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REVISOR

## State of Minnesota

## HOUSE OF REPRESENTATIVES NINETIETH SESSION H. F. No. 3921

03/15/2018 Authored by Uglem, Becker-Finn, Hilstrom, Loon, Haley and others The bill was read for the first time and referred to the Committee on Transportation and Regional Governance Policy

1.1	A bill for an act
1.2 1.3	relating to transportation; prohibiting certain use of cellular phones while driving; amending Minnesota Statutes 2016, sections 169.011, subdivision 94; 169.475.
1.4	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
1.5	Section 1. Minnesota Statutes 2016, section 169.011, subdivision 94, is amended to read:
1.6	Subd. 94. Wireless communications device. "Wireless communications device" means
1.7	(1) a cellular phone, or (2) a portable electronic device that is capable of receiving and
1.8	transmitting data, including but not limited to text messages and e-mail, without an access
1.9	line for service. A wireless communications device does not include a device that is
1.10	permanently affixed to the vehicle, or a global positioning system or navigation system
1.11	when the system is used exclusively for navigation purposes that is physically integrated
1.12	into the vehicle.
1.13	Sec. 2. Minnesota Statutes 2016, section 169.475, is amended to read:
1.14	169.475 USE OF WIRELESS COMMUNICATIONS DEVICE.
1.15	Subdivision 1. Definition. For purposes of this section, "electronic message" means a

between physical devices. An electronic message includes, but is not limited to, e-mail, a
text message, an instant message, a command or request to access a World Wide Web page,
or other data that uses a commonly recognized electronic communications protocol. An

self-contained piece of digital communication that is designed or intended to be transmitted

1.20 electronic message does not include voice or other data transmitted as a result of making a

1.21 phone call, or data transmitted automatically by a wireless communications device without

1.22 direct initiation by a person.

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Subd. 2. <b>Prohibition on use; penalty.</b> (a) No When a motor vehicle is in motion or a
part of traffic, the person may operate a motor operating the vehicle while is prohibited
from using:
(1) a wireless communications device to initiate, compose, read, or send an electronic
message, when the vehicle is in motion or a part of traffic; or
(2) a cellular phone, including but not limited to initiating a cellular phone call and
talking or listening on the phone.
(b) A person who violates paragraph (a) a second or subsequent time must pay a fine of
\$225, plus the amount specified in the uniform fine schedule established by the Judicial
Council.
Subd. 3. Exceptions. (a) This section does not apply if a wireless communications device
is used:
(1) solely in a voice-activated or other hands-free mode, whether through a device feature
or in conjunction with a headset or other accessories;
(2) for making to make a cellular phone call through use of one-touch functionality;
(3) for obtaining to obtain emergency assistance to (i) report a traffic accident, medical
emergency, or serious traffic hazard, or (ii) prevent a crime about to be committed;
(4) in the reasonable belief that a person's life or safety is in immediate danger; or
(5) in an authorized emergency vehicle while in the performance of official duties.
(b) This section does not apply to a device that is able to function solely as a global
positioning system or navigation system.

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