


Approved by  
Revisor of Statutes



- 1.1 Hornstein from the Transportation Finance and Policy Division to which was referred.
- 1.2 H. F. No. 1408, A bill for an act relating to public safety; authorizing peace officers to
- 1.3 issue citations based on report from work zone flagger; prohibiting wireless communications
- 1.4 device use in work zones; providing penalties; amending Minnesota Statutes 2018, sections
- 1.5 169.06, subdivision 4a; 169.475, subdivision 3.
- 1.6 Reported the same back with the following amendments:
- 1.7 Delete everything after the enacting clause and insert:
- 1.8 "Section 1. [160.075] ROAD CONSTRUCTION CONTRACTS; SPECIFICATIONS.
- 1.9 (a) For purposes of this section, "live traffic contract" means a contract for road
- 1.10 construction, reconstruction, or maintenance, in which it is anticipated that:
- 1.11 (1) work zone flaggers are present within the work zone, as defined in section 169.011,
- 1.12 subdivision 95; and
- 1.13 (2) one or more lanes of traffic are open for vehicular travel and are adjacent to the
- 1.14 location of any workers.
- 1.15 (b) A road authority, including a statutory or home rule charter city, must include a bid
- 1.16 item for flagging hours within the specifications for a live traffic contract.
- 1.17 EFFECTIVE DATE. This section is effective August 1, 2019, and applies for contracts
- 1.18 advertised for bids on or after that date.
- 1.19 Sec. 2. Minnesota Statutes 2018, section 169.06, subdivision 4a, is amended to read:
- 1.20 Subd. 4a. **Obedience to work zone flagger; violation, penalty.** (a) A flagger in a work
- 1.21 zone may stop vehicles and hold vehicles in place until it is safe for the vehicles to proceed.
- 1.22 ~~A person operating a motor vehicle that has been stopped by a flagger in a work zone may~~
- 1.23 ~~proceed after stopping only on instruction by the flagger or a police officer, and direct~~
- 1.24 ~~vehicles to proceed when it is safe. A driver who does not comply with an instruction made~~



- 2.1 by a flagger in a work zone under this paragraph is guilty of a petty misdemeanor and must
- 2.2 pay a fine of \$300 in addition to the surcharge under section 357.021, subdivision 6.
- 2.3 (b) A person convicted of operating a motor vehicle in violation of a speed limit in a
- 2.4 work zone, or any other provision of this section while in a work zone, shall be required to
- 2.5 pay a fine of \$300. This fine is in addition to the surcharge under section 357.021, subdivision
- 2.6 6.
- 2.7 (c) If a motor vehicle is operated in violation of paragraph (a), the owner of the vehicle,
- 2.8 or for a leased motor vehicle the lessee of the vehicle, is guilty of a petty misdemeanor and
- 2.9 is subject to a fine as provided in paragraph (b) (a). The owner or lessee may not be fined
- 2.10 under this paragraph if (1) another person is convicted for that violation, or (2) the motor
- 2.11 vehicle was stolen at the time of the violation. This paragraph does not apply to a lessor of
- 2.12 a motor vehicle if the lessor keeps a record of the name and address of the lessee.
- 2.13 (d) Paragraph (c) does not prohibit or limit the prosecution of a motor vehicle operator
- 2.14 for violating paragraph (a).
- 2.15 (e) A violation under paragraph (c) does not constitute grounds for revocation or
- 2.16 suspension of a driver's license.
- 2.17 (f) A peace officer may issue a citation to the operator of a motor vehicle if the peace
- 2.18 officer has probable cause to believe that the person has operated the vehicle in violation
- 2.19 of paragraph (a). In addition to other evidentiary elements or factors, a peace officer has
- 2.20 probable cause under this subdivision if:
- 2.21 (1) a qualified work zone flagger has provided a report of a violation of paragraph (a)
- 2.22 that includes a description and the license plate number of the vehicle used to commit the
- 2.23 offense, and the time of the incident;
- 2.24 (2) the person is operating the vehicle described in the report; and
- 2.25 (3) it is within the four-hour period following the time of the incident, as specified in
- 2.26 the report.
- 2.27 (g) A work zone flagger is qualified to provide a report under paragraph (f) if each
- 2.28 flagger involved in the reporting has completed training that includes information on flagging
- 2.29 operations, equipment, traffic laws, observation and accurate identification of motor vehicles,
- 2.30 and delegation of duties involving a report under paragraph (f).
- 2.31 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to violations
- 2.32 that occur on or after that date.



- 3.1 Sec. 3. Minnesota Statutes 2018, section 169.475, subdivision 2, is amended to read:
- 3.2 Subd. 2. **Prohibition on use; penalty.** (a) No person may operate a motor vehicle while
- 3.3 using a wireless communications device to compose, read, or send an electronic message,
- 3.4 when the vehicle is in motion or a part of traffic.
- 3.5 (b) When a motor vehicle is in motion or a part of traffic, the person operating the vehicle
- 3.6 is prohibited from using a wireless communications device while in a work zone, which
- 3.7 includes but is not limited to engaging in a cellular phone call, including initiating a call,
- 3.8 talking or listening, and participating in video calling.
- 3.9 (c) A person who violates ~~paragraph (a)~~ this subdivision a second or subsequent time
- 3.10 must pay a fine of \$225, plus the amount specified in the uniform fine schedule established
- 3.11 by the Judicial Council.
- 3.12 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to violations
- 3.13 that occur on or after that date.
- 3.14 Sec. 4. Minnesota Statutes 2018, section 169.475, subdivision 3, is amended to read:
- 3.15 Subd. 3. **Exceptions.** This section does not apply if a wireless communications device
- 3.16 is used:
- 3.17 (1) solely in a voice-activated or other hands-free mode;
- 3.18 (2) except for the prohibition under subdivision 2, paragraph (b), for making a cellular
- 3.19 phone call;
- 3.20 (3) for obtaining emergency assistance to (i) report a traffic accident, medical emergency,
- 3.21 or serious traffic hazard, or (ii) prevent a crime about to be committed;
- 3.22 (4) in the reasonable belief that a person's life or safety is in immediate danger; or
- 3.23 (5) in an authorized emergency vehicle while in the performance of official duties.
- 3.24 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to violations
- 3.25 that occur on or after that date."
- 3.26 Correct the title numbers accordingly
- 3.27 With the recommendation that when so amended the bill be returned to the Committee
- 3.28 on Ways and Means.

The first part of the document is a letter from the author to the editor of the journal. The letter discusses the author's interest in the topic and the reasons for writing the paper. It also mentions the author's previous work in the field and expresses hope that the journal will find the paper interesting.

The second part of the document is the main body of the paper. It begins with an introduction that outlines the research question and the objectives of the study. The introduction also provides a brief overview of the literature on the topic and identifies the gaps that the current study aims to address. The main body of the paper is divided into several sections, each focusing on a different aspect of the research. These sections include a description of the methodology used, a presentation of the results, and a discussion of the findings.

The methodology section describes the experimental design and the procedures used to collect and analyze the data. The results section presents the data in a clear and concise manner, using tables and figures where appropriate. The discussion section interprets the results in the context of the existing literature and discusses the implications of the findings for future research. The paper concludes with a summary of the main findings and a list of references.

The references section lists the works cited in the paper, providing a comprehensive overview of the literature on the topic. The paper is written in a clear and concise style, using simple language and avoiding unnecessary technical details. The author's writing is well-organized and easy to follow, making the paper accessible to a wide range of readers. The paper is a valuable contribution to the field and is highly recommended for reading.

The paper is a well-written and informative piece of research. It provides a clear and concise overview of the topic and identifies the gaps that the current study aims to address. The methodology is well-described and the results are presented in a clear and concise manner. The discussion is well-organized and easy to follow, making the paper accessible to a wide range of readers. The paper is a valuable contribution to the field and is highly recommended for reading.

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03/08/19

REVISOR

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This Division action taken March 7, 2019

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*Andres Horta*  
....., Chair

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