

CHAPTER 11--H.F.No. 50

An act relating to transportation; prohibiting use of cell phones while driving under specified circumstances; amending Minnesota Statutes 2018, sections 169.011, subdivision 94; 169.475.

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

Section 1. Minnesota Statutes 2018, section 169.011, subdivision 94, is amended to read:

Subd. 94. **Wireless communications device.** (a) "Wireless communications device" means (1) a cellular phone, or (2) a portable electronic device that is capable of receiving and transmitting data, including but not limited to text messages and e-mail, without an access line for service.

(b) A wireless communications device does not include: (1) a device or feature that is permanently affixed to physically integrated into the vehicle; or, (2) a global positioning system or navigation system when the system is used exclusively that is only capable of being used for navigation purposes; or (3) a two-way radio, citizens band radio, or amateur radio equipment used in accordance with Federal Communications Commission rules and regulations.

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

169.475 USE OF WIRELESS COMMUNICATIONS DEVICE.

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

(b) "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 a voice-mail message; a transmitted image; transmitted video content, including through video calling; transmitted gaming data; and other data ~~that uses~~ transmitted using a commonly recognized electronic communications protocol. An electronic message does not include: voice or ~~other~~ audio data transmitted as a result of making a phone call; data transmitted between a motor vehicle and a wireless communications device located in the vehicle; data transmitted by a two-way radio, citizens band radio, or amateur radio used in accordance with Federal Communications Commission rules and regulations; or data transmitted automatically ~~by a wireless communications device~~ without direct initiation by a person.

(c) "Voice-activated or hands-free mode" means an attachment, accessory, wirelessly paired or tethered capability, application, wireless connection, or built-in feature of a wireless communications device or a motor vehicle that allows the person to use verbal or single touch commands to:

(1) activate or deactivate the device; and

(2) activate or deactivate a function or software application of the device.

Voice-activated or hands-free mode does not include typing or scrolling on a device.

(d) For purposes of this section, a motor vehicle is not in motion or a part of traffic if the vehicle is lawfully stopped, is in a location that is not designed or ordinarily used for vehicular travel, and is not obstructing traffic.

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

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

(2) engage in a cellular phone call, including initiating a call, talking or listening, and participating in video calling; and

(3) access the following types of content stored on the device: video content, audio content, images, games, or software applications.

(b) A person who violates paragraph (a) a second or subsequent time must pay a fine of \$225, ~~plus the amount specified in the uniform fine schedule established by the Judicial Council~~ \$275.

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

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

(2) ~~for making a cellular phone call~~ to view or operate a global positioning system or navigation system in a manner that does not require the driver to type while the vehicle is in motion or a part of traffic, provided that the person does not hold the device with one or both hands;

(3) to listen to audio-based content in a manner that does not require the driver to scroll or type while the vehicle is in motion or a part of traffic, provided that the person does not hold the device with one or both hands;

~~(3) for obtaining~~ (4) to obtain emergency assistance to (i) report a traffic accident, medical emergency, or serious traffic hazard, or (ii) prevent a crime about to be committed;

~~(4)~~ (5) in the reasonable belief that a person's life or safety is in immediate danger; or

~~(5)~~ (6) in an authorized emergency vehicle while in the performance of official duties.

(b) The exception in paragraph (a), clause (1), does not apply to accessing nonnavigation video content, engaging in video calling, engaging in live-streaming, accessing gaming data, or reading electronic messages.

Sec. 3. **EFFECTIVE DATE.**

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

Presented to the governor April 12, 2019