

Subject Wireless communications device use while driving

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Overview

This bill, under the second division engrossment (DIVH0050-2), expands a limitation on using a wireless communications device while driving, so that it prohibits (with some exceptions) handheld cellular phone calls as well as handheld use of the device. Current law bans electronic messaging with a handheld device while operating a motor vehicle as part of traffic. Under the change, all handheld device usage is prohibited, such as engaging in cell phone calls, accessing apps on the device, and streaming audio or video content. There are exceptions for activating or deactivating features through a one-touch hands-free mode, some emergency situations, and in emergency vehicles (when used for official duties). The bill also broadens what constitutes a wireless communications device, clarifies terms, and makes technical changes.

The bill does not change a petty misdemeanor penalty for violations. A first offense carries a fine of \$125 (\$50 base fine plus a \$75 court surcharge) plus a possible law library fee imposed in some jurisdictions. For a second or subsequent offense, the fine is increased to \$350 (\$225 plus the \$50 base fine and the \$75 surcharge).

Summary

Section	Description
1	<p>Wireless communications device.</p> <p>Amends the definition of a wireless communications device (e.g., a cell phone or personal electronic device that can transmit data), so that it includes devices that are being used for navigation or as a global positioning system. Makes technical changes.</p>
2	<p>Use of wireless communications device.</p> <p>Prohibits on handheld use of a wireless communications device when operating a motor vehicle.</p> <p>Subd. 1. Definitions. Defines and clarifies terms. Establishes that voice-activated or hands-free mode for a device allows an app or device functionality to be used without either hand, allowing for one-touch activation or deactivation. Broadens “use” to include holding a device regardless of interaction with it.</p>

Section	Description
3	<p>Subd. 2. Prohibition on use; penalty. Prohibits a motor vehicle operator from using a wireless communications device when the vehicle is part of traffic, so that handheld cellular phone calls and other handheld activities with the device are prohibited.</p> <p>Subd. 3. Exceptions. Modifies exceptions to the ban, to (1) clarify that global positioning system features can be used in a hands-free mode, and (2) disallow handheld cellular phone calls (in conjunction with the changes in subdivision 2). Prevents using hands-free mode for video content (including video calling and live-streaming) as well as reading text messages.</p> <p>Traffic stop study; report required. Requires the commissioner of public safety to collect data on traffic stops and provide a report to the legislature.</p> <p>Subd. 1. Traffic stop study. Directs the commissioner of public safety, in coordination with the Minnesota State Patrol, to oversee a traffic stop study to assess whether the amendments to section 169.475 under this bill have a disproportionate impact on any group.</p> <p>Subd. 2. Data to be collected. Requires members of the Minnesota State Patrol to collect data on every stop including the location and time and date of the stop, as well as demographic information about the driver and the outcome of the stop. Data must be collected for the study until December 31, 2019. The commissioner may request data from other law enforcement agencies, and the study does not require the use of an external vendor.</p> <p>Subd. 3. Submission of data to commissioner. Allows the commissioner of public safety to direct how data is provided to the commissioner.</p> <p>Subd. 4. Method of data collection. Directs members of the Minnesota State Patrol to rely on their own observation to collect data on the race, ethnicity, and gender of the driver.</p> <p>Subd. 5. Report. Directs the commissioner of public safety to provide a report on the data collected to the legislature by February 15, 2020.</p> <p>Subd. 6. Classification of data. Provides that data collected for the study is private data on individuals or nonpublic data. States that the subdivision does not affect the classification of the same data collected for other law enforcement purposes.</p>



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