

1.1 moves to amend H.F. No. 1796 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2012, section 169.011, is amended by adding a
1.4 subdivision to read:

1.5 Subd. 95. **Work zone.** "Work zone" means a segment of street or highway for which:

1.6 (1) a road authority or its agent is constructing, reconstructing, or maintaining the
1.7 physical structure of the roadway, which may include but is not limited to shoulders,
1.8 features adjacent to the roadway, and utilities and highway appurtenances, whether
1.9 underground or overhead; and

1.10 (2) any of the following applies:

1.11 (i) official traffic-control devices that indicate the segment of street or highway under
1.12 construction, reconstruction, or maintenance, are erected;

1.13 (ii) one or more lanes of traffic are closed;

1.14 (iii) a flagger under section 169.06, subdivision 4, paragraph (e), is present;

1.15 (iv) a construction zone speed limit under section 169.14, subdivision 4, is
1.16 established; or

1.17 (v) a workers present speed limit under section 169.14, subdivision 5d, is in effect.

1.18 **EFFECTIVE DATE.** This section is effective August 1, 2014.

1.19 Sec. 2. Minnesota Statutes 2012, section 169.06, subdivision 4, is amended to read:

1.20 Subd. 4. **Obedience to traffic-control signal or flagger authorized persons;**

1.21 **presumptions.** (a) The driver of any vehicle shall obey the instructions of any official
1.22 traffic-control device applicable thereto placed in accordance with the provisions of this
1.23 chapter, unless otherwise directed by a police officer or by a flagger authorized under this
1.24 subdivision, subject to the exceptions granted the driver of an authorized emergency
1.25 vehicle in this chapter.

2.1 (b) No provision of this chapter for which official traffic-control devices are required
2.2 shall be enforced against an alleged violator if at the time and place of the alleged
2.3 violation an official device is not in proper position and sufficiently legible to be seen by
2.4 an ordinarily observant person. Whenever a particular section does not state that official
2.5 traffic-control devices are required, such section shall be effective even though no devices
2.6 are erected or in place.

2.7 (c) Whenever official traffic-control devices are placed in position approximately
2.8 conforming to the requirements of this chapter, such devices shall be presumed to have
2.9 been so placed by the official act or direction of lawful authority, unless the contrary
2.10 shall be established by competent evidence.

2.11 (d) Any official traffic-control device placed pursuant to the provisions of this
2.12 chapter and purporting to conform to the lawful requirements pertaining to such devices
2.13 shall be presumed to comply with the requirements of this chapter, unless the contrary
2.14 shall be established by competent evidence.

2.15 ~~(e) A flagger in a designated work zone may stop vehicles and hold vehicles in place
2.16 until it is safe for the vehicles to proceed. A person operating a motor vehicle that has
2.17 been stopped by a flagger in a designated work zone may proceed after stopping only on
2.18 instruction by the flagger.~~

2.19 ~~(f)~~ An overdimensional load escort driver with a certificate issued under section
2.20 299D.085, while acting as a flagger escorting a legal overdimensional load, may stop
2.21 vehicles and hold vehicles in place until it is safe for the vehicles to proceed. A person
2.22 operating a motor vehicle that has been stopped by an escort driver acting as a flagger may
2.23 proceed only on instruction by the flagger or a police officer.

2.24 ~~(g)~~ (f) A person may stop and hold vehicles in place until it is safe for the vehicles to
2.25 proceed, if the person: (1) holds a motorcycle road guard certificate issued under section
2.26 171.60; (2) meets the safety and equipment standards for operating under the certificate;
2.27 (3) is acting as a flagger escorting a motorcycle group ride; (4) has notified each statutory
2.28 or home rule charter city through which the motorcycle group is proceeding; and (5)
2.29 has obtained consent from the chief of police, or the chief's designee, of any city of the
2.30 first class through which the group is proceeding. A flagger operating as provided under
2.31 this paragraph may direct operators of motorcycles within a motorcycle group ride or
2.32 other vehicle traffic, notwithstanding any contrary indication of a traffic-control device,
2.33 including stop signs or traffic-control signals. A person operating a vehicle that has been
2.34 stopped by a flagger under this paragraph may proceed only on instruction by the flagger
2.35 or a police officer.

2.36 **EFFECTIVE DATE.** This section is effective August 1, 2014.

3.1 Sec. 3. Minnesota Statutes 2012, section 169.06, is amended by adding a subdivision
3.2 to read:

3.3 Subd. 4a. **Obedience to work zone flagger; violation, penalty.** (a) A flagger in a
3.4 work zone may stop vehicles and hold vehicles in place until it is safe for the vehicles to
3.5 proceed. A person operating a motor vehicle that has been stopped by a flagger in a work
3.6 zone may proceed after stopping only on instruction by the flagger or a police officer.

3.7 (b) Notwithstanding sections 299D.03, subdivision 5, or 609.0331, or any other
3.8 law to the contrary, a person operating a motor vehicle who violates this subdivision is
3.9 subject to a fine of \$375 in addition to the surcharge under section 357.021, subdivision
3.10 6. The fines collected under this paragraph must be deposited in the work zone safety
3.11 account under section 169.255.

3.12 (c) A peace officer may stop and issue a citation to the driver of a motor vehicle if
3.13 the peace officer has probable cause to believe that the driver has operated the vehicle
3.14 in violation of paragraph (a) within the past four hours.

3.15 (d) If a motor vehicle is operated in violation of paragraph (a), the owner of the
3.16 vehicle, or for a leased motor vehicle the lessee of the vehicle, is guilty of a petty
3.17 misdemeanor and is subject to a fine as provided in paragraph (b). The owner or lessee may
3.18 not be fined under this paragraph if (1) another person is convicted for that violation, or (2)
3.19 the motor vehicle was stolen at the time of the violation. This paragraph does not apply to a
3.20 lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee.

3.21 (e) Paragraph (d) does not prohibit or limit the prosecution of a motor vehicle
3.22 operator for violating paragraph (a).

3.23 (f) A violation under paragraph (d) does not constitute grounds for revocation or
3.24 suspension of a driver's license.

3.25 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to
3.26 violations committed on or after that date.

3.27 Sec. 4. Minnesota Statutes 2012, section 169.14, subdivision 5d, is amended to read:

3.28 Subd. 5d. **Speed zoning in work zone; surcharge.** (a) The commissioner, on trunk
3.29 highways and temporary trunk highways, and local authorities, on streets and highways
3.30 under their jurisdiction, may authorize the use of reduced maximum speed limits in highway
3.31 work zones. The commissioner or local authority is not required to conduct an engineering
3.32 and traffic investigation before authorizing a reduced speed limit in a highway work zone.

3.33 (b) The minimum highway work zone speed limit is 20 miles per hour. The work
3.34 zone speed limit must not reduce the established speed limit on the affected street or
3.35 highway by more than 15 miles per hour, except that the highway work zone speed limit

4.1 must not exceed 40 miles per hour. The commissioner or local authority shall post the limits
4.2 of the work zone. Highway work zone speed limits are effective on erection of appropriate
4.3 regulatory speed limit signs. The signs must be removed or covered when they are not
4.4 required. A speed greater than the posted highway work zone speed limit is unlawful.

4.5 (c) Notwithstanding paragraph (b), on divided highways the commissioner or local
4.6 authority may establish a highway work zone speed limit that does not exceed 55 miles
4.7 per hour.

4.8 (d) Notwithstanding paragraph (b), on two-lane highways having one lane for
4.9 each direction of travel with a posted speed limit of 60 miles per hour or greater, the
4.10 commissioner or local authority may establish a highway work zone speed limit that
4.11 does not exceed 40 miles per hour.

4.12 (e) For purposes of this subdivision, "highway work zone" means a segment of
4.13 highway or street where a road authority or its agent is constructing, reconstructing, or
4.14 maintaining the physical structure of the roadway, its shoulders, or features adjacent to
4.15 the roadway, including underground and overhead utilities and highway appurtenances,
4.16 when workers are present.

4.17 ~~(f) Notwithstanding section 609.0331 or 609.101 or other law to the contrary, a person~~
4.18 ~~who violates a speed limit established under this subdivision, or who violates any other~~
4.19 ~~provision of this section while in a highway work zone, is assessed an additional surcharge~~
4.20 ~~equal to the amount of the fine imposed for the speed violation, but not less than \$25.~~

4.21 **EFFECTIVE DATE.** This section is effective August 1, 2014.

4.22 Sec. 5. Minnesota Statutes 2012, section 169.14, is amended by adding a subdivision
4.23 to read:

4.24 Subd. 6a. **Work zone speed limit violations.** Notwithstanding sections 299D.03,
4.25 subdivision 5, or 609.0331, or any other law to the contrary, a person operating a motor
4.26 vehicle who violates a speed limit in a work zone, or who violates any other provision of
4.27 this section while in a work zone, is subject to a fine of \$375 in addition to the surcharge
4.28 under section 357.021, subdivision 6. The fines collected under this subdivision must be
4.29 deposited in the work zone safety account under section 169.255.

4.30 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to
4.31 violations committed on or after that date.

4.32 Sec. 6. **[169.255] WORK ZONE SAFETY.**

5.1 Subdivision 1. **Work zone safety account; appropriation.** (a) A work zone safety
5.2 account is established in the special revenue fund. The account consists of fines for work
5.3 zone related violations as specified under this chapter, and any other money donated,
5.4 allotted, transferred, or otherwise provided to the account.

5.5 (b) The revenue in the work zone safety account under this subdivision is annually
5.6 appropriated to the commissioner for:

5.7 (1) enhanced traffic enforcement efforts at work zones under the jurisdiction of the
5.8 commissioner and local road authorities; and

5.9 (2) information, training, and educational campaigns to raise awareness about work
5.10 zones.

5.11 Subd. 2. **Legislative report.** Annually by October 1, the commissioner shall submit
5.12 a report on work zone safety to the chairs and ranking minority members of the legislative
5.13 committees with jurisdiction over transportation policy and finance. At minimum, the
5.14 report must:

5.15 (1) summarize the amount and uses of funds from the work zone safety account;

5.16 (2) provide an overview of the work zone automated speed enforcement pilot
5.17 program under section 8 of this act;

5.18 (3) analyze impacts of work zone traffic enforcement on vehicle speeds, crash
5.19 rates, and traffic safety;

5.20 (4) evaluate the effectiveness of work zone safety efforts; and

5.21 (5) propose legislative changes, if any, related to work zone safety.

5.22 **EFFECTIVE DATE.** Subdivision 1 is effective July 1, 2014. Subdivision 2 is
5.23 effective the day following final enactment, and applies for reports due on or after October
5.24 1, 2015.

5.25 Sec. 7. Minnesota Statutes 2012, section 169.475, is amended by adding a subdivision
5.26 to read:

5.27 Subd. 2a. **Prohibition on use; work zones.** Notwithstanding subdivision 3, clauses
5.28 (1) and (2), no person may operate a motor vehicle while using a cellular phone, whether
5.29 handheld or hands-free, when the vehicle is (i) in motion or a part of traffic, and (ii) in
5.30 a work zone, when workers are present.

5.31 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to
5.32 violations committed on or after that date.

6.1 Sec. 8. **WORK ZONE AUTOMATED SPEED ENFORCEMENT PILOT**
6.2 **PROGRAM.**

6.3 Subdivision 1. **Definitions.** For purposes of this section, the following terms have
6.4 the meaning given:

6.5 (1) "automated speed enforcement data" means government data, as defined in
6.6 Minnesota Statutes, section 13.02, subdivision 7, derived from an automated traffic
6.7 enforcement system under this section;

6.8 (2) "automated traffic enforcement system" means an electronics system, consisting
6.9 of one or more cameras or other motor vehicle sensors, which is designed to automatically
6.10 produce recorded images of a motor vehicle operated in violation of a traffic-control device;

6.11 (3) "data on individuals" has the meaning given in Minnesota Statutes, section
6.12 13.02, subdivision 5;

6.13 (4) "nonpublic data" has the meaning given in Minnesota Statutes, section 13.02,
6.14 subdivision 9; and

6.15 (5) "work zone" has the meaning given in Minnesota Statutes, section 169.011,
6.16 subdivision 95.

6.17 Subd. 2. **Authority, limitations, requirements.** (a) As provided in this subdivision,
6.18 the commissioner of transportation in coordination with the commissioner of public safety
6.19 may implement a pilot program that provides for state patrol troopers to issue citations for
6.20 a speeding violation through the use of an automated traffic enforcement system.

6.21 (b) Under the pilot program, the commissioners of transportation and public safety
6.22 may use an automated traffic enforcement system in a total of no more than five work zone
6.23 locations, and only in calendar years 2014 and 2015.

6.24 (c) The automated speed enforcement program established under this subdivision:

6.25 (1) is limited to the enforcement of motor vehicle speed in a work zone;

6.26 (2) must include inspection and certification by a state patrol trooper of the recorded
6.27 images produced by an automated traffic enforcement system prior to issuance of a citation;

6.28 (3) must include placement of signage in conformance with Minnesota Statutes,
6.29 section 169.06, notifying drivers that an automated traffic enforcement system is in place
6.30 to detect speeding violations; and

6.31 (4) may include issuance of citations through the United States mail provided that, if
6.32 mailed, it must be postmarked within 21 days of the violation.

6.33 (d) The commissioner of transportation may enter into a contract with a private
6.34 entity for operation of the automated speed enforcement program. Payment under a
6.35 contract to a private entity must not be based on the number of citations issued. A contract

7.1 with a private entity to operate the program must comply with Minnesota Statutes, section
7.2 13.05, subdivision 11.

7.3 Subd. 3. **Violations.** (a) Notwithstanding Minnesota Statutes, sections 299D.03,
7.4 subdivision 5, or 609.0331, or any other law to the contrary, if a motor vehicle is operated
7.5 in violation of a speed limit in a work zone and the violation is detected through the use
7.6 of an automated traffic enforcement system, the owner of the vehicle or the lessee of the
7.7 vehicle is guilty of a petty misdemeanor and is subject to a fine of \$375 in addition to the
7.8 surcharge under Minnesota Statutes, section 357.021, subdivision 6. The fines collected
7.9 under this subdivision must be deposited in the work zone safety account under Minnesota
7.10 Statutes, section 169.255.

7.11 (b) This subdivision does not apply to:

7.12 (1) an owner who provides to the state patrol a police report documenting that the
7.13 motor vehicle operated in violation of a speed limit was stolen;

7.14 (2) a lessor of a motor vehicle operated in violation of a speed limit, who provides to
7.15 the state patrol a written lease agreement documenting the name and address of the lessee;

7.16 (3) an owner who provides to the state patrol documentation of a transfer of interest
7.17 in the identified motor vehicle, if the transfer occurred before the violation and complies
7.18 with Minnesota Statutes, section 168A.10; or

7.19 (4) operation of an authorized emergency vehicle, as defined in Minnesota Statutes,
7.20 section 169.011, subdivision 3.

7.21 (c) This subdivision does not prohibit or limit the prosecution of the driver of a
7.22 motor vehicle for a violation of a speed limit.

7.23 (d) The owner or lessee of a motor vehicle operated in violation of a speed limit may
7.24 not be convicted, as defined in Minnesota Statutes, section 171.01, subdivision 29, under
7.25 this subdivision if the driver of the motor vehicle is convicted for the same violation.

7.26 (e) A violation under this subdivision does not constitute grounds for revocation
7.27 or suspension of the owner's or lessee's driver's license and may not be recorded by the
7.28 Department of Public Safety on the violator's driving record.

7.29 Subd. 4. **Automated speed enforcement data.** Automated speed enforcement data
7.30 are private data on individuals or nonpublic data. Notwithstanding Minnesota Statutes,
7.31 section 138.17, automated speed enforcement data must be destroyed within 24 hours
7.32 of collection of the data, unless as a result of collection of the data there is a citation
7.33 of the owner of the vehicle issued for violation of a speed limit or the data are active
7.34 investigative data.

8.1 **EFFECTIVE DATE.** Subdivisions 1, 2, and 4 are effective the day following
8.2 final enactment. Subdivision 3 is effective August 1, 2014, and applies to violations
8.3 committed on or after that date."

8.4 Delete the title and insert:

8.5 "A bill for an act
8.6 relating to transportation; amending prohibitions, requirements, and penalties
8.7 related to highway safety in work zones; making appropriations; mandating
8.8 legislative report; establishing work zone automated speed enforcement pilot
8.9 program; amending Minnesota Statutes 2012, sections 169.011, by adding a
8.10 subdivision; 169.06, subdivision 4, by adding a subdivision; 169.14, subdivision
8.11 5d, by adding a subdivision; 169.475, by adding a subdivision; proposing coding
8.12 for new law in Minnesota Statutes, chapter 169."

8.13 Renumber the sections in sequence and correct the internal references