

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 2716

(SENATE AUTHORS: CLAUSEN, Carlson and Rest)

DATE	D-PG	OFFICIAL STATUS
02/03/2022	4866	Introduction and first reading Referred to Transportation Finance and Policy
02/07/2022	4929	Author added Rest

1.1 A bill for an act

1.2 relating to public safety; providing for an enhanced criminal penalty for certain

1.3 texting while driving violations; amending Minnesota Statutes 2020, section

1.4 169.475, subdivision 1, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2020, section 169.475, subdivision 1, is amended to read:

1.7 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have

1.8 the meanings given.

1.9 (b) "Electronic message" means a self-contained piece of digital communication that is

1.10 designed or intended to be transmitted between physical devices. An electronic message

1.11 includes, but is not limited to: e-mail; a text message; an instant message; a command or

1.12 request to access a web page; a voice mail message; a transmitted image; transmitted video

1.13 content, including through video calling; transmitted gaming data; and other data transmitted

1.14 using a commonly recognized electronic communications protocol. An electronic message

1.15 does not include: voice or audio data transmitted as a result of making a phone call; data

1.16 transmitted between a motor vehicle and a wireless communications device located in the

1.17 vehicle; data transmitted by a two-way radio, citizens band radio, or amateur radio used in

1.18 accordance with Federal Communications Commission rules and regulations; or data

1.19 transmitted automatically without direct initiation by a person.

1.20 (c) "Voice-activated or hands-free mode" means an attachment, accessory, wirelessly

1.21 paired or tethered capability, application, wireless connection, or built-in feature of a wireless

1.22 communications device or a motor vehicle that allows the person to use verbal or single

1.23 touch commands to:

2.1 (1) activate or deactivate the device; and

2.2 (2) activate or deactivate a function or software application of the device.

2.3 Voice-activated or hands-free mode does not include typing or scrolling on a device.

2.4 (d) For purposes of this section, a motor vehicle is not in motion or a part of traffic if
2.5 the vehicle is lawfully stopped, is in a location that is not designed or ordinarily used for
2.6 vehicular travel, and is not obstructing traffic.

2.7 (e) "Substantial bodily harm" has the meaning given in section 609.02, subdivision 7a.

2.8 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
2.9 committed on or after that date.

2.10 Sec. 2. Minnesota Statutes 2020, section 169.475, is amended by adding a subdivision to
2.11 read:

2.12 **Subd. 2a. Violations that cause injury; enhanced penalty.** (a) A person who violates
2.13 subdivision 2 where the violation results in substantial bodily harm or death to another
2.14 person is guilty of a gross misdemeanor.

2.15 (b) Nothing in this section or section 609.035 or 609.04 shall limit the power of the state
2.16 to prosecute or punish a person for conduct that constitutes any other crime under any other
2.17 law of this state.

2.18 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
2.19 committed on or after that date.