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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1408

02/18/2019 Authored by Koegel, Hornstein and Bernardy The bill was read for the first time and referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to public safety; authorizing peace officers to issue citations based on
1.3 report from work zone flagger; prohibiting wireless communications device use
1.4 in work zones; providing penalties; amending Minnesota Statutes 2018, sections
1.5 169.06, subdivision 4a; 169.475, subdivision 3.

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

1.7 Section 1. Minnesota Statutes 2018, section 169.06, subdivision 4a, is amended to read:

1.8 Subd. 4a. Obedience to work zone flagger; violation, penalty. (a) A flagger in a work
1.9 zone may stop vehicles and, hold vehicles in place until it is safe for the vehicles to proceed.
1.10 A person operating a motor vehicle that has been stopped by a flagger in a work zone may
1.11 proceed after stopping only on instruction by the flagger or a police officer, and direct
1.12 vehicles to proceed when it is safe. A driver who does not comply with an instruction made
1.13 by an official traffic control device, flagger, or peace officer in a work zone under this
1.14 paragraph is guilty of a petty misdemeanor and must pay a fine of \$300 in addition to the
1.15 surcharge under section 357.021, subdivision 6.

1.16 (b) A person convicted of operating a motor vehicle in violation of a speed limit in a
1.17 work zone, or any other provision of this section while in a work zone, shall be required to
1.18 pay a fine of \$300. This fine is in addition to the surcharge under section 357.021, subdivision
1.19 6. A peace officer may issue a citation to the driver of a motor vehicle if the peace officer
1.20 has probable cause to believe that the driver has operated the vehicle in violation of paragraph
1.21 (a) within the four-hour period immediately following the termination of the incident or the
1.22 receipt of a report under this paragraph. Although probable cause may be satisfied by other
1.23 evidentiary elements or factors, for purposes of this section probable cause is satisfied if
1.24 (1) the person cited is operating the vehicle described by a work zone flagger in a timely

2.1 report of the violation of this section, and (2) the work zone flagger's report includes a
 2.2 description of the vehicle used to commit the offense and the vehicle's license plate number.
 2.3 For the purposes of citation issuance under this paragraph, "timely" means the report must
 2.4 be made within the four-hour period immediately following the termination of the incident.

2.5 (c) If a motor vehicle is operated in violation of paragraph (a), the owner of the vehicle,
 2.6 or for a leased motor vehicle the lessee of the vehicle, is guilty of a petty misdemeanor and
 2.7 is subject to a fine as provided in paragraph (b). The owner or lessee may not be fined under
 2.8 this paragraph if (1) another person is convicted for that violation, or (2) the motor vehicle
 2.9 was stolen at the time of the violation. This paragraph does not apply to a lessor of a motor
 2.10 vehicle if the lessor keeps a record of the name and address of the lessee.

2.11 (d) Paragraph (c) does not prohibit or limit the prosecution of a motor vehicle operator
 2.12 for violating paragraph (a).

2.13 (e) A violation under paragraph (c) does not constitute grounds for revocation or
 2.14 suspension of a driver's license.

2.15 (f) A peace officer may stop and issue a citation to the driver of a motor vehicle if the
 2.16 peace officer has probable cause to believe the driver has, within the last four hours, operated
 2.17 the vehicle in a manner that violates paragraph (a).

2.18 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to violations
 2.19 that occur on or after that date.

2.20 Sec. 2. Minnesota Statutes 2018, section 169.475, subdivision 3, is amended to read:

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

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

2.25 (2) ~~for making~~ to make a cellular phone call;

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

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

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

2.30 (b) The exception in paragraph (a), clause (2), does not apply to a person who uses a
 2.31 wireless communications device while operating a motor vehicle in a work zone. For

3.1 purposes of this paragraph, use of a wireless communications device includes using the
3.2 device for a purpose other than communication.

3.3 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to violations
3.4 that occur on or after that date.