

**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		Comm report: To pass as amended and re-refer to Judiciary and Public Safety Finance and Policy

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

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

1.14 navigation purposes.

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

1.16 **169.475 USE OF WIRELESS COMMUNICATIONS DEVICE DANGEROUSLY**

1.17 **DISTRACTED DRIVING.**

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

1.19 terms have the meanings given.

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

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

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

2.1 ~~request to access a World Wide Web page;~~ e-mail; a text message; an instant message; a
 2.2 command or request to access a web page; video content, whether web-based, stored on the
 2.3 device, or accessed in any other manner; images; pictures; or other data that uses a commonly
 2.4 recognized electronic communications protocol. An electronic message does not include
 2.5 voice or other data transmitted as a result of making a phone call, or data transmitted
 2.6 automatically by a wireless communications device without direct initiation by a person.

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

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

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

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

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

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

2.21 (2) initiate a cellular phone call;

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

2.23 (4) view or listen to video content.

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

2.27 Subd. 3. **Exceptions.** ~~This section does~~ (a) The prohibitions in subdivision 2 do not
 2.28 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 to view a global positioning system or navigation
 2.32 system;

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

3.4 (5) 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 prohibitions in subdivision 2 do not apply to the use of a cellular phone that is
3.8 temporarily affixed to the vehicle to listen to audio-based content.

3.9 Sec. 3. **EFFECTIVE DATE.**

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