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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4922

03/13/2024 Authored by Frazier and Keeler The bill was read for the first time and referred to the Committee on Transportation Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; establishing secondary offenses for vehicle equipment
1.3 violations; proposing coding for new law in Minnesota Statutes, chapter 169.

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

1.5 Section 1. 169.984 VEHICLE EQUIPMENT SECONDARY OFFENSES.

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

1.8 (b) "Mandatory secondary offense" means any violation of the following sections:

1.9 (1) 168.09, subdivision 1, including failure to display registration tabs and driving with
1.10 expired registration tabs;

1.11 (2) 169.50, subdivision 2, including failure to illuminate a license plate;

1.12 (3) 169.69, including failure to equip the vehicle with a muffler in good working order;

1.13 (4) 169.693, including exceeding motor vehicle noise limits;

1.14 (5) 169.70, including driving without a rearview mirror and driving with an obstructed
1.15 rearview mirror;

1.16 (6) 169.71, subdivision 1, paragraph (a), clause (2), including driving with an item
1.17 dangling from the rearview mirror;

1.18 (7) 169.71, subdivision 1, paragraph (a), clause (3), including driving with a poster in a
1.19 window;

1.20 (8) 169.71, subdivision 2, including driving without working windshield wipers;

2.1 (9) 169.71, subdivision 4, including driving with window tint that does not comply with
2.2 Minnesota law;

2.3 (10) 169.79, subdivision 7, including improperly obscuring a license plate with a rim or
2.4 frame; or

2.5 (11) 169.79, subdivision 8, including improperly displaying license plate registration
2.6 stickers.

2.7 (c) "Presumptive secondary offense" means any violation of the following sections:

2.8 (1) 169.47, subdivision 1, paragraph (a), including driving a vehicle which is in an unsafe
2.9 condition or which has unsafe parts or equipment;

2.10 (2) 169.49; 169.50; 169.55, subdivision 1; 169.57, subdivision 1, paragraph (a); 169.57,
2.11 subdivisions 2 and 3; or 169.63, paragraph (a), including driving with only one functioning
2.12 and visible headlight, brake light, or taillight and failure to signal a lane change or a turn,
2.13 unless the driver is operating a vehicle in an unsafe manner or creating an imminent safety
2.14 hazard; or

2.15 (3) 169.71, subdivision 1, paragraph (a), clause (1), including driving with a cracked
2.16 windshield unless it creates an imminent safety hazard.

2.17 Subd. 2. **Statement of reason for a traffic stop; duration.** (a) A peace officer making
2.18 a traffic stop, before engaging in questioning related to a criminal investigation or traffic
2.19 violation, must state the reason for the stop. The officer must document the reason for the
2.20 stop on any citation or police report resulting from the stop.

2.21 (b) Paragraph (a) does not apply when the officer reasonably believes that withholding
2.22 the reason for the stop is necessary to protect life or property from imminent threat of harm,
2.23 including but not limited to cases of terrorism or kidnapping.

2.24 (c) The officer must strive to conclude the stop within 25 minutes of initiating contact
2.25 with the operator of the motor vehicle.

2.26 Subd. 3. **Mandatory secondary offenses.** (a) A peace officer may not stop or detain
2.27 the operator of a motor vehicle for a mandatory secondary offense and may not issue a
2.28 citation for a mandatory secondary offense unless:

2.29 (1) the officer lawfully stopped or detained the operator of the motor vehicle for a moving
2.30 violation that was not related to the operation or maintenance of the vehicle's equipment;
2.31 or

2.32 (2) the motor vehicle was unoccupied.

3.1 (b) This subdivision does not apply to a commercial motor vehicle.

3.2 Subd. 4. **Presumptive secondary offenses.** (a) A peace officer may not stop or detain
3.3 the operator of a motor vehicle for a presumptive secondary offense and may not issue a
3.4 citation for a presumptive secondary offense unless:

3.5 (1) the officer lawfully stopped or detained the operator of the motor vehicle for a moving
3.6 violation that was not related to operation or maintenance of the vehicle's equipment;

3.7 (2) the motor vehicle was unoccupied; or

3.8 (3) as otherwise provided for in this subdivision.

3.9 (b) A peace officer may stop or detain an operator of a motor vehicle for a presumptive
3.10 secondary offense when the officer has reasonable and articulable suspicion that the operator
3.11 has committed a presumptive secondary offense and the violation creates a substantial,
3.12 identifiable risk to human life or an imminent safety hazard. An operator who commits a
3.13 presumptive secondary offense does not necessarily create a substantial, identifiable risk
3.14 to human life or an imminent safety hazard, and law enforcement agencies must require the
3.15 officer to determine whether the operator created a substantial, identifiable risk to human
3.16 life or an imminent safety hazard based on the totality of the circumstances.

3.17 (c) When a peace officer stops or detains the operator of a motor vehicle under paragraph
3.18 (b), law enforcement agencies must require the officer to document the substantial,
3.19 identifiable risk to human life or the imminent safety hazard on body-worn camera or squad
3.20 camera footage and in the police report.

3.21 (d) This subdivision does not apply to a commercial motor vehicle.

3.22 Subd. 5. **Warning letter.** If an officer does not have grounds to stop a motor vehicle or
3.23 detain the operator of a motor vehicle for a mandatory secondary offense or a presumptive
3.24 secondary offense and the officer can identify the owner of the motor vehicle, the officer's
3.25 law enforcement agency may send a letter to the owner of the motor vehicle identifying the
3.26 violation and instructing the owner to correct the defect or otherwise remedy the violation.