

# Office of the Revisor of Statutes

## Minnesota Session Laws - 2019, Regular Session

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Key: (1) ~~language to be deleted~~ (2) new language

### CHAPTER 11--H.F.No. 50

*An act relating to transportation; prohibiting use of cell phones while driving under specified circumstances; amending Minnesota Statutes 2018, sections 169.011, subdivision 94; 169.475.*

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

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

Subd. 94. **Wireless communications device.** (a) "Wireless communications device" means (1) a cellular phone, or (2) a portable electronic device that is capable of receiving and transmitting data, including but not limited to text messages and e-mail, without an access line for service.

(b) A wireless communications device does not include: ~~(1) a device or feature that is permanently affixed to, physically integrated into the vehicle; or, (2) a global positioning system or navigation system when the system is used exclusively that is only capable of being used for navigation purposes; or (3) a two-way radio, citizens band radio, or amateur radio equipment used in accordance with Federal Communications Commission rules and regulations.~~

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

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

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

(b) "Electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. An electronic message includes, but is not limited to: e-mail; a text message; an instant message; a command or request to access a ~~World Wide~~ web page; ~~or, a voice-mail message; a transmitted image; transmitted video content, including through video calling; transmitted gaming data; and other data that uses transmitted using a commonly recognized electronic communications protocol.~~ An electronic message does not include: voice or ~~other~~ audio data transmitted as a result of making a phone call; ~~data transmitted between a motor vehicle and a wireless communications device located in the vehicle; data transmitted by a two-way radio, citizens band radio, or amateur radio used in accordance with Federal Communications Commission rules and regulations; or data transmitted automatically by a wireless communications device without direct initiation by a person.~~

(c) "Voice-activated or hands-free mode" means an attachment, accessory, wirelessly paired or tethered capability, application, wireless connection, or built-in feature of a wireless communications device or a motor vehicle that allows the person to use verbal or single touch commands to:

- (1) activate or deactivate the device; and
- (2) activate or deactivate a function or software application of the device.

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

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

Subd. 2. **Prohibition on use; penalty.** (a) ~~No~~ Except as provided in subdivision 3, when a motor vehicle is in motion or a part of traffic, the person may operate a motor operating the vehicle while upon a street or highway is prohibited from using a wireless communications device to compose, read, or send:

- (1) initiate, compose, send, retrieve, or read an electronic message, when the vehicle is in motion or a part of traffic;
- (2) engage in a cellular phone call, including initiating a call, talking or listening, and participating in video calling; and
- (3) access the following types of content stored on the device: video content, audio content, images, games, or software applications.

(b) A person who violates paragraph (a) a second or subsequent time must pay a fine of ~~\$225, plus the amount specified in the uniform fine schedule established by the Judicial Council~~ \$275.