

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 3057

(SENATE AUTHORS: NEWMAN and Rosen)

DATE	D-PG	OFFICIAL STATUS
03/08/2018	6355	Introduction and first reading
		Referred to Transportation Finance and Policy
03/26/2018	6989	Author added Rosen

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 penalty provisions; amending Minnesota

1.4 Statutes 2016, sections 169.011, subdivision 94; 169.471, by adding a subdivision;

1.5 169.475; Minnesota Statutes 2017 Supplement, sections 171.05, subdivision 2b;

1.6 171.055, subdivision 2.

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

1.8 Section 1. Minnesota Statutes 2016, section 169.011, subdivision 94, is amended to read:

1.9 Subd. 94. **Wireless communications device.** (a) "Wireless communications device"

1.10 means (1) a cellular phone, or (2) a portable electronic device that is capable of receiving

1.11 and transmitting data, including but not limited to text messages and e-mail, without an

1.12 access line for service.

1.13 (b) A wireless communications device does not include: (1) a device that is permanently

1.14 affixed to the vehicle; (2) a device that is physically integrated into the vehicle; or (3) a

1.15 global positioning system or navigation system ~~when the system is used exclusively for~~

1.16 navigation purposes.

1.17 Sec. 2. Minnesota Statutes 2016, section 169.471, is amended by adding a subdivision to

1.18 read:

1.19 Subd. 3. **Penalty.** A person who violates this section is guilty of a misdemeanor.

1.20 Sec. 3. Minnesota Statutes 2016, section 169.475, is amended to read:

1.21 **169.475 USE OF WIRELESS COMMUNICATIONS DEVICE DANGEROUSLY**

1.22 **DISTRACTED DRIVING.**

2.1 Subdivision 1. ~~Definition~~ **Definitions.** (a) For purposes of this section, the following
 2.2 terms have the meanings given.

2.3 (b) "Electronic message" means a self-contained piece of digital communication that is
 2.4 designed or intended to be transmitted between physical devices. An electronic message
 2.5 includes, but is not limited to, ~~e-mail, a text message, an instant message, a command or~~
 2.6 ~~request to access a World Wide Web page;~~ e-mail; a text message; an instant message; a
 2.7 command or request to access a World Wide Web page; video content, whether Web-based,
 2.8 stored on the device, or accessed in any other manner; images; pictures; or other data that
 2.9 uses a commonly recognized electronic communications protocol. An electronic message
 2.10 does not include voice or other data transmitted as a result of making a phone call, or data
 2.11 transmitted automatically by a wireless communications device without direct initiation by
 2.12 a person.

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

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

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

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

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

2.25 (2) initiate a cellular phone call;

2.26 (3) talk or listen on a cellular phone; or

2.27 (4) view or listen to video content.

2.28 (b) A person who violates paragraph (a) a second or subsequent time ~~must pay a fine of~~
 2.29 ~~\$225, plus the amount specified in the uniform fine schedule established by the Judicial~~
 2.30 ~~Council~~ is guilty of a misdemeanor.

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

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

3.3 (2) ~~for making a cellular phone call~~ to view a global positioning system or navigation
 3.4 system;

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

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

3.8 (5) in an authorized emergency vehicle while in the performance of official duties.

3.9 (b) This section does not apply to a device that functions only as a global positioning
 3.10 system or navigation system.

3.11 Sec. 4. Minnesota Statutes 2017 Supplement, section 171.05, subdivision 2b, is amended
 3.12 to read:

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

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

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

3.25 (d) The permit holder must maintain a driving record free of convictions for moving
 3.26 violations, as defined in section 171.04, subdivision 1, and free of convictions for violation
 3.27 of section 169A.20, 169A.33, 169A.35, sections 169A.50 to 169A.53, or section 171.177.
 3.28 If the permit holder drives a motor vehicle in violation of the law, the commissioner shall
 3.29 suspend, cancel, or revoke the permit in accordance with the statutory section violated.

4.1 Sec. 5. Minnesota Statutes 2017 Supplement, section 171.055, subdivision 2, is amended
4.2 to read:

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

4.10 (b) If the holder of a provisional license during the period of provisional licensing incurs
4.11 (1) a conviction for a violation of section 169A.20, 169A.33, 169A.35, sections 169A.50
4.12 to 169A.53, or a violation of section 171.177, (2) a conviction for a crash-related moving
4.13 violation, or (3) more than one conviction for a moving violation that is not crash related,
4.14 the person may not be issued a driver's license until 12 consecutive months have expired
4.15 since the date of the conviction or until the person reaches the age of 18 years, whichever
4.16 occurs first.

4.17 (c) For the first six months of provisional licensure, a provisional license holder may
4.18 not operate a motor vehicle carrying more than one passenger under the age of 20 years
4.19 who is not a member of the holder's immediate family. For the second six months, the holder
4.20 of the license may not operate a motor vehicle that is carrying more than three passengers
4.21 who are under the age of 20 years and who are not members of the holder's immediate
4.22 family. This paragraph does not apply if the provisional license holder is accompanied by
4.23 a parent or guardian.

4.24 (d) For the first six months of provisional licensure, a provisional license holder may
4.25 operate a motor vehicle between the hours of midnight and 5:00 a.m. only when the license
4.26 holder is:

4.27 (1) driving between the license holder's home and place of employment;

4.28 (2) driving between the license holder's home and a school event for which the school
4.29 has not provided transportation;

4.30 (3) driving for employment purposes; or

4.31 (4) accompanied by a licensed driver at least 25 years of age.