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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2127

02/25/2014 Authored by Kahn

The bill was read for the first time and referred to the Committee on Transportation Policy

1.1 A bill for an act
1.2 relating to public safety; traffic regulations; creating criminal penalties related to
1.3 vulnerable road users; amending Minnesota Statutes 2012, sections 169.011, by
1.4 adding a subdivision; 169.13, by adding a subdivision; 171.17, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2012, section 169.011, is amended by adding a
1.7 subdivision to read:

1.8 Subd. 92a. Vulnerable road user. (a) "Vulnerable road user" means a person upon
1.9 a roadway or shoulder of a street or highway who is:

1.10 (1) a pedestrian, including but not limited to someone engaged while in the
1.11 performance of official duties in emergency services, traffic control, highway assistance
1.12 services, or maintenance, construction, or utility work;

1.13 (2) on a nonmotorized vehicle or device, including but not limited to a bicycle,
1.14 bicycle trailer, skateboard, or in-line skates;

1.15 (3) on a motorcycle, motorized bicycle, motorized foot scooter, or electric personal
1.16 assistive mobility device;

1.17 (4) on an implement of husbandry; or

1.18 (5) riding an animal upon a roadway, or driving any animal drawing a vehicle upon a
1.19 roadway.

1.20 (b) Vulnerable road user includes the operator and any passengers on, in, or of a
1.21 vehicle or device identified under paragraph (a), if applicable.

1.22 Sec. 2. Minnesota Statutes 2012, section 169.13, is amended by adding a subdivision
1.23 to read:

2.1 Subd. 2a. **Enhanced penalty; vulnerable road user.** (a) If a violation of
2.2 subdivision 1 or 2 results in substantial bodily harm or great bodily harm to a vulnerable
2.3 road user, the person is guilty of a gross misdemeanor.

2.4 (b) If a violation of subdivision 2 results in death of a vulnerable road user, the
2.5 person is guilty of a felony, and may be sentenced to imprisonment for not more than two
2.6 years or to payment of a fine of not more than \$4,000, or both.

2.7 (c) If a violation of subdivision 1 results in death of a vulnerable road user, the
2.8 person is guilty of a felony, and may be sentenced to imprisonment for not more than five
2.9 years or to payment of a fine of not more than \$10,000, or both.

2.10 (d) Notwithstanding any other law, when a court sentences a person convicted under
2.11 this subdivision, it shall:

2.12 (1) impose a fine of not less than 30 percent of the maximum fine authorized by law;

2.13 (2) order the offender to serve not less than 100 hours of community work service; and

2.14 (3) order the offender to take a course of study at an approved driver improvement
2.15 clinic.

2.16 (e) The court may reduce the amount of the minimum fine under paragraph (d),
2.17 clause (1), to not less than \$100, if the convicted person qualifies for the services of
2.18 a public defender, or if the court finds on the record that:

2.19 (1) the convicted person is indigent; or

2.20 (2) immediate payment would create undue hardship for the convicted person or
2.21 that person's immediate family.

2.22 (f) For purposes of this subdivision:

2.23 (1) "approved driver improvement clinic" has the meaning given in section 171.20,
2.24 subdivision 3;

2.25 (2) "great bodily harm" has the meaning given in section 609.02, subdivision 8; and

2.26 (3) "substantial bodily harm" has the meaning given in section 609.02, subdivision 7a.

2.27 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to crimes
2.28 committed on or after that date.

2.29 Sec. 3. Minnesota Statutes 2012, section 171.17, subdivision 1, is amended to read:

2.30 Subdivision 1. **Offenses.** (a) The department shall immediately revoke the license
2.31 of a driver upon receiving a record of the driver's conviction of:

2.32 (1) manslaughter resulting from the operation of a motor vehicle or criminal
2.33 vehicular homicide or injury under section 609.21;

2.34 (2) a violation of section 169A.20 or 609.487;

2.35 (3) a felony in the commission of which a motor vehicle was used;

3.1 (4) failure to stop and disclose identity and render aid, as required under section
3.2 169.09, in the event of a motor vehicle accident, resulting in the death or personal injury
3.3 of another;

3.4 (5) perjury or the making of a false affidavit or statement to the department under
3.5 any law relating to the application, ownership, or operation of a motor vehicle, including
3.6 on the certification required under section 171.05, subdivision 2, paragraph (a), clause (1),
3.7 item (ii), to issue an instruction permit to a homeschool student;

3.8 (6) except as this section otherwise provides, three charges of violating within a
3.9 period of 12 months any of the provisions of chapter 169 or of the rules or municipal
3.10 ordinances enacted in conformance with chapter 169, for which the accused may be
3.11 punished upon conviction by imprisonment;

3.12 (7) two or more violations, within five years, of the misdemeanor offense described
3.13 in section 169.444, subdivision 2, paragraph (a);

3.14 (8) the gross misdemeanor offense described in section 169.444, subdivision 2,
3.15 paragraph (b);

3.16 (9) a gross misdemeanor offense under section 169.13, subdivision 2a, which must
3.17 be for a revocation period of not less than six months;

3.18 (10) an offense in another state that, if committed in this state, would be grounds for
3.19 revoking the driver's license; or

3.20 ~~(10)~~ (11) a violation of an applicable speed limit by a person driving in excess of
3.21 100 miles per hour. The person's license must be revoked for six months for a violation of
3.22 this clause, or for a longer minimum period of time applicable under section 169A.53,
3.23 169A.54, or 171.174.

3.24 (b) The department shall immediately revoke the school bus endorsement of a driver
3.25 upon receiving a record of the driver's conviction of the misdemeanor offense described in
3.26 section 169.443, subdivision 7.

3.27 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to crimes
3.28 committed on or after that date.