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State of Minnesota
HOUSE OF REPRESENTATIVES
Second Division Engrossment

NINETY-FIRST SESSION

H. F. No. **50**

01/14/2019 Authored by Hornstein, Bennett, Stephenson, Cantrell, Lee and others
The bill was read for the first time and referred to the Committee on Ways and Means

Division Action

Referred by Chair to the Transportation Finance and Policy Division

01/22/2019 *Division action, to adopt as amended and return to the Committee on Ways and Means*

01/31/2019 *Referred by Chair to the Public Safety and Criminal Justice Reform Finance and Policy Division*

02/26/2019 *Division action, to adopt as amended and return to the Committee on Ways and Means*

02/28/2019 *Referred by Chair to the Judiciary Finance and Civil Law Division*

1.1 A bill for an act
1.2 relating to transportation; prohibiting use of cell phones while driving under
1.3 specified circumstances; requiring a study of traffic stops; requiring a report;
1.4 amending Minnesota Statutes 2018, sections 169.011, subdivision 94; 169.475.

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

1.6 Section 1. Minnesota Statutes 2018, section 169.011, subdivision 94, is amended to read:

1.7 Subd. 94. **Wireless communications device.** "Wireless communications device" means
1.8 (1) a cellular phone, or (2) a portable electronic device that is capable of receiving and
1.9 transmitting data, including but not limited to text messages and e-mail, without an access
1.10 line for service. A wireless communications device does not include a device or feature that
1.11 is permanently ~~affixed to~~ physically integrated into the vehicle, or including a global
1.12 positioning system or navigation system ~~when the system is used exclusively for navigation~~
1.13 ~~purposes.~~

1.14 Sec. 2. Minnesota Statutes 2018, section 169.475, is amended to read:

1.15 **169.475 USE OF WIRELESS COMMUNICATIONS DEVICE.**

1.16 Subdivision 1. ~~Definition~~ **Definitions.** (a) For purposes of this section, the following
1.17 terms have the meanings given.

1.18 (b) "Electronic message" means a self-contained piece of digital communication that is
1.19 designed or intended to be transmitted between physical devices. An electronic message
1.20 includes, but is not limited to: e-mail; a text message; an instant message; a command or
1.21 request to access a ~~World Wide~~ web page, or; a voice mail message; a transmitted image;
1.22 transmitted audio content; transmitted video content, including through video calling; and

2.1 other data ~~that uses~~ transmitted using a commonly recognized electronic communications
2.2 protocol. An electronic message does not include: voice or ~~other~~ audio data transmitted as
2.3 a result of making a phone call, data transmitted between a motor vehicle and a wireless
2.4 communications device located in the vehicle, or data transmitted automatically ~~by a wireless~~
2.5 ~~communications device~~ without direct initiation by a person.

2.6 (c) "Voice-activated or hands-free mode" means an attachment, an accessory, a wirelessly
2.7 paired or tethered capability, or a built-in capability of a wireless communications device
2.8 or a motor vehicle that allows a person to use a feature or software application without either
2.9 hand, except for one touch activation or deactivation of the feature or software application.
2.10 A feature or software application includes but is not limited to text messaging and phone
2.11 calling.

2.12 (d) For purposes of this section, a motor vehicle is not in motion or a part of traffic if
2.13 the vehicle is lawfully stopped, is in a location that is not designed or ordinarily used for
2.14 vehicular travel, and is not obstructing traffic.

2.15 (e) For purposes of subdivision 2, paragraph (a), "using" includes but is not limited to
2.16 holding a wireless communications device.

2.17 Subd. 2. **Prohibition on use; penalty.** (a) ~~Ne~~ When a motor vehicle is in motion or a
2.18 part of traffic, the person may operate a motor operating the vehicle while is prohibited
2.19 from using a wireless communications device, which includes but is not limited to:

2.20 ~~compose, read, or send~~ (1) initiating, composing, sending, retrieving, or reading an
2.21 electronic message, when the vehicle is in motion or a part of traffic; and

2.22 (2) engaging in a cellular phone call, including initiating a call, talking or listening, and
2.23 participating in video calling.

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

2.27 Subd. 3. **Exceptions.** (a) This section does not apply if a wireless communications device
2.28 is used:

2.29 (1) solely in a voice-activated or ~~other~~ hands-free mode, including to access a global
2.30 positioning system or navigation system;

2.31 (2) ~~for making a cellular phone call;~~

3.1 ~~(3) for obtaining~~ to obtain emergency assistance to (i) report a traffic accident, medical
3.2 emergency, or serious traffic hazard, or (ii) prevent a crime about to be committed;

3.3 ~~(4)~~ (3) in the reasonable belief that a person's life or safety is in immediate danger; or

3.4 ~~(5)~~ (4) in an authorized emergency vehicle while in the performance of official duties.

3.5 (b) The exception in paragraph (a), clause (1), does not apply to accessing nonnavigation
3.6 video content, engaging in video calling, engaging in live-streaming, or reading electronic
3.7 messages.

3.8 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to acts
3.9 committed on or after that date.

3.10 **Sec. 3. TRAFFIC STOP STUDY; REPORT REQUIRED.**

3.11 Subdivision 1. **Traffic stop study.** The commissioner of public safety, in coordination
3.12 with the Minnesota State Patrol, shall oversee a study on traffic stops to determine whether
3.13 amendments to Minnesota Statutes, section 169.475, effective August 1, 2019, have a
3.14 disproportionate impact on any group.

3.15 Subd. 2. **Data to be collected.** (a) To facilitate the traffic stop study, members of the
3.16 Minnesota State Patrol, as defined in Minnesota Statutes, section 299D.03, shall collect
3.17 data on all traffic stops.

3.18 (b) The data that must be collected as part of this study include:

3.19 (1) the location of the stop;

3.20 (2) the date and time of the stop;

3.21 (3) the race, ethnicity, or both of the driver;

3.22 (4) the gender of the driver;

3.23 (5) the age of the driver; and

3.24 (6) any enforcement action taken, including, but not limited to, any citation or warning
3.25 issued.

3.26 (c) Unless otherwise provided by law, rule, or policy of the Minnesota State Patrol, the
3.27 data identified in paragraph (b) must be collected through December 31, 2019.

3.28 (d) The data collected in paragraph (b) are the minimum that must be collected. Nothing
3.29 in this section prohibits the Minnesota State Patrol from voluntarily collecting additional

4.1 data elements. If additional data are collected and transmitted to the commissioner of public
4.2 safety, the data are classified as provided in subdivision 6.

4.3 (e) The commissioner of public safety may request other relevant data from the Minnesota
4.4 State Patrol and from other law enforcement agencies. Law enforcement agencies that decide
4.5 to participate in the study shall, to the extent practicable, follow the procedures set forth by
4.6 this section.

4.7 (f) Nothing in this section requires the use of an external vendor to collect or administer
4.8 data.

4.9 Subd. 3. **Submission of data to commissioner.** The commissioner of public safety shall
4.10 determine the method that must be used and the frequency with which the Minnesota State
4.11 Patrol shall submit the data described in subdivision 2, paragraph (a).

4.12 Subd. 4. **Method of data collection.** Unless otherwise provided by law, rule, or policy
4.13 of the Minnesota State Patrol, members of the Minnesota State Patrol shall rely on their
4.14 own observation to identify the race, ethnicity, and gender of a driver. All other data shall
4.15 be collected as provided by law, rule, or policy of the Minnesota State Patrol.

4.16 Subd. 5. **Report.** By February 15, 2020, the commissioner of public safety shall report
4.17 to the chairs and ranking minority members of the legislative committees and divisions with
4.18 jurisdiction over transportation and criminal justice policy on the data collected by the study.
4.19 Summary data must be aggregated by month and county. Summary data must be
4.20 disaggregated by race and ethnicity; gender; age; and the disposition of the stop.

4.21 Subd. 6. **Classification of data.** Data collected pursuant to this section are private data
4.22 on individuals or nonpublic data as defined in Minnesota Statutes, section 13.02. This
4.23 subdivision does not affect the classification of the same data collected for other law
4.24 enforcement purposes.

4.25 **EFFECTIVE DATE.** This section is effective the day following final enactment.