

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

S.F. No. 2056

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DATE	D-PG	OFFICIAL STATUS
03/07/2019	686	Introduction and first reading Referred to Transportation Finance and Policy

1.1 A bill for an act

1.2 relating to transportation; governing work zone safety; providing for driver's

1.3 education; establishing a work zone safety pilot program; establishing a penalty;

1.4 appropriating money; amending Minnesota Statutes 2018, sections 171.0701, by

1.5 adding a subdivision; 171.0705, by adding a subdivision; 171.13, subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2018, section 171.0701, is amended by adding a subdivision

1.8 to read:

1.9 Subd. 3. **Driver education; safe driving practices.** By June 30, 2020, the commissioner

1.10 must adopt rules for persons enrolled in driver education programs offered at public schools,

1.11 private schools, and commercial driver training schools, requiring inclusion in the course

1.12 of instruction a section on safe driving practices. The instruction must include but is not

1.13 limited to laws, penalties, and dangers related to (1) distracted driving, and (2) driving in

1.14 work zones.

1.15 Sec. 2. Minnesota Statutes 2018, section 171.0705, is amended by adding a subdivision

1.16 to read:

1.17 Subd. 11. **Safe driving practices.** The commissioner must include in the driver's manual

1.18 a section on safe driving practices that includes laws, penalties, and dangers related to (1)

1.19 distracted driving, and (2) driving in work zones.

1.20 **EFFECTIVE DATE.** This section is effective the day following final enactment, and

1.21 applies to revisions of the driver's manual published on or after that date.

2.1 Sec. 3. Minnesota Statutes 2018, section 171.13, subdivision 1, is amended to read:

2.2 Subdivision 1. **Examination subjects and locations; provisions for color blindness,**
2.3 **disabled veterans.** (a) Except as otherwise provided in this section, the commissioner shall
2.4 examine each applicant for a driver's license by such agency as the commissioner directs.

2.5 This examination must include:

2.6 (1) a test of the applicant's eyesight;

2.7 (2) a test of the applicant's ability to read and understand highway signs regulating,
2.8 warning, and directing traffic;

2.9 (3) a test of the applicant's knowledge of (i) traffic laws; (ii) the effects of alcohol and
2.10 drugs on a driver's ability to operate a motor vehicle safely and legally, and of the legal
2.11 penalties and financial consequences resulting from violations of laws prohibiting the
2.12 operation of a motor vehicle while under the influence of alcohol or drugs; (iii) railroad
2.13 grade crossing safety; (iv) slow-moving vehicle safety; (v) laws relating to pupil
2.14 transportation safety, including the significance of school bus lights, signals, stop arm, and
2.15 passing a school bus; (vi) traffic laws related to bicycles; ~~and~~ (vii) the circumstances and
2.16 dangers of carbon monoxide poisoning; and (viii) safe driving practices, including the topics
2.17 provided in section 171.0701, subdivision 3;

2.18 (4) an actual demonstration of ability to exercise ordinary and reasonable control in the
2.19 operation of a motor vehicle; and

2.20 (5) other physical and mental examinations as the commissioner finds necessary to
2.21 determine the applicant's fitness to operate a motor vehicle safely upon the highways.

2.22 (b) Notwithstanding paragraph (a), no driver's license may be denied an applicant on
2.23 the exclusive grounds that the applicant's eyesight is deficient in color perception. War
2.24 veterans operating motor vehicles especially equipped for disabled persons, if otherwise
2.25 entitled to a license, must be granted such license.

2.26 (c) The commissioner shall make provision for giving the examinations under this
2.27 subdivision either in the county where the applicant resides or at a place adjacent thereto
2.28 reasonably convenient to the applicant.

2.29 (d) The commissioner shall ensure that an applicant is able to obtain an appointment for
2.30 an examination to demonstrate ability under paragraph (a), clause (4), within 14 days of the
2.31 applicant's request if, under the applicable statutes and rules of the commissioner, the
2.32 applicant is eligible to take the examination.

2.33 **EFFECTIVE DATE.** This section is effective July 1, 2020.

3.1 Sec. 4. **WORK ZONE SAFETY PILOT PROGRAM.**

3.2 **Subdivision 1. Definitions.** (a) For purposes of this section, the following terms have
3.3 the meanings given.

3.4 (b) "Automated enforcement system" means an electronic system of cameras or other
3.5 sensors that is designed to automatically produce recorded images of a motor vehicle operated
3.6 in violation of the speed limit.

3.7 (c) "Automated speed enforcement data" means government data, as defined in Minnesota
3.8 Statutes, section 13.02, subdivision 7, derived from an automated enforcement system under
3.9 this section.

3.10 (d) "Commissioner" means the commissioner of transportation.

3.11 (e) "Work zone" has the meaning given in Minnesota Statutes, section 169.011,
3.12 subdivision 95.

3.13 **Subd. 2. Pilot program established.** (a) The commissioner of transportation, in
3.14 coordination with the commissioner of public safety, must implement a work zone safety
3.15 pilot program that includes peace officers issuing citations for a speeding violation in a
3.16 work zone in conjunction with an automated enforcement system.

3.17 (b) The commissioner must commence field operations by May 1, 2020, and conclude
3.18 field operations by November 1, 2021.

3.19 **Subd. 3. Automated enforcement; general requirements.** (a) The pilot program must
3.20 include establishment of an automated enforcement system in eight work zones. One work
3.21 zone under this subdivision must be located in each Department of Transportation district,
3.22 and the locations must include divided highways and two-lane highways having one lane
3.23 in each direction of travel. The work zone speed limit at each location must be at least 45
3.24 miles per hour.

3.25 (b) The pilot program must include:

3.26 (1) training and qualification of individuals to inspect and calibrate an automated
3.27 enforcement system;

3.28 (2) initial calibration of the automated enforcement system prior to deployment;

3.29 (3) inspection and any necessary calibration of the automated enforcement system on a
3.30 daily basis by a qualified individual that ensures, at a minimum:

3.31 (i) accuracy of speed measurement; and

4.1 (ii) reliability in only identifying applicable speed violations;

4.2 (4) placement of conspicuous signage in conformance with Minnesota Statutes, section
4.3 169.06, to notify drivers that an automated enforcement system is in place to detect speeding
4.4 violations; and

4.5 (5) information on a website that, at a minimum, summarizes the pilot program and
4.6 identifies the geographic locations and dates of automated enforcement.

4.7 Subd. 4. **Enforcement requirements.** (a) Use of an automated enforcement system
4.8 under the pilot program is limited only to enforcement within a work zone for vehicle speed
4.9 that is ten miles per hour or more above the speed limit.

4.10 (b) A peace officer must:

4.11 (1) notwithstanding subdivision 5, only issue a warning for a violation that occurs within
4.12 the first 30 days of use of an automated enforcement system at each pilot program location;

4.13 (2) inspect and certify the recorded images produced by an automated enforcement
4.14 system prior to issuance of each resulting citation; and

4.15 (3) only issue a citation under this section if at least two recorded images identify the
4.16 motor vehicle at different locations and identify the same fixed object in each of the images.

4.17 (c) The pilot program may include issuance of citations through the United States mail
4.18 if postmarked within 21 days of the violation.

4.19 Subd. 5. **Violations; penalty.** (a) If a motor vehicle is operated in violation of a speed
4.20 limit in a work zone and the violation is detected through the use of an automated
4.21 enforcement system, the owner of the vehicle or the lessee of the vehicle is guilty of a petty
4.22 misdemeanor.

4.23 (b) Paragraph (a) does not apply to:

4.24 (1) an owner who provides to the applicable law enforcement agency a police report
4.25 documenting that the identified motor vehicle was stolen;

4.26 (2) a lessor of the identified motor vehicle operated who provides to the applicable law
4.27 enforcement agency a written lease agreement documenting the name and address of the
4.28 lessee;

4.29 (3) an owner who provides to the applicable law enforcement agency documentation of
4.30 a transfer of interest in the identified motor vehicle, if the transfer occurred before the
4.31 violation and complies with Minnesota Statutes, section 168A.10; or

5.1 (4) a person who is operating an authorized emergency vehicle, as defined in Minnesota
5.2 Statutes, section 169.011, subdivision 3.

5.3 (c) This subdivision does not prohibit or limit the prosecution of the driver of a motor
5.4 vehicle for a violation of a speed limit.

5.5 (d) The owner or lessee of a motor vehicle operated in violation of a speed limit may
5.6 not be convicted, as defined in Minnesota Statutes, section 171.01, subdivision 29, under
5.7 this subdivision if the driver of the motor vehicle is convicted for the same violation.

5.8 (e) A violation under this subdivision does not constitute grounds for revocation or
5.9 suspension of the owner's or lessee's driver's license and may not be recorded by the
5.10 Department of Public Safety on the individual's driving record.

5.11 Subd. 6. **Direct enforcement in short-term work zones.** (a) In addition to enforcement
5.12 in conjunction with an automated enforcement system under subdivisions 3 to 5, the pilot
5.13 program must include establishment of speed enforcement in 16 short-term work zones. A
5.14 short-term work zone selected under this subdivision must be established for no more than
5.15 three days. Two short-term work zones under this subdivision must be located in each
5.16 Department of Transportation district, and the locations must include divided highways and
5.17 two-lane highways having one lane in each direction of travel. The work zone speed limit
5.18 at each location must be at least 45 miles per hour.

5.19 (b) Enforcement under this subdivision is limited only to within a work zone for vehicle
5.20 speed that is five miles per hour or more above the speed limit.

5.21 (c) A peace officer who performs enforcement under this subdivision must ensure that
5.22 motorists are stopped outside the vicinity of the short-term work zone through coordination
5.23 of two or more patrol vehicles or similar means.

5.24 Subd. 7. **Contracts.** The commissioner may enter into a contract with a private entity
5.25 for administration or operation of the pilot program. Payment under a contract to a private
5.26 entity must not be based on the number of citations issued.

5.27 Subd. 8. **Advisory committee.** The commissioner must establish an advisory committee
5.28 to assist in design, implementation, and evaluation of the pilot program. Membership of the
5.29 advisory committee must include representatives from the highway construction industry,
5.30 organized labor, local law enforcement, transportation researchers, the Minnesota Safety
5.31 Council, and other interested stakeholders.

5.32 Subd. 9. **Evaluation.** (a) The commissioner must arrange an independent evaluation of
5.33 the pilot program. The evaluation must be performed by a nonprofit transportation research

6.1 entity from outside the Departments of Transportation and Public Safety. At a minimum,
 6.2 the evaluation must provide:

6.3 (1) analysis of the effectiveness of automated enforcement systems in supporting
 6.4 construction worker safety and reducing traffic crashes, injuries, and fatalities;

6.5 (2) analysis of the effectiveness of direct enforcement under subdivision 6; and

6.6 (3) a comparison between automated enforcement and direct enforcement under the
 6.7 pilot program.

6.8 (b) By March 1, 2022, the commissioner must submit a copy of the evaluation to the
 6.9 members and staff of the legislative committees with jurisdiction over transportation policy
 6.10 and finance.

6.11 Subd. 10. **Data practices.** (a) Automated speed enforcement data are private data on
 6.12 individuals as defined in Minnesota Statutes, section 13.02, subdivision 12, or nonpublic
 6.13 data as defined in Minnesota Statutes, section 13.02, subdivision 9.

6.14 (b) Notwithstanding Minnesota Statutes, section 138.17, automated speed enforcement
 6.15 data must be destroyed within 24 hours of collection of the data, unless as a result of
 6.16 collection of the data a citation is issued for violation of a speed limit or the data are active
 6.17 investigative data.

6.18 (c) A contract with a private entity under subdivision 7 must comply with Minnesota
 6.19 Statutes, section 13.05, subdivision 11. The private entity may use the data gathered only
 6.20 for purposes of the pilot program.

6.21 Subd. 11. **Expiration.** The pilot program under this section expires on June 30, 2022.

6.22 Sec. 5. **APPROPRIATIONS.**

6.23 Subdivision 1. **Work zone safety pilot program.** \$..... in fiscal year 2020 is appropriated
 6.24 from the general fund to the commissioner of transportation for the work zone safety pilot
 6.25 program under section 4. This is a onetime appropriation and is available until June 30,
 6.26 2023.

6.27 Subd. 2. **Safe driving education campaign.** \$1,000,000 in fiscal year 2020 is
 6.28 appropriated from the general fund to the commissioner of transportation for a safe driving
 6.29 public education and awareness campaign to increase awareness about the dangers of
 6.30 distracted driving and safety when driving through work zones. The commissioner must
 6.31 design and implement the campaign in coordination with the commissioner of public safety

- 7.1 and the Minnesota Safety Council. At a minimum, the campaign must include communication
- 7.2 through multiple forms. This is a onetime appropriation.