

A bill for an act

relating to drivers' licenses; establishing passenger restrictions for provisional driver's license holders; amending Minnesota Statutes 2006, section 171.055, subdivision 2.

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

Section 1. Minnesota Statutes 2006, section 171.055, subdivision 2, is amended to read:

Subd. 2. **Use of provisional license.** (a) A provisional license holder may operate a motor vehicle only when every occupant under the age of 18 has a seat belt or child passenger restraint system properly fastened. A person who violates this paragraph is subject to a fine of \$25. A peace officer may not issue a citation for a violation of this paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation as defined in section 171.04. The commissioner shall not record a violation of this paragraph on a person's driving record.

(b) A provisional license holder may not operate a vehicle while communicating over, or otherwise operating, a cellular or wireless telephone, whether handheld or hands free, when the vehicle is in motion. The provisional license holder may assert as an affirmative defense that the violation was made for the sole purpose of obtaining emergency assistance to prevent a crime about to be committed, or in the reasonable belief that a person's life or safety was in danger. Violation of this paragraph is a petty misdemeanor subject to section 169.89, subdivision 2.

(c) For the first six months of provisional licensure, a provisional license holder may not operate a motor vehicle carrying more than two passengers under 18 years of age. This paragraph does not apply if the provisional license holder is accompanied by a

H.F. No. 4129, as introduced - 2007-2008th Legislative Session (2007-2008)

2.1 parent or guardian. Violation of this paragraph is a petty misdemeanor subject to section
2.2 169.89, subdivision 2.

2.3 (d) If the holder of a provisional license during the period of provisional licensing
2.4 incurs (1) a conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections
2.5 169A.50 to 169A.53, (2) a conviction for a crash-related moving violation, or (3) more
2.6 than one conviction for a moving violation that is not crash related, the person may not be
2.7 issued a driver's license until 12 consecutive months have expired since the date of the
2.8 conviction or until the person reaches the age of 18 years, whichever occurs first.