

A bill for an act
relating to transportation; requiring that mobile telephones used in motor vehicles
be hands-free; providing a defense; proposing coding for new law in Minnesota
Statutes, chapter 169.

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

Section 1. **[169.472] USE OF MOBILE TELEPHONES.**

Subdivision 1. Definitions. For purposes of this section:

(a) "Mobile telephone" means a cellular, analog, wireless, or digital telephone
capable of sending or receiving telephone messages without an access line for service.

(b) "Hands-free device" means an attachment, add-on, or addition to a mobile
telephone, whether or not permanently installed in a motor vehicle, that when used allows
the vehicle operator to maintain both hands on the steering wheel.

(c) "Use" means talking or listening on a mobile telephone.

Subd. 2. Prohibition. No person may use a mobile telephone while operating
a motor vehicle that is in motion unless the mobile telephone is equipped and used
with a hands-free device. A peace officer may not issue a citation for a violation of this
subdivision unless the officer lawfully stopped or detained the driver of the motor vehicle
for another moving violation other than a violation involving motor vehicle equipment.

Subd. 3. Defense. It is an affirmative defense against a charge of violating
subdivision 2 for a person to produce evidence that the mobile telephone was used for the
purpose of contacting the following in response to an emergency:

(1) a public safety answering point, by dialing 911 or other emergency telephone
number;

(2) a hospital, clinic, or doctor's office;

H.F. No. 1822, as introduced - 85th Legislative Session (2007-2008)

- 2.1 (3) an ambulance service provider;
- 2.2 (4) a fire department or law enforcement agency; or
- 2.3 (5) a first aid squad.