

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 204

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DATE	D-PG	OFFICIAL STATUS
01/17/2019	106	Introduction and first reading Referred to Transportation Finance and Policy

1.1 A bill for an act

1.2 relating to transportation; prohibiting certain use of cellular phones while driving;

1.3 amending Minnesota Statutes 2018, 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 2018, 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 2018, section 169.475, is amended to read:

1.14 **169.475 USE OF WIRELESS COMMUNICATIONS DEVICE.**

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

1.16 terms have the meanings given.

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

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

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

1.20 ~~request to access a World Wide Web page;~~ e-mail; a text message; an instant message; a

1.21 command or request to access a web page; video content, whether web-based, stored on the

1.22 device, or accessed in any other manner; images; pictures; or other data that uses a commonly

2.1 recognized electronic communications protocol. An electronic message does not include
 2.2 voice or other data transmitted as a result of making a phone call, or data transmitted
 2.3 automatically by a wireless communications device without direct initiation by a person.

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

2.6 (d) "Voice-activated or hands-free mode" means an attachment, accessory, application,
 2.7 wireless connection, or built-in feature of a wireless communications device or vehicle that
 2.8 allows the user to:

2.9 (1) vocally compose, send, or listen to a text-based communication without the use of
 2.10 either hand except to activate or deactivate a feature or function; or

2.11 (2) engage in a phone call without the use of either hand except to activate or deactivate
 2.12 a feature or function.

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

2.16 (1) a wireless communications device to initiate, compose, read, or send an electronic
 2.17 message, when the vehicle is in motion or a part of traffic; or

2.18 (2) a cellular phone, including but not limited to initiating a cellular phone call and
 2.19 talking or listening on the phone.

2.20 (b) When a motor vehicle is in motion or a part of traffic, the person operating the vehicle
 2.21 is prohibited from using a wireless communications device to view video content, whether
 2.22 web-based, stored on the device, or accessed in any other manner. This paragraph does not
 2.23 apply to viewing a global positioning system or navigation system.

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

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

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

2.31 (2) for making a cellular phone call;

3.1 ~~(3) for obtaining~~ (2) to obtain emergency assistance to (i) report a traffic accident, medical
3.2 emergency, or serious traffic hazard, or (ii) prevent a crime about to be committed;

3.3 ~~(4)~~ (3) in the reasonable belief that a person's life or safety is in immediate danger; or

3.4 ~~(5)~~ (4) in an authorized emergency vehicle while in the performance of official duties.

3.5 (b) This section does not apply to a device that is functioning solely as a global
3.6 positioning system or navigation system that is temporarily affixed to the vehicle.

3.7 (c) The prohibition in subdivision 2, paragraph (a), clause (2), does not apply to the use
3.8 of a cellular phone that is temporarily affixed to the vehicle to listen to audio-based content.

3.9 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to acts
3.10 committed on or after that date.