

A bill for an act

relating to transportation; requiring that cellular phones used in motor vehicles be hands-free; providing a defense; proposing coding for new law in Minnesota Statutes, chapter 169.

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

Section 1. **[169.472] USE OF CELLULAR PHONES.**

Subdivision 1. **Definitions.** For purposes of this section:

(1) "Hands-free device" means an attachment, add-on, or addition to a cellular phone, whether or not permanently installed in a motor vehicle, that when used allows the vehicle operator to maintain both hands on the steering wheel; and

(2) "Use" means talking, text messaging, or listening on a cellular phone.

Subd. 2. **Prohibition.** No person may use a cellular phone while operating a motor vehicle that is in motion unless the cellular phone is equipped and used with a hands-free device. A peace officer may not issue a citation for a violation of this subdivision unless the officer lawfully stopped or detained the driver of the motor vehicle for another moving violation other than a violation involving motor vehicle equipment.

Subd. 3. **Defense.** It is an affirmative defense against a charge of violating subdivision 2 for a person to produce evidence that the cellular phone was used for the purpose of contacting the following in response to an emergency:

(1) a public safety answering point, by dialing 911 or other emergency telephone number;

(2) a hospital, clinic, or doctor's office;

(3) an ambulance service provider;

(4) a fire department or law enforcement agency; or

2.1 (5) a first aid squad.