95–599, set out as a note under section 120 of this title.

## § 407. Innovative project grants

(a) In addition to other grants authorized by this chapter, the Secretary may make grants in any fiscal year to those States, political subdivisions thereof, and nonprofit organizations which develop innovative approaches to highway safety problems in accordance with criteria to be established by the Secretary in cooperation with the States, political subdivisions thereof, and such nonprofit organizations as the Secretary deems appropriate.

(b) The Secretary shall establish a procedure for the selection of grant applications submitted under this section. In developing such procedure, the Secretary shall consult with the States and political subdivisions thereof, appropriate Federal departments and agencies, and such other public and nonprofit organizations as the Secretary deems appropriate.

(c) Any State, political subdivision thereof, and nonprofit organization may make an application under this section to carry out an innovative project described in subsection (a) of this section. Such application shall be in such form and contain such information as the Secretary, by regulation, prescribes.

(d) Not to exceed 2 per centum of the funds authorized to be appropriated to carry out this section shall be available to the Secretary for the necessary costs of administering the provisions of this section.

(e) The Secretary shall submit an annual report to the Congress which provides a description of each application received for a grant under this section and an evaluation of innovative projects carried out with grants made under this section.

(Added Pub. L. 95–599, title II, § 208(a), Nov. 6, 1978, 92 Stat. 2732.)

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of reporting provisions in subsec. (e) of this section, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 31 of House Document No. 103–7.

## § 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

(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;