

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1959

(SENATE AUTHORS: GERLACH)

DATE	D-PG	OFFICIAL STATUS
02/20/2012	3854	Introduction and first reading Referred to Transportation

A bill for an act
relating to public safety; traffic regulations; causing death or great bodily harm
by driving in an aggressive, inattentive, reckless, or careless manner; imposing
criminal penalties; proposing coding for new law in Minnesota Statutes, chapter
169.

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

Section 1. **[169.135] AGGRESSIVE, INATTENTIVE, RECKLESS, OR
CARELESS DRIVING RESULTING IN DEATH OR GREAT BODILY HARM.**

Subdivision 1. Penalties for violation. A person is guilty of a gross misdemeanor
and may be sentenced to one year imprisonment, a \$3,000 fine, or both if the person
causes death or great bodily harm to a human being or an unborn child, not constituting
murder, manslaughter, or criminal vehicular operation, as a result of driving, operating, or
halting a motor vehicle:

(1) in such a manner to indicate a willful or wanton disregard for the safety of
persons or property anywhere in the state;

(2) while racing any motor vehicle upon any street or highway of this state, including
willfully comparing or contesting relative speeds of motor vehicles, whether or not the
racing activity exceeds the maximum speed prescribed by law;

(3) carelessly or heedlessly upon any street or highway in disregard of the rights of
others, or in a manner that endangers or is likely to endanger any person or any property,
including the driver or passenger of the motor vehicle;

(4) while failing to restrict speed to the extent necessary to avoid colliding with any
person, vehicle, or other conveyance on or entering the street or highway in compliance
with legal requirements and the duty of all persons to use due care;

2.1 (5) while using a cellular telephone except in a voice-activated or other hands-free
2.2 mode;

2.3 (6) while using a wireless communications device to compose, read, or send an
2.4 electronic message when the motor vehicle is in motion or a part of traffic, except as
2.5 authorized under section 169.475, subdivision 3, clause (1), (3), (4), or (5); or

2.6 (7) while or after falling asleep when the motor vehicle is in motion or a part
2.7 of traffic.

2.8 Subd. 2. **Multiple offenses.** A person who violates this section within 20 years of a
2.9 prior conviction or adjudication under this section or section 609.21, subdivision 1, or 1a,
2.10 paragraph (a) or (b), is guilty of a felony and may be sentenced to imprisonment for not
2.11 more than ten years or a \$20,000 fine, or both.

2.12 Subd. 3. **Authority to prosecute for other crimes.** Nothing in this section or
2.13 section 609.035 or 609.04 shall limit the power of the state to prosecute or punish a person
2.14 for conduct that constitutes any other crime under any other law of this state.

2.15 Subd. 4. **Revocation upon conviction.** Upon the conviction or adjudication of a
2.16 person for a violation of this section, the court shall order the commissioner of public
2.17 safety to revoke the person's driver's license or driving privilege to operate a motor vehicle
2.18 in this state for a period of not less than six months for a first violation, and not less than
2.19 two years for a second or subsequent violation.

2.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.