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State of Minnesota  
**HOUSE OF REPRESENTATIVES**  
*First Division Engrossment*

NINETY-FIRST SESSION

**H. F. No. 104**

01/17/2019 Authored by Dettmer, Lueck, Baker, Runbeck, Johnson and others  
The bill was read for the first time and referred to the Committee on Ways and Means

**Division Action**

*Referred by Chair to the Transportation Finance and Policy Division*

03/26/2019 *Division action, to adopt as amended and return to the Committee on Ways and Means*

03/27/2019 *Referred by Chair to the Public Safety and Criminal Justice Reform Finance and Policy Division*

1.1 A bill for an act

1.2 relating to public safety; increasing the penalties for texting while driving; providing

1.3 that certain improper use of wireless communications devices while driving crimes

1.4 are not payable offenses; expanding the criminal vehicular operation crime;

1.5 requiring driver education and driver's manual to cover distracted driving;

1.6 authorizing rulemaking; amending Minnesota Statutes 2018, sections 169.475,

1.7 subdivision 2; 171.0701, subdivision 1; 171.0705, by adding a subdivision;

1.8 609.2112, subdivision 1; 609.2113, subdivisions 1, 2, 3; 609.2114, subdivisions

1.9 1, 2.

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

1.11 Section 1. Minnesota Statutes 2018, section 169.475, subdivision 2, is amended to read:

1.12 Subd. 2. **Prohibition on use; penalty.** (a) ~~Ne~~ When a motor vehicle is in motion or a

1.13 part of traffic, the person may operate a motor operating the vehicle while is prohibited

1.14 from using a wireless communications device to compose, read, or send an electronic

1.15 message, when the vehicle is in motion or a part of traffic. A person who violates this

1.16 paragraph for the first time is guilty of a misdemeanor and must pay a fine of \$150.

1.17 (b) A person who violates paragraph (a) a second ~~or subsequent~~ time is guilty of a

1.18 misdemeanor and must pay a fine of \$225, plus the amount specified in the uniform fine

1.19 schedule established by the Judicial Council \$300.

1.20 (c) A person who violates paragraph (a) a third or subsequent time is guilty of a

1.21 misdemeanor and must pay a fine of \$500.

1.22 (d) Notwithstanding section 609.101, subdivision 4, the Judicial Council may not add

1.23 a violation of this subdivision that is a third or subsequent violation to the Statewide Payables

1.24 List.

2.1 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes  
2.2 committed on or after that date.

2.3 Sec. 2. Minnesota Statutes 2018, section 171.0701, subdivision 1, is amended to read:

2.4 Subdivision 1. **Driver education requirements.** (a) The commissioner shall adopt rules  
2.5 requiring a minimum of 30 minutes of instruction, beginning January 1, 2007, relating to  
2.6 organ and tissue donations and the provisions of section 171.07, subdivision 5, for persons  
2.7 enrolled in driver education programs offered at public schools, private schools, and  
2.8 commercial driver training schools.

2.9 (b) The commissioner shall adopt rules for persons enrolled in driver education programs  
2.10 offered at public schools, private schools, and commercial driver training schools, requiring  
2.11 inclusion in the course of instruction, by January 1, 2009, a section on awareness and safe  
2.12 interaction with commercial motor vehicle traffic. The rules must require classroom  
2.13 instruction and behind-the-wheel training that includes, but is not limited to, truck stopping  
2.14 distances, proper distances for following trucks, identification of truck blind spots, and  
2.15 avoidance of driving in truck blind spots.

2.16 (c) By January 1, 2012, the commissioner shall adopt rules for persons enrolled in driver  
2.17 education programs offered at public schools, private schools, and commercial driver training  
2.18 schools, requiring inclusion in the course of instruction of a section on carbon monoxide  
2.19 poisoning. The instruction must include but is not limited to (1) a description of the  
2.20 characteristics of carbon monoxide, (2) a review of the risks and potential speed of death  
2.21 from carbon monoxide poisoning, and (3) specific suggestions regarding vehicle idling  
2.22 practices.

2.23 (d) By January 1, 2020, the commissioner must adopt rules requiring driver education  
2.24 programs offered at public schools, private schools, and commercial driver training schools  
2.25 to include instruction on distracted driving. The instruction must include but is not limited  
2.26 to:

2.27 (1) the laws governing distracted driving and the related penalties; and

2.28 (2) the dangers of distracted driving.

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

3.1 Sec. 3. Minnesota Statutes 2018, section 171.0705, is amended by adding a subdivision  
3.2 to read:

3.3 Subd. 11. **Distracted driving.** The commissioner must include in each edition of the  
3.4 driver's manual a section on distracted driving that includes:

3.5 (1) the laws governing distracted driving and the related penalties; and

3.6 (2) the dangers of distracted driving.

3.7 **EFFECTIVE DATE.** This section is effective January 1, 2020.

3.8 Sec. 4. Minnesota Statutes 2018, section 609.2112, subdivision 1, is amended to read:

3.9 Subdivision 1. **Criminal vehicular homicide.** (a) Except as provided in paragraph (b),  
3.10 a person is guilty of criminal vehicular homicide and may be sentenced to imprisonment  
3.11 for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the  
3.12 person causes the death of a human being not constituting murder or manslaughter as a  
3.13 result of operating a motor vehicle:

3.14 (1) in a grossly negligent manner;

3.15 (2) in a negligent manner while under the influence of:

3.16 (i) alcohol;

3.17 (ii) a controlled substance; or

3.18 (iii) any combination of those elements;

3.19 (3) while having an alcohol concentration of 0.08 or more;

3.20 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
3.21 of the time of driving;

3.22 (5) in a negligent manner while under the influence of an intoxicating substance and the  
3.23 person knows or has reason to know that the substance has the capacity to cause impairment;

3.24 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
3.25 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the  
3.26 person's body;

3.27 (7) where the driver who causes the collision leaves the scene of the collision in violation  
3.28 of section 169.09, subdivision 1 or 6; ~~or~~

3.29 (8) where the driver had actual knowledge that a peace officer had previously issued a  
3.30 citation or warning that the motor vehicle was defectively maintained, the driver had actual

4.1 knowledge that remedial action was not taken, the driver had reason to know that the defect  
4.2 created a present danger to others, and the death was caused by the defective maintenance;  
4.3 or

4.4 (9) in a negligent manner while the driver is operating a cellular phone or other electronic  
4.5 device in any manner without the use of a hands-free setting.

4.6 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),  
4.7 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory  
4.8 maximum sentence of imprisonment is 15 years.

4.9 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes  
4.10 committed on or after that date.

4.11 Sec. 5. Minnesota Statutes 2018, section 609.2113, subdivision 1, is amended to read:

4.12 Subdivision 1. **Great bodily harm.** A person is guilty of criminal vehicular operation  
4.13 resulting in great bodily harm and may be sentenced to imprisonment for not more than five  
4.14 years or to payment of a fine of not more than \$10,000, or both, if the person causes great  
4.15 bodily harm to another not constituting attempted murder or assault as a result of operating  
4.16 a motor vehicle:

4.17 (1) in a grossly negligent manner;

4.18 (2) in a negligent manner while under the influence of:

4.19 (i) alcohol;

4.20 (ii) a controlled substance; or

4.21 (iii) any combination of those elements;

4.22 (3) while having an alcohol concentration of 0.08 or more;

4.23 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
4.24 of the time of driving;

4.25 (5) in a negligent manner while under the influence of an intoxicating substance and the  
4.26 person knows or has reason to know that the substance has the capacity to cause impairment;

4.27 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
4.28 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the  
4.29 person's body;

4.30 (7) where the driver who causes the accident leaves the scene of the accident in violation  
4.31 of section 169.09, subdivision 1 or 6; ~~or~~

5.1 (8) where the driver had actual knowledge that a peace officer had previously issued a  
5.2 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
5.3 knowledge that remedial action was not taken, the driver had reason to know that the defect  
5.4 created a present danger to others, and the injury was caused by the defective maintenance;

5.5 or

5.6 (9) in a negligent manner while the driver is operating a cellular phone or other electronic  
5.7 device in any manner without the use of a hands-free setting.

5.8 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes  
5.9 committed on or after that date.

5.10 Sec. 6. Minnesota Statutes 2018, section 609.2113, subdivision 2, is amended to read:

5.11 Subd. 2. **Substantial bodily harm.** A person is guilty of criminal vehicular operation  
5.12 resulting in substantial bodily harm and may be sentenced to imprisonment for not more  
5.13 than three years or to payment of a fine of not more than \$10,000, or both, if the person  
5.14 causes substantial bodily harm to another as a result of operating a motor vehicle:

5.15 (1) in a grossly negligent manner;

5.16 (2) in a negligent manner while under the influence of:

5.17 (i) alcohol;

5.18 (ii) a controlled substance; or

5.19 (iii) any combination of those elements;

5.20 (3) while having an alcohol concentration of 0.08 or more;

5.21 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
5.22 of the time of driving;

5.23 (5) in a negligent manner while under the influence of an intoxicating substance and the  
5.24 person knows or has reason to know that the substance has the capacity to cause impairment;

5.25 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
5.26 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the  
5.27 person's body;

5.28 (7) where the driver who causes the accident leaves the scene of the accident in violation  
5.29 of section 169.09, subdivision 1 or 6; ~~or~~

5.30 (8) where the driver had actual knowledge that a peace officer had previously issued a  
5.31 citation or warning that the motor vehicle was defectively maintained, the driver had actual

6.1 knowledge that remedial action was not taken, the driver had reason to know that the defect  
6.2 created a present danger to others, and the injury was caused by the defective maintenance;  
6.3 or

6.4 (9) in a negligent manner while the driver is operating a cellular phone or other electronic  
6.5 device in any manner without the use of a hands-free setting.

6.6 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes  
6.7 committed on or after that date.

6.8 Sec. 7. Minnesota Statutes 2018, section 609.2113, subdivision 3, is amended to read:

6.9 Subd. 3. **Bodily harm.** A person is guilty of criminal vehicular operation resulting in  
6.10 bodily harm and may be sentenced to imprisonment for not more than one year or to payment  
6.11 of a fine of not more than \$3,000, or both, if the person causes bodily harm to another as a  
6.12 result of operating a motor vehicle:

6.13 (1) in a grossly negligent manner;

6.14 (2) in a negligent manner while under the influence of:

6.15 (i) alcohol;

6.16 (ii) a controlled substance; or

6.17 (iii) any combination of those elements;

6.18 (3) while having an alcohol concentration of 0.08 or more;

6.19 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
6.20 of the time of driving;

6.21 (5) in a negligent manner while under the influence of an intoxicating substance and the  
6.22 person knows or has reason to know that the substance has the capacity to cause impairment;

6.23 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
6.24 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the  
6.25 person's body;

6.26 (7) where the driver who causes the accident leaves the scene of the accident in violation  
6.27 of section 169.09, subdivision 1 or 6; ~~or~~

6.28 (8) where the driver had actual knowledge that a peace officer had previously issued a  
6.29 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
6.30 knowledge that remedial action was not taken, the driver had reason to know that the defect

7.1 created a present danger to others, and the injury was caused by the defective maintenance;  
7.2 or

7.3 (9) in a negligent manner while the driver is operating a cellular phone or other electronic  
7.4 device in any manner without the use of a hands-free setting.

7.5 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes  
7.6 committed on or after that date.

7.7 Sec. 8. Minnesota Statutes 2018, section 609.2114, subdivision 1, is amended to read:

7.8 Subdivision 1. **Death to an unborn child.** (a) Except as provided in paragraph (b), a  
7.9 person is guilty of criminal vehicular operation resulting in death to an unborn child and  
7.10 may be sentenced to imprisonment for not more than ten years or to payment of a fine of  
7.11 not more than \$20,000, or both, if the person causes the death of an unborn child as a result  
7.12 of operating a motor vehicle:

7.13 (1) in a grossly negligent manner;

7.14 (2) in a negligent manner while under the influence of:

7.15 (i) alcohol;

7.16 (ii) a controlled substance; or

7.17 (iii) any combination of those elements;

7.18 (3) while having an alcohol concentration of 0.08 or more;

7.19 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
7.20 of the time of driving;

7.21 (5) in a negligent manner while under the influence of an intoxicating substance and the  
7.22 person knows or has reason to know that the substance has the capacity to cause impairment;

7.23 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
7.24 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the  
7.25 person's body;

7.26 (7) where the driver who causes the accident leaves the scene of the accident in violation  
7.27 of section 169.09, subdivision 1 or 6; ~~or~~

7.28 (8) where the driver had actual knowledge that a peace officer had previously issued a  
7.29 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
7.30 knowledge that remedial action was not taken, the driver had reason to know that the defect

8.1 created a present danger to others, and the injury was caused by the defective maintenance;  
8.2 or

8.3 (9) in a negligent manner while the driver is operating a cellular phone or other electronic  
8.4 device in any manner without the use of a hands-free setting.

8.5 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),  
8.6 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory  
8.7 maximum sentence of imprisonment is 15 years.

8.8 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes  
8.9 committed on or after that date.

8.10 Sec. 9. Minnesota Statutes 2018, section 609.2114, subdivision 2, is amended to read:

8.11 Subd. 2. **Injury to an unborn child.** A person is guilty of criminal vehicular operation  
8.12 resulting in injury to an unborn child and may be sentenced to imprisonment for not more  
8.13 than five years or to payment of a fine of not more than \$10,000, or both, if the person  
8.14 causes the great bodily harm to an unborn child subsequently born alive as a result of  
8.15 operating a motor vehicle:

8.16 (1) in a grossly negligent manner;

8.17 (2) in a negligent manner while under the influence of:

8.18 (i) alcohol;

8.19 (ii) a controlled substance; or

8.20 (iii) any combination of those elements;

8.21 (3) while having an alcohol concentration of 0.08 or more;

8.22 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
8.23 of the time of driving;

8.24 (5) in a negligent manner while under the influence of an intoxicating substance and the  
8.25 person knows or has reason to know that the substance has the capacity to cause impairment;

8.26 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
8.27 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the  
8.28 person's body;

8.29 (7) where the driver who causes the accident leaves the scene of the accident in violation  
8.30 of section 169.09, subdivision 1 or 6; ~~or~~

9.1 (8) where the driver had actual knowledge that a peace officer had previously issued a  
9.2 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
9.3 knowledge that remedial action was not taken, the driver had reason to know that the defect  
9.4 created a present danger to others, and the injury was caused by the defective maintenance;  
9.5 or

9.6 (9) in a negligent manner while the driver is operating a cellular phone or other electronic  
9.7 device in any manner without the use of a hands-free setting.

9.8 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes  
9.9 committed on or after that date.

9.10 Sec. 10. **RULEMAKING.**

9.11 Minnesota Statutes, section 171.0701, subdivision 2, applies to section 2.

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