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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3249

- 03/01/2018 Authored by Davids, Poston, Petersburg, Bennett and Lillie
The bill was read for the first time and referred to the Committee on Transportation and Regional Governance Policy
- 03/15/2018 Adoption of Report: Re-referred to the Committee on Public Safety and Security Policy and Finance
- 03/21/2018 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time
- 04/19/2018 Calendar for the Day
Read for the Third Time
Passed by the House and transmitted to the Senate
- 05/14/2018 Returned to the House as Amended by the Senate
The House concurred in the Senate Amendments and repassed the bill as Amended by the Senate

1.1 A bill for an act

1.2 relating to public safety; modifying provisions governing passing emergency

1.3 vehicles stopped on a roadway; amending Minnesota Statutes 2016, section 169.18,

1.4 subdivisions 11, 12.

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

1.6 Section 1. Minnesota Statutes 2016, section 169.18, subdivision 11, is amended to read:

1.7 Subd. 11. **Passing parked emergency vehicle; citation; probable cause.** (a) When

1.8 approaching and before passing an authorized emergency vehicle with its emergency lights

1.9 activated that is parked or otherwise stopped on or next to a street or highway having two

1.10 lanes in the same direction, the driver of a vehicle shall safely move the vehicle to the lane

1.11 farthest away from the emergency vehicle, if it is possible to do so.

1.12 (b) When approaching and before passing an authorized emergency vehicle with its

1.13 emergency lights activated that is parked or otherwise stopped on or next to a street or

1.14 highway having more than two lanes in the same direction, the driver of a vehicle shall

1.15 safely move the vehicle so as to leave a full lane vacant between the driver and any lane in

1.16 which the emergency vehicle is completely or partially parked or otherwise stopped, if it is

1.17 possible to do so.

1.18 (c) If a lane change under paragraph (a) or (b) is impossible, or when approaching and

1.19 before passing an authorized emergency vehicle with its emergency lights activated that is

1.20 parked or otherwise stopped on or next to a street or highway having only one lane in the

1.21 same direction, the driver of a vehicle must reduce the speed of the motor vehicle to a speed

1.22 that is reasonable and prudent under the conditions until the motor vehicle has completely

1.23 passed the parked or stopped emergency vehicle, if it is possible to do so.

2.1 ~~(e)~~ (d) A peace officer may issue a citation to the driver of a motor vehicle if the peace
2.2 officer has probable cause to believe that the driver has operated the vehicle in violation of
2.3 this subdivision within the four-hour period following the termination of the incident or a
2.4 receipt of a report under paragraph ~~(d)~~ (e). The citation may be issued even though the
2.5 violation was not committed in the presence of the peace officer.

2.6 ~~(d)~~ (e) Although probable cause may be otherwise satisfied by other evidentiary elements
2.7 or factors, probable cause is sufficient for purposes of this subdivision when the person
2.8 cited is operating the vehicle described by a member of the crew of an authorized emergency
2.9 vehicle responding to an incident in a timely report of the violation of this subdivision,
2.10 which includes a description of the vehicle used to commit the offense and the vehicle's
2.11 license plate number. For the purposes of issuance of a citation under paragraph ~~(e)~~ (d),
2.12 "timely" means that the report must be made within a four-hour period following the
2.13 termination of the incident.

2.14 ~~(e)~~ (f) For purposes of paragraphs (a) ~~and (b)~~ to (c) only, ~~the terms~~ "authorized emergency
2.15 vehicle" and "emergency vehicle" include a towing vehicle defined in section 168B.011,
2.16 subdivision 12a, that has activated flashing lights authorized under section 169.64,
2.17 subdivision 3, in addition to the vehicles described in the definition for "authorized
2.18 emergency vehicle" in section 169.011, subdivision 3.

2.19 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
2.20 committed on or after that date.

2.21 Sec. 2. Minnesota Statutes 2016, section 169.18, subdivision 12, is amended to read:

2.22 Subd. 12. **Passing certain parked vehicles.** (a) When approaching and before passing
2.23 a freeway service patrol vehicle, road maintenance vehicle, utility company vehicle, or
2.24 construction vehicle with its warning lights activated that is parked or otherwise stopped
2.25 on or next to a street or highway having two lanes in the same direction, the driver of a
2.26 vehicle shall safely move the vehicle to the lane farthest away from the parked or stopped
2.27 vehicle, if it is possible to do so.

2.28 (b) When approaching and before passing a freeway service patrol vehicle, road
2.29 maintenance vehicle, utility company vehicle, or construction vehicle with its warning lights
2.30 activated that is parked or otherwise stopped on or next to a street or highway having more
2.31 than two lanes in the same direction, the driver of a vehicle shall safely move the vehicle
2.32 so as to leave a full lane vacant between the driver and any lane in which the vehicle is
2.33 completely or partially parked or otherwise stopped, if it is possible to do so.

3.1 (c) If a lane change under paragraph (a) or (b) is impossible, or when approaching and
3.2 before passing a freeway service patrol vehicle, road maintenance vehicle, utility company
3.3 vehicle, or construction vehicle with its warning lights activated that is parked or otherwise
3.4 stopped on or next to a street or highway having only one lane in the same direction, the
3.5 driver of a vehicle must reduce the speed of the motor vehicle to a speed that is reasonable
3.6 and prudent under the conditions until the motor vehicle has completely passed the parked
3.7 or stopped freeway service patrol vehicle, road maintenance vehicle, utility company vehicle,
3.8 or construction vehicle, if it is possible to do so.

3.9 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
3.10 committed on or after that date.