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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 50

01/14/2019 Authored by Hornstein, Bennett, Stephenson, Cantrell, Lee and others
The bill was read for the first time and referred to the Committee on Ways and Means
03/11/2019 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to transportation; prohibiting use of cell phones while driving under
1.3 specified circumstances; requiring a study of traffic stops; requiring a report;
1.4 appropriating money; amending Minnesota Statutes 2018, sections 169.011,
1.5 subdivision 94; 169.475.

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

1.7 Section 1. Minnesota Statutes 2018, section 169.011, subdivision 94, is amended to read:

1.8 Subd. 94. **Wireless communications device.** "Wireless communications device" means
1.9 (1) a cellular phone, or (2) a portable electronic device that is capable of receiving and
1.10 transmitting data, including but not limited to text messages and e-mail, without an access
1.11 line for service. A wireless communications device does not include a device or feature that
1.12 is permanently ~~affixed to~~ physically integrated into the vehicle, ~~or including~~ a global
1.13 positioning system or navigation system ~~when the system is used exclusively for navigation~~
1.14 ~~purposes.~~

1.15 Sec. 2. Minnesota Statutes 2018, section 169.475, is amended to read:

1.16 **169.475 USE OF WIRELESS COMMUNICATIONS DEVICE.**

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

1.19 (b) "Electronic message" means a self-contained piece of digital communication that is
1.20 designed or intended to be transmitted between physical devices. An electronic message
1.21 includes, but is not limited to: e-mail; a text message; an instant message; a command or
1.22 request to access a ~~World Wide web page, or~~ a voice mail message; a transmitted image;

2.1 transmitted audio content; transmitted video content, including through video calling; and
 2.2 other data that uses transmitted using a commonly recognized electronic communications
 2.3 protocol. An electronic message does not include: voice or ~~other~~ audio data transmitted as
 2.4 a result of making a phone call, data transmitted between a motor vehicle and a wireless
 2.5 communications device located in the vehicle, or data transmitted automatically by a wireless
 2.6 communications device without direct initiation by a person.

2.7 (c) "Voice-activated or hands-free mode" means an attachment, an accessory, a wirelessly
 2.8 paired or tethered capability, or a built-in capability of a wireless communications device
 2.9 or a motor vehicle that allows a person to use a feature or software application without either
 2.10 hand, except for one touch activation or deactivation of the feature or software application.
 2.11 A feature or software application includes but is not limited to text messaging and phone
 2.12 calling.

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

2.16 (e) For purposes of subdivision 2, paragraph (a), "using" includes but is not limited to
 2.17 holding a wireless communications device.

2.18 **Subd. 2. Prohibition on use; penalty.** (a) ~~Ne~~ When a motor vehicle is in motion or a
 2.19 part of traffic, the person may operate a motor operating the vehicle while is prohibited
 2.20 from using a wireless communications device, which includes but is not limited to:

2.21 ~~compose, read, or send~~ (1) initiating, composing, sending, retrieving, or reading an
 2.22 electronic message, ~~when the vehicle is in motion or a part of traffic;~~ and

2.23 (2) engaging in a cellular phone call, including initiating a call, talking or listening, and
 2.24 participating in video calling.

2.25 (b) A person who violates paragraph (a) a second or subsequent time must pay a fine of
 2.26 \$225, plus the amount specified in the uniform fine schedule established by the Judicial
 2.27 Council.

2.28 **Subd. 3. Exceptions.** (a) This section does not apply if a wireless communications device
 2.29 is used:

2.30 (1) solely in a voice-activated or ~~other~~ hands-free mode, including to access a global
 2.31 positioning system or navigation system;

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

3.1 ~~(3) 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)~~ (3) in the reasonable belief that a person's life or safety is in immediate danger; or

3.4 ~~(5)~~ (4) in an authorized emergency vehicle while in the performance of official duties.

3.5 (b) The exception in paragraph (a), clause (1), does not apply to accessing nonnavigation
3.6 video content, engaging in video calling, engaging in live-streaming, or reading electronic
3.7 messages.

3.8 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to acts
3.9 committed on or after that date.

3.10 **Sec. 3. TRAFFIC STOP STUDY; APPROPRIATION.**

3.11 Subdivision 1. **Appropriation.** \$250,000 in fiscal year 2020 is appropriated from the
3.12 general fund to the commissioner of public safety for a grant to a qualified research
3.13 organization to conduct a study of traffic stops in Minnesota consistent with the requirements
3.14 in subdivision 2 and provide a report to the legislature. This is a onetime appropriation.

3.15 Subd. 2. **Study requirements.** (a) The grant recipient shall conduct a study to determine
3.16 what impact, if any, changes in traffic laws since 2003 have had on traffic stops in Minnesota
3.17 including whether changes resulted in a disproportionate impact in any geographic area or
3.18 on any demographic group.

3.19 (b) The study shall identify significant changes in traffic law enacted since 2003 including,
3.20 but not limited to:

3.21 (1) the adoption of Minnesota Statutes, section 169.475;

3.22 (2) amendments to Minnesota Statutes, section 169.475, effective August 1, 2019;

3.23 (3) changes to Minnesota Statutes, section 169.686, enacted pursuant to Laws 2009,
3.24 chapter 165, section 2; and

3.25 (4) changes to Minnesota Statutes, section 169A.20, enacted pursuant to Laws 2004,
3.26 chapter 283, section 3.

3.27 (c) The grant recipient shall coordinate with local law enforcement agencies and the
3.28 Minnesota State Patrol to obtain and collect relevant data on traffic stops. Data shall be
3.29 collected as provided by law, rule, or policy of the law enforcement agency. Nothing in this
3.30 section requires any law enforcement agency to collect additional data.

4.1 (d) The grant recipient shall analyze the data obtained or collected based on factors
4.2 including, but not limited to, the geographic area in which the stop took place and
4.3 demographic information of the driver.

4.4 (e) To the extent possible, the study shall compare data obtained and collected under
4.5 paragraph (c) with data collected pursuant to Laws 2001, First Special Session chapter 8,
4.6 article 7, section 6.

4.7 (f) The grant recipient shall coordinate with the commissioner of public safety and law
4.8 enforcement agencies to ensure the confidentiality of data obtained or collected.

4.9 Subd. 3. **Report.** By February 15, 2021, the grant recipient must provide a report to the
4.10 commissioner of public safety and the chairs and ranking minority members of the legislative
4.11 committees and divisions with jurisdiction over transportation and criminal justice policy
4.12 on the results of the study.