

A bill for an act
relating to traffic regulations; doubling fine for moving violation committed
while operating mobile phone; providing affirmative defense to doubled fine;
amending Minnesota Statutes 2006, section 169.89, by adding a subdivision.

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

Section 1. Minnesota Statutes 2006, section 169.89, is amended by adding a
subdivision to read:

Subd. 6. Violation committed while operating mobile phone. (a) A person
convicted of committing a moving violation while communicating over a cellular or
wireless telephone, is assessed an additional surcharge equal to the amount of the fine
imposed for the moving violation, but not less than \$25. "Moving violation" does not
include a parking violation, a vehicle equipment violation, or a warning citation.

(b) It is an affirmative defense against a charge of violating paragraph (a) that the
mobile telephone was used in response to an emergency to contact:

(1) a first responder by use of a 911 or other emergency telephone number;

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

(3) an ambulance service provider;

(4) a fire department or law enforcement agency; or

(5) a first aid squad.