CHAPTER 18--H.F.No. 1188

An act relating to transportation; requiring drivers to slow down when passing stopped service vehicles; authorizing recycling trucks to be equipped with and to use amber lights while collecting recycling; amending Minnesota Statutes 2018, sections 169.011, by adding subdivisions; 169.18, subdivision 11; 169.64, subdivision 9; repealing Minnesota Statutes 2018, section 169.18, subdivision 12.

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

Section 1. Minnesota Statutes 2018, section 169.011, is amended by adding a subdivision to read:

Subd. 62a. **Recycling vehicle.** "Recycling vehicle" means a vehicle hauling recyclable materials as authorized by section 115A.93, subdivision 1.

Sec. 2. Minnesota Statutes 2018, section 169.011, is amended by adding a subdivision to read:

Subd. 76a. **Solid waste vehicle.** "Solid waste vehicle" means a vehicle hauling solid waste as authorized by section 115A.93, subdivision 1.

Sec. 3. Minnesota Statutes 2018, section 169.18, subdivision 11, is amended to read:

Subd. 11. **Passing parked ~~emergency~~ authorized vehicle; citation; probable cause.** (a) For purposes of this subdivision, "authorized vehicle" means an authorized emergency vehicle, as defined under section 169.011, subdivision 3; a tow truck or towing vehicle, as defined under section 168B.011, subdivision 12a; a freeway service patrol vehicle; a road maintenance vehicle; a utility company vehicle; a construction vehicle; a solid waste vehicle; or a recycling vehicle.

(b) When approaching and before passing an authorized ~~emergency~~ vehicle with its emergency, flashing, or warning lights activated that is parked or otherwise stopped on or next to a street or highway having two lanes in the same direction, the driver of a vehicle shall safely move the vehicle to the lane farthest away from the ~~emergency~~ authorized vehicle, if it is possible to do so.

~~(b)~~ (c) When approaching and before passing an authorized ~~emergency~~ vehicle with its emergency, flashing, or warning lights activated that is parked or otherwise stopped on or next to a street or highway having more than two lanes in the same direction, the driver of a vehicle shall safely move the vehicle so as to leave a full lane vacant between the driver and any lane in which the ~~emergency~~ authorized vehicle is completely or partially parked or otherwise stopped, if it is possible to do so.

~~(c)~~ (d) If a lane change under paragraph ~~(a)~~ (b) or ~~(b)~~ (c) is impossible, or when approaching and before passing an authorized ~~emergency~~ vehicle with its emergency, flashing, or warning lights activated that is parked or otherwise stopped on or next to a street or highway having only one lane in the same direction, the driver of a vehicle must reduce the speed of the motor vehicle to a speed that is reasonable and prudent under the conditions until the motor vehicle has completely passed the parked or stopped ~~emergency~~ authorized vehicle, if it is possible to do so.

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~~(d)~~ (e) A peace officer may issue a citation to the driver of a motor vehicle if the peace officer has probable cause to believe that the driver has operated the vehicle in violation of this subdivision within the four-hour period following the termination of the incident or a receipt of a report under paragraph ~~(c)~~ (f). The citation may be issued even though the violation was not committed in the presence of the peace officer.

~~(c)~~ (f) Although probable cause may be otherwise satisfied by other evidentiary elements or factors, probable cause is sufficient for purposes of this subdivision when the person cited is operating the vehicle described by a member of the crew of an authorized emergency vehicle or a towing vehicle as defined in section 168B.011, subdivision 12a, responding to an incident in a timely report of the violation of this subdivision, which includes a description of the vehicle used to commit the offense and the vehicle's license plate number. For the purposes of issuance of a citation under paragraph ~~(d)~~ (e), "timely" means that the report must be made within a four-hour period following the termination of the incident.

~~(f) For purposes of paragraphs (a) to (e) only, "authorized emergency vehicle" and "emergency vehicle" include a towing vehicle defined in section 168B.011, subdivision 12a, that has activated flashing lights authorized under section 169.64, subdivision 3, in addition to the vehicles described in the definition for "authorized emergency vehicle" in section 169.011, subdivision 3.~~

Sec. 4. Minnesota Statutes 2018, section 169.64, subdivision 9, is amended to read:

Subd. 9. **Warning lamp on vehicles collecting solid waste or recycling.** A ~~vehicle used to collect~~ solid waste vehicle or recycling vehicle may be equipped with a single amber ~~gaseous discharge~~ warning lamp that meets the most current Society of Automotive Engineers standard ~~J 1318~~ for authorized maintenance and service vehicles, Class 2. The lamp may be operated only when the collection vehicle is in the process of collecting solid waste or recycling and is either:

(1) stopped at an establishment where solid waste or recycling is to be collected; or

(2) traveling at a speed that is at least ten miles per hour below the posted speed limit and moving between establishments where solid waste or recycling is to be collected.

Sec. 5. **REPEALER.**

Minnesota Statutes 2018, section 169.18, subdivision 12, is repealed.

Sec. 6. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Presented to the governor May 3, 2019

Signed by the governor May 3, 2019, 1:41 p.m.

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