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State of Minnesota

Printed Page No. 403

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 1180

- 02/13/2017 Authored by Uglem; Hornstein; Newberger; Johnson, S.; Thissen and others
- The bill was read for the first time and referred to the Committee on Transportation and Regional Governance Policy
- 03/06/2017 Adoption of Report: Re-referred to the Committee on Public Safety and Security Policy and Finance
- 03/14/2018 Adoption of Report: Re-referred to the Committee on Ways and Means
- 05/14/2018 Adoption of Report: Placed on the General Register as Amended
- Read for the Second Time

1.1 A bill for an act

1.2 relating to transportation; prohibiting certain use of cellular phones while driving;

1.3 amending Minnesota Statutes 2016, sections 169.011, subdivision 94; 169.475.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2016, section 169.011, subdivision 94, is amended to read:

1.6 Subd. 94. **Wireless communications device.** "Wireless communications device" means

1.7 (1) a cellular phone, or (2) a portable electronic device that is capable of receiving and

1.8 transmitting data, including but not limited to text messages and e-mail, without an access

1.9 line for service. A wireless communications device does not include a device that is

1.10 permanently affixed to the vehicle, or a global positioning system or navigation system

1.11 ~~when the system is used exclusively for navigation purposes~~ that is physically integrated

1.12 into the vehicle.

1.13 Sec. 2. Minnesota Statutes 2016, section 169.475, is amended to read:

1.14 **169.475 USE OF WIRELESS COMMUNICATIONS DEVICE.**

1.15 Subdivision 1. ~~Definition~~ **Definitions.** (a) For purposes of this section, the following

1.16 terms have the meanings given.

1.17 (b) "Electronic message" means a self-contained piece of digital communication that is

1.18 designed or intended to be transmitted between physical devices. An electronic message

1.19 includes, but is not limited to, ~~e-mail, a text message, an instant message, a command or~~

1.20 ~~request to access a World Wide Web page;~~ e-mail; a text message; an instant message; a

1.21 command or request to access a World Wide Web page; video content, whether Web-based,

1.22 stored on the device, or accessed in any other manner; images; pictures; or other data that

2.1 uses a commonly recognized electronic communications protocol. An electronic message
2.2 does not include voice or other data transmitted as a result of making a phone call, or data
2.3 transmitted automatically by a wireless communications device without direct initiation by
2.4 a person.

2.5 (c) "Voice-activated or hands-free mode" means an attachment, accessory, application,
2.6 wireless connection, or built-in feature of a wireless communications device or vehicle that
2.7 allows the user to:

2.8 (1) vocally compose or send, or to listen to a text-based communication without the use
2.9 of either hand except to activate or deactivate a feature or function; or

2.10 (2) engage in a phone call without the use of either hand except to activate or deactivate
2.11 a feature or function.

2.12 **Subd. 2. Prohibition on use; penalty.** ~~(a) No~~ Except as provided in subdivision 3, when
2.13 a motor vehicle is in motion or a part of traffic, the person may operate a motor operating
2.14 the vehicle while is prohibited from using:

2.15 (1) a wireless communications device to initiate, compose, read, or send an electronic
2.16 message, when the vehicle is in motion or a part of traffic; or

2.17 (2) a cellular phone, including but not limited to initiating a cellular phone call and
2.18 talking or listening on the phone.

2.19 (b) When a motor vehicle is in motion or a part of traffic, the person operating the vehicle
2.20 is prohibited from using a wireless communications device to view video content, whether
2.21 Web-based, stored on the device, or accessed in any other manner. This paragraph does not
2.22 apply to viewing a global positioning system or navigation system.

2.23 (c) A person who violates paragraph paragraphs (a) and (b) a second or subsequent time
2.24 must pay a fine of \$225, plus the amount specified in the uniform fine schedule established
2.25 by the Judicial Council.

2.26 (d) For purposes of this subdivision, a motor vehicle is not considered to be in motion
2.27 or a part of traffic if the vehicle is legally pulled over to the side of the road, has come to a
2.28 complete stop, and is not obstructing traffic.

2.29 **Subd. 3. Exceptions.** ~~This section does~~ (a) The prohibitions in subdivision 2, paragraph
2.30 (a), do not apply if a wireless communications device is used:

2.31 (1) solely in a voice-activated or other hands-free mode to make or participate in a phone
2.32 call or to initiate, compose, read, or send an electronic message;

- 3.1 (2) ~~for making a cellular phone call;~~
- 3.2 ~~(3) for obtaining to obtain~~ emergency assistance to (i) report a traffic accident, medical
3.3 emergency, or serious traffic hazard, or (ii) prevent a crime about to be committed;
- 3.4 ~~(4) (3)~~ in the reasonable belief that a person's life or safety is in immediate danger; or
- 3.5 ~~(5) (4)~~ in an authorized emergency vehicle while in the performance of official duties.
- 3.6 (b) This section does not apply to a device that is functioning solely as a global
3.7 positioning system or navigation system that is temporarily affixed to the vehicle.
- 3.8 (c) The prohibition in subdivision 2, paragraph (a), clause (2), does not apply to the use
3.9 of a cellular phone that is temporarily affixed to the vehicle to listen to audio-based content.
- 3.10 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to acts
3.11 committed on or after that date.