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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 277

01/31/2013 Authored by Atkins, Schoen, Lohmer, Bernardy, Nelson and others  
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act  
1.2 relating to public safety; traffic regulations; establishing a crime for causing  
1.3 death or great bodily harm by driving in an aggressive, inattentive, reckless, or  
1.4 careless manner; providing criminal penalties; proposing coding for new law in  
1.5 Minnesota Statutes, chapter 169.

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

1.7 Section 1. **[169.135] AGGRESSIVE, INATTENTIVE, RECKLESS, OR**  
1.8 **CARELESS DRIVING RESULTING IN DEATH OR GREAT BODILY HARM.**

1.9 Subdivision 1. Violation and penalty established; limitations. (a) A person is  
1.10 guilty of a gross misdemeanor and may be sentenced to one year imprisonment, a \$3,000  
1.11 fine, or both if the person causes the death of, or great bodily harm to, a human being or  
1.12 unborn child as a result of driving, operating, or halting a motor vehicle:

1.13 (1) in such a manner as to indicate a willful or wanton disregard for the safety of  
1.14 persons or property;

1.15 (2) while racing any motor vehicle upon any street or highway of this state, including  
1.16 willfully comparing or contesting relative speeds of motor vehicles whether or not the  
1.17 racing activity exceeds the maximum speed prescribed by law;

1.18 (3) carelessly or heedlessly upon any street or highway in disregard of the rights  
1.19 of others, or in a manner that endangers or is likely to endanger any person or property,  
1.20 including the driver or passenger of the motor vehicle;

1.21 (4) while failing to restrict speed to the extent necessary to avoid colliding with any  
1.22 person, vehicle, or other conveyance on or entering the street or highway in compliance  
1.23 with legal requirements and the duty of all persons to use due care;

1.24 (5) while using a cellular phone, except in a voice-activated or other hands-free  
1.25 manner;

2.1 (6) while using a wireless communications device to read, compose, or send an  
2.2 electronic message when the motor vehicle is in motion or a part of traffic, except as  
2.3 authorized under section 169.475, subdivision 3; or

2.4 (7) while or after falling asleep while the motor vehicle is in motion or a part of traffic.

2.5 (b) Conduct violating paragraph (a) does not include murder under section 609.185,  
2.6 609.19, or 609.195, manslaughter under section 609.20 or 609.205, criminal vehicular  
2.7 operation or homicide under section 609.21, or fleeing the scene of an accident under  
2.8 section 169.09.

2.9 Subd. 2. **Multiple offenses; enhanced sentence.** A person who violates subdivision  
2.10 1 within 20 years of a prior conviction or adjudication under this section, section 609.21,  
2.11 subdivision 1, or section 609.21, subdivision 1a, paragraph (a) or (b), is guilty of a felony  
2.12 and may be sentenced to imprisonment for not more than ten years, a \$20,000 fine, or both.

2.13 Subd. 3. **Revocation.** Upon the conviction or adjudication of a person for violation  
2.14 of this section, the court shall order the commissioner of public safety to revoke the  
2.15 person's driver's license or driving privilege to operate a motor vehicle in this state for a  
2.16 period of not less than six months for an initial violation, and not less than two years for a  
2.17 second or subsequent violation.

2.18 Subd. 4. **Interpretation; no limit on other prosecution.** Nothing in this section or  
2.19 section 609.035 or 609.04 shall be construed to limit the power of the state to prosecute or  
2.20 punish a person for conduct that constitutes a crime under any other law of this state.

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