

SENATE  
STATE OF MINNESOTA  
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 18

(SENATE AUTHORS: WIGER)

DATE	D-PG	OFFICIAL STATUS
01/10/2011	35	Introduction and first reading Referred to Transportation

A bill for an act  
relating to traffic regulations; prohibiting use of cell phone while driving;  
amending Minnesota Statutes 2010, sections 169.475; 171.05, subdivision 2b.  
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2010, section 169.475, is amended to read:

**169.475 USE OF CELLULAR TELEPHONE OR OTHER WIRELESS COMMUNICATIONS DEVICE.**

Subdivision 1. **Definition.** For purposes of this section, "electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted 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 electronic message does not include voice or other data transmitted as a result of making a phone call, or data transmitted automatically by a wireless communications device without direct initiation by a person.

Subd. 2. **Prohibition on use.** (a) No person may operate a motor vehicle while using a wireless communications device to compose, read, or send an electronic message, when the vehicle is in motion or a part of traffic.

(b) No person may operate a motor vehicle while communicating over, or otherwise operating, a cellular or wireless telephone, whether handheld or hands free, when the vehicle is in motion or a part of traffic.

Subd. 3. **Exceptions.** This section does not apply if a cellular telephone or other wireless communications device is used:

~~(1) solely in a voice-activated or other hands-free mode;~~

~~(2) for making a cellular phone call;~~  
~~(3) (1) for obtaining emergency assistance to (i) report a traffic accident, medical emergency, or serious traffic hazard, or (ii) prevent a crime about to be committed;~~  
~~(4) (2) in the reasonable belief that a person's life or safety is in immediate danger; or~~  
~~(5) (3) in an authorized emergency vehicle while in the performance of official duties.~~

Sec. 2. Minnesota Statutes 2010, section 171.05, subdivision 2b, is amended to read:

Subd. 2b. **Instruction permit use by person under age 18.** (a) This subdivision applies to persons who have applied for and received an instruction permit under subdivision 2.

(b) The permit holder may, with the permit in possession, operate a motor vehicle, but must be accompanied by and be under the supervision of a certified driver education instructor, the permit holder's parent or guardian, or another licensed driver age 21 or older. The supervisor must occupy the seat beside the permit holder.

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

~~(d)~~ (c) The permit holder must maintain a driving record free of convictions for moving violations, as defined in section 171.04, subdivision 1, and free of convictions for violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53. If the permit holder drives a motor vehicle in violation of the law, the commissioner shall suspend, cancel, or revoke the permit in accordance with the statutory section violated.