

1.1 A bill for an act
1.2 relating to transportation; prohibiting use of cell phones while driving under
1.3 specified circumstances; amending Minnesota Statutes 2018, sections 169.011,
1.4 subdivision 94; 169.475.

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

1.6 Section 1. Minnesota Statutes 2018, section 169.011, subdivision 94, is amended to read:

1.7 Subd. 94. **Wireless communications device.** (a) "Wireless communications device"
1.8 means (1) a cellular phone, or (2) a portable electronic device that is capable of receiving
1.9 and transmitting data, including but not limited to text messages and e-mail, without an
1.10 access line for service.

1.11 (b) A wireless communications device does not include: (1) a device that is permanently
1.12 ~~affixed to~~ physically integrated into the vehicle; ~~or~~ (2) a global positioning system or
1.13 navigation system ~~when the system is used exclusively for navigation purposes; or~~ (3) a
1.14 two-way radio, citizens band radio, or amateur radio equipment used in accordance with
1.15 Federal Communications Commission rules and regulations.

1.16 Sec. 2. Minnesota Statutes 2018, section 169.475, is amended to read:

1.17 **169.475 USE OF WIRELESS COMMUNICATIONS DEVICE.**

1.18 Subdivision 1. ~~Definition~~ **Definitions.** (a) For purposes of this section, the following
1.19 terms have the meanings given.

1.20 (b) "Electronic message" means a self-contained piece of digital communication that is
1.21 designed or intended to be transmitted between physical devices. An electronic message
1.22 includes, but is not limited to, e-mail, a text message, an instant message, ~~a command or~~

2.1 ~~request to access a World Wide Web page,~~ or other data that uses a commonly recognized
2.2 electronic communications protocol. An electronic message does not include voice or other
2.3 data transmitted as a result of making a phone call; two-way radio, citizens band radio, or
2.4 amateur radio equipment used in accordance with Federal Communications Commission
2.5 rules and regulations; or data transmitted automatically by a wireless communications device
2.6 without direct initiation by a person.

2.7 (c) A motor vehicle is not considered to be "in motion or a part of traffic" if the vehicle
2.8 is legally pulled over to the side of the road and not obstructing traffic.

2.9 (d) "Voice-activated" or "hands-free mode" means an attachment, accessory, application,
2.10 wireless connection, or built-in feature of a wireless communications device or vehicle that
2.11 allows the person to use the device without the use of either hand except to activate or
2.12 deactivate a feature or function. The term includes the use of a scarf or hijab or other item
2.13 of clothing to hold a device in a hands-free manner.

2.14 Subd. 2. **Prohibition on use; penalty.** (a) ~~No~~ Except as provided in subdivision 3, when
2.15 a motor vehicle is in motion or a part of traffic, the person may operate a motor operating
2.16 the vehicle while upon a street or highway is prohibited from using a wireless
2.17 communications device to:

2.18 (1) initiate, compose, read, or send an electronic message, when the vehicle is in motion
2.19 or a part of traffic;

2.20 (2) initiate a cellular phone call or participate in a cellular phone call by listening or
2.21 talking;

2.22 (3) view or listen to images, pictures, or video content, whether web-based, stored on
2.23 the device, or accessed in any other manner; or

2.24 (4) initiate a command or request to access a web page.

2.25 (b) A person who violates paragraph (a) a second or subsequent time must pay a fine of
2.26 ~~\$225, plus the amount specified in the uniform fine schedule established by the Judicial~~
2.27 ~~Council~~ \$300.

2.28 Subd. 3. **Exceptions.** ~~This section does~~ The prohibitions in subdivision 2 do not apply
2.29 if a wireless communications device is used:

2.30 (1) solely in a voice-activated or other hands-free mode to initiate or participate in a
2.31 cellular phone call or to initiate, compose, read, send, or listen to an electronic message;

3.1 (2) ~~for making a cellular phone call~~ to view or operate a global positioning system or
3.2 navigation system;

3.3 (3) to listen to audio-based content;

3.4 ~~(3)~~ (4) for obtaining to obtain emergency assistance to (i) report a traffic accident, medical
3.5 emergency, or serious traffic hazard, or (ii) prevent a crime about to be committed;

3.6 ~~(4)~~ (5) in the reasonable belief that a person's life or safety is in immediate danger; or

3.7 ~~(5)~~ (6) in an authorized emergency vehicle while in the performance of official duties.

3.8 Sec. 3. **EFFECTIVE DATE.**

3.9 This act is effective August 1, 2019, and applies to acts committed on or after that date.