

A bill for an act
relating to drivers' licenses; modifying requirements for holder of provisional
driver's license; 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 one passenger under the age of 20 years
who is not a member of the holder's immediate family. For the second six months, the
holder of the license may not operate a motor vehicle that is carrying more than three

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passengers who are under the age of 20 years and who are not members of the holder's immediate family.

(d) For the first six months of provisional licensure, a provisional license holder who is less than 18 years of age may operate a motor vehicle between the hours of midnight and 5:00 a.m. only when the license holder is:

(1) driving between the license holder's home and place of employment;

(2) driving between the license holder's home and a school event for which the school has not provided transportation;

(3) driving for employment purposes; or

(4) accompanied by a licensed driver at least 25 years of age.

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

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