

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 91

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DATE	D-PG	OFFICIAL STATUS
01/10/2019	61	Introduction and first reading Referred to Transportation Finance and Policy
01/28/2019	170a	Comm report: To pass as amended and re-refer to Judiciary and Public Safety Finance and Policy
02/07/2019		Comm report: To pass as amended and re-refer to Finance

- 1.1 A bill for an act
- 1.2 relating to transportation; prohibiting use of cell phones while driving under
- 1.3 specified circumstances; amending Minnesota Statutes 2018, sections 169.011,
- 1.4 subdivision 94; 169.475.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2018, section 169.011, subdivision 94, is amended to read:
- 1.7 Subd. 94. **Wireless communications device.** (a) "Wireless communications device"
- 1.8 means (1) a cellular phone, or (2) a portable electronic device that is capable of receiving
- 1.9 and transmitting data, including but not limited to text messages and e-mail, without an
- 1.10 access line for service.
- 1.11 (b) A wireless communications device does not include: (1) a device that is permanently
- 1.12 affixed to or permanently physically integrated into the vehicle; or (2) a global positioning
- 1.13 system or navigation system ~~when the system is used exclusively for navigation purposes.~~
- 1.14 Sec. 2. Minnesota Statutes 2018, section 169.475, is amended to read:
- 1.15 **169.475 USE OF WIRELESS COMMUNICATIONS DEVICE.**
- 1.16 Subdivision 1. ~~Definition~~ **Definitions.** (a) For purposes of this section, the following
- 1.17 terms have the meanings given.
- 1.18 (b) "Electronic message" means a self-contained piece of digital communication that is
- 1.19 designed or intended to be transmitted between physical devices. An electronic message
- 1.20 includes, but is not limited to, e-mail, a text message, an instant message, ~~a command or~~
- 1.21 ~~request to access a World Wide Web page,~~ or other data that uses a commonly recognized
- 1.22 electronic communications protocol. An electronic message does not include voice or other

2.1 data transmitted as a result of making a phone call, or data transmitted automatically by a
 2.2 wireless communications device without direct initiation by a person.

2.3 (c) A motor vehicle is not considered to be "in motion or a part of traffic" if the vehicle
 2.4 is legally pulled over to the side of the road and not obstructing traffic.

2.5 (d) "Voice-activated" or "hands-free mode" means an attachment, accessory, application,
 2.6 wireless connection, or built-in feature of a wireless communications device or vehicle that
 2.7 allows the user to:

2.8 (1) vocally initiate, compose, read, send, or listen to a text-based communication without
 2.9 the use of either hand except to activate or deactivate a feature or function; or

2.10 (2) make or participate in a phone call without the use of either hand except to activate
 2.11 or deactivate a feature or function.

2.12 Subd. 2. **Prohibition on use; penalty.** (a) ~~No~~ Except as provided in subdivision 3, when
 2.13 a motor vehicle is in motion or a part of traffic, the person may operate a motor operating
 2.14 the vehicle while is prohibited from using a wireless communications device to:

2.15 (1) initiate, compose, read, or send an electronic message, when the vehicle is in motion
 2.16 or a part of traffic;

2.17 (2) initiate a cellular phone call;

2.18 (3) talk or listen on a cellular phone;

2.19 (4) view or listen to images, pictures, or video content, whether web-based, stored on
 2.20 the device, or accessed in any other manner; or

2.21 (5) initiate a command or request to access a web page.

2.22 (b) A person who violates paragraph (a) a second or subsequent time must pay a fine of
 2.23 ~~\$225, plus the amount specified in the uniform fine schedule established by the Judicial~~
 2.24 ~~Council~~ \$275.

2.25 Subd. 3. **Exceptions.** ~~This section does~~ The prohibitions in subdivision 2 do not apply
 2.26 if a wireless communications device is used:

2.27 (1) solely in a voice-activated or other hands-free mode to make or participate in a phone
 2.28 call or to initiate, compose, read, send, or listen to an electronic message;

2.29 (2) for making a cellular phone call to view or operate a global positioning system or
 2.30 navigation system;

2.31 (3) to listen to audio-based content;

- 3.1 ~~(3)~~ (4) ~~for obtaining~~ to obtain emergency assistance to (i) report a traffic accident, medical
- 3.2 emergency, or serious traffic hazard, or (ii) prevent a crime about to be committed;
- 3.3 ~~(4)~~ (5) in the reasonable belief that a person's life or safety is in immediate danger; or
- 3.4 ~~(5)~~ (6) in an authorized emergency vehicle while in the performance of official duties.

3.5 Sec. 3. **EFFECTIVE DATE.**

- 3.6 This act is effective August 1, 2019, and applies to acts committed on or after that date.