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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2877

03/14/2012 Authored by Downey

The bill was read for the first time and referred to the Committee on Transportation Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; drivers' licenses; allowing provisional driver license
1.3 holder to carry passengers when driving for employment purposes; amending
1.4 Minnesota Statutes 2010, section 171.055, subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2010, section 171.055, subdivision 2, is amended to read:

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

1.14 (b) If the holder of a provisional license during the period of provisional licensing
1.15 incurs (1) a conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections
1.16 169A.50 to 169A.53, (2) a conviction for a crash-related moving violation, or (3) more
1.17 than one conviction for a moving violation that is not crash related, the person may not be
1.18 issued a driver's license until 12 consecutive months have expired since the date of the
1.19 conviction or until the person reaches the age of 18 years, whichever occurs first.

1.20 (c) For the first six months of provisional licensure, a provisional license holder may
1.21 not operate a motor vehicle carrying more than one passenger under the age of 20 years
1.22 who is not a member of the holder's immediate family. For the second six months, the
1.23 holder of the license may not operate a motor vehicle that is carrying more than three
1.24 passengers who are under the age of 20 years and who are not members of the holder's

2.1 immediate family. This paragraph does not apply if the provisional license holder is
2.2 accompanied by a parent or guardian, or if the provisional license holder is driving for
2.3 employment purposes.

2.4 (d) For the first six months of provisional licensure, a provisional license holder
2.5 may operate a motor vehicle between the hours of midnight and 5:00 a.m. only when
2.6 the license holder is:

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

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

2.10 (3) driving for employment purposes; or

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