## 169.475 USE OF WIRELESS COMMUNICATIONS DEVICE.

Subdivision 1. **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 web page; a voice mail message; a transmitted image; transmitted video content, including through video calling; transmitted gaming data; and other data transmitted using a commonly recognized electronic communications protocol. An electronic message does not include: voice or 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 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) Except as provided in subdivision 3, when a motor vehicle is in motion or a part of traffic, the person operating the vehicle upon a street or highway is prohibited from using a wireless communications device to:
  - (1) initiate, compose, send, retrieve, or read an electronic message;
- (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 \$275.
- Subd. 3. Exceptions. (a) The prohibitions in subdivision 2 do not apply if a person uses a wireless communications device:
- (1) solely in a voice-activated or hands-free mode to initiate or participate in a cellular phone call or to initiate, compose, send, or listen to an electronic message;
- (2) 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;
- (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;
  - (5) in the reasonable belief that a person's life or safety is in immediate danger; or
  - (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.

**History:** 2008 c 350 art 1 s 38; 2015 c 75 art 2 s 22; 2019 c 11 s 2