

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 91

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DATE	D-PG	OFFICIAL STATUS
01/10/2019	61	Introduction and first reading Referred to Transportation Finance and Policy
01/28/2019	170a	Comm report: To pass as amended and re-refer to Judiciary and Public Safety Finance and Policy
02/07/2019	268a	Comm report: To pass as amended and re-refer to Finance
02/27/2019	544	Comm report: To pass
	544	Second reading
03/21/2019	1075	Rule 45-amend, subst. General Orders HF50

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.~~

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

1.15 **169.475 USE OF WIRELESS COMMUNICATIONS DEVICE.**

1.16 Subdivision 1. ~~Definition~~ **Definitions.** (a) For purposes of this section, the following

1.17 terms have the meanings given.

1.18 (b) "Electronic message" means a self-contained piece of digital communication that is

1.19 designed or intended to be transmitted between physical devices. An electronic message

1.20 includes, but is not limited to, e-mail, a text message, an instant message, ~~a command or~~

1.21 ~~request to access a World Wide Web page,~~ or other data that uses a commonly recognized

1.22 electronic communications protocol. An electronic message does not include voice or other

2.1 data transmitted as a result of making a phone call, or data transmitted automatically by a
 2.2 wireless communications device without direct initiation by a person.

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

2.5 (d) "Voice-activated" or "hands-free mode" means an attachment, accessory, application,
 2.6 wireless connection, or built-in feature of a wireless communications device or vehicle that
 2.7 allows the person to use the device without the use of either hand except to activate or
 2.8 deactivate a feature or function.

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

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

2.14 (2) initiate a cellular phone call or participate in a cellular phone call by listening or
 2.15 talking;

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

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

2.19 (b) A person who violates paragraph (a) a second or subsequent time must pay a fine of
 2.20 ~~\$225, plus the amount specified in the uniform fine schedule established by the Judicial~~
 2.21 ~~Council~~ \$300.

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

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

2.26 (2) for making a cellular phone call to view or operate a global positioning system or
 2.27 navigation system;

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

2.29 ~~(3)~~ (4) for obtaining to obtain emergency assistance to (i) report a traffic accident, medical
 2.30 emergency, or serious traffic hazard, or (ii) prevent a crime about to be committed;

2.31 ~~(4)~~ (5) in the reasonable belief that a person's life or safety is in immediate danger; or

3.1 ~~(5)~~ (6) in an authorized emergency vehicle while in the performance of official duties.

3.2 Sec. 3. **EFFECTIVE DATE.**

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