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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 2351

April 25, 2009

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The bill was read for the first time and referred to the Transportation and Transit Policy and Oversight Division

1.1 A bill for an act
1.2 relating to traffic regulations; prohibiting certain use of cellular phones while
1.3 driving; amending Minnesota Statutes 2008, section 169.475.

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

1.5 Section 1. Minnesota Statutes 2008, section 169.475, is amended to read:

1.6 **169.475 USE OF WIRELESS COMMUNICATIONS DEVICE.**

1.7 Subdivision 1. ~~Definition~~ **Definitions.** (a) For purposes of this section, the following
1.8 terms have the meanings given them.

1.9 (b) "Electronic message" means a self-contained piece of digital communication that
1.10 is 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 World Wide Web page, or other data that uses a commonly recognized
1.13 electronic communications protocol. An electronic message does not include voice or
1.14 other data transmitted as a result of making a phone call, or data transmitted automatically
1.15 by a wireless communications device without direct initiation by a person.

1.16 (c) "Hands-free feature" means the capability of a wireless communications device
1.17 that enables a user to engage in a cellular phone call or access other functionality
1.18 of the device without the use of either hand, regardless of whether use of a hand is
1.19 necessary to activate or deactivate the device, or first initiate the cellular phone call or
1.20 other functionality. A hands-free feature may be provided through an internal feature
1.21 of the device, an attachment or add-on to the device, or in conjunction with additional
1.22 components or accessories.

1.23 Subd. 2. **Prohibition on use.** (a) No person may operate a motor vehicle while:

2.1 (1) using a wireless communications device to compose, read, or send an electronic
2.2 message; or

2.3 (2) using a cellular phone to (i) talk or listen on the phone; (ii) hold the phone to,
2.4 or in the immediate proximity of, the person's ear; or (iii) otherwise communicate over
2.5 the phone.

2.6 (b) The prohibitions in paragraph (a) apply when the vehicle is in motion or a part
2.7 of traffic.

2.8 Subd. 3. **Exceptions.** This section does not apply if a wireless communications
2.9 device is used:

2.10 (1) solely ~~in a voice-activated or other hands-free mode~~ through a hands-free feature;

2.11 (2) ~~for making a cellular phone call;~~

2.12 ~~(3)~~ for obtaining emergency assistance to (i) report a traffic accident, medical
2.13 emergency, fire, or serious traffic hazard, or (ii) prevent a crime about to be committed;

2.14 ~~(4)~~ (3) in the reasonable belief that a person's life or safety is in immediate danger; or

2.15 ~~(5)~~ (4) in an authorized emergency vehicle while in the performance of official duties.