

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 837

(SENATE AUTHORS: CARLSON, Dibble, Hoffman, Ingebrigtsen and Housley)

DATE	D-PG	OFFICIAL STATUS
02/09/2017	561	Introduction and first reading Referred to Transportation Finance and Policy
02/13/2017	592	Authors added Dibble; Hoffman; Ingebrigtsen
02/16/2017	645	Author added Housley
03/23/2017	1941	Withdrawn and re-referred to Judiciary and Public Safety Finance and Policy
03/29/2018		Comm report: To pass as amended and re-refer to Transportation Finance and Policy

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.** For purposes of this section, "electronic message" means a

1.16 self-contained piece of digital communication that is designed or intended to be transmitted

1.17 between physical devices. An electronic message includes, but is not limited to, e-mail, a

1.18 text message, an instant message, a command or request to access a World Wide Web page,

1.19 or other data that uses a commonly recognized electronic communications protocol. An

1.20 electronic message does not include voice or other data transmitted as a result of making a

1.21 phone call, or data transmitted automatically by a wireless communications device without

1.22 direct initiation by a person.

2.1 Subd. 2. **Prohibition on use; penalty.** (a) ~~No~~ When a motor vehicle is in motion or a
2.2 part of traffic, the person may operate a motor operating the vehicle while is prohibited
2.3 from using:

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

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

2.8 (b) A person who violates paragraph (a) a second or subsequent time must pay a fine of
2.9 \$225, plus the amount specified in the uniform fine schedule established by the Judicial
2.10 Council.

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

2.13 (1) solely in a voice-activated or other hands-free mode, whether through a device feature
2.14 or in conjunction with a headset or other accessories;

2.15 (2) ~~for making~~ to make a cellular phone call through use of one-touch functionality;

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

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

2.19 (5) in an authorized emergency vehicle while in the performance of official duties.

2.20 (b) This section does not apply to a device that is able to function solely as a global
2.21 positioning system or navigation system.