

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, 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.

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

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

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

1.16 Sec. 2. Minnesota Statutes 2018, section 169.475, is amended to read:  
 1.17 169.475 USE OF WIRELESS COMMUNICATIONS DEVICE.

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

1.20 (b) "Electronic message" means a self-contained piece of digital communication that is  
 1.21 designed or intended to be transmitted between physical devices. An electronic message  
 1.22 includes, but is not limited to, e-mail, a text message, an instant message, a command or  
 2.1 request to access a World Wide Web page, or other data that uses a commonly recognized  
 2.2 electronic communications protocol. An electronic message does not include voice or other  
 2.3 data transmitted as a result of making a phone call; two-way radio, citizens band radio, or  
 2.4 amateur radio equipment used in accordance with Federal Communications Commission  
 2.5 rules and regulations; or data transmitted automatically by a wireless communications device  
 2.6 without direct initiation by a person.

2.9 (d) "Voice-activated" or "hands-free mode" means an attachment, accessory, application,  
 2.10 wireless connection, or built-in feature of a wireless communications device or vehicle that  
 2.11 allows the person to use the device without the use of either hand except to activate or  
 2.12 deactivate a feature or function. The term includes the use of a scarf or hijab or other item  
 2.13 of clothing to hold a device in a hands-free manner.

2.7 (c) A motor vehicle is not considered to be "in motion or a part of traffic" if the vehicle  
 2.8 is legally pulled over to the side of the road and not obstructing traffic.

2.18 Subd. 2. **Prohibition on use; penalty.** (a) ~~No~~ 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

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

2.18 (1) initiate, compose, read, or send an electronic message, when the vehicle is in motion  
2.19 or a part of traffic;

2.20 (2) initiate a cellular phone call or participate in a cellular phone call by listening or  
2.21 talking;

2.22 (3) view or listen to images, pictures, or video content, whether web-based, stored on  
2.23 the device, or accessed in any other manner; or

2.24 (4) initiate a command or request to access a web page.

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 \$300.

2.28 Subd. 3. **Exceptions.** ~~This section does~~ The prohibitions in subdivision 2 do not apply  
2.29 if a wireless communications device is used:

2.30 (1) solely in a voice-activated or ~~other~~ hands-free mode to initiate or participate in a  
2.31 cellular phone call or to initiate, compose, read, send, or listen to an electronic message;

3.1 (2) ~~for making a cellular phone call~~ to view or operate a global positioning system or  
3.2 navigation system;

3.3 (3) to listen to audio-based content;

3.4 ~~(3)~~ (4) ~~for obtaining to obtain~~ emergency assistance to (i) report a traffic accident, medical  
3.5 emergency, or serious traffic hazard, or (ii) prevent a crime about to be committed;

3.6 ~~(4)~~ (5) in the reasonable belief that a person's life or safety is in immediate danger; or

3.7 ~~(5)~~ (6) in an authorized emergency vehicle while in the performance of official duties.

3.8 Sec. 3. **EFFECTIVE DATE.**

3.9 This act is effective August 1, 2019, and applies to acts committed on or after that date.

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.