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HOUSE FILE No. 1822

FIRST COMMITTEE ENGROSSMENT

March 7, 2007

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The bill was read for the first time and referred to the Transportation Finance Division

Referred by Chair to Transportation and Transit Policy Subcommittee.

February 20, 2008

Returned to the Transportation Finance Division as Amend without recommendation.

1.1 A bill for an act
1.2 relating to transportation; requiring that cellular phones used in motor vehicles
1.3 be hands-free; providing a defense; proposing coding for new law in Minnesota
1.4 Statutes, chapter 169.

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

1.6 Section 1. **[169.472] USE OF CELLULAR PHONES.**

1.7 **Subdivision 1. Definitions.** For purposes of this section:

1.8 **(1) "Hands-free device" means an attachment, add-on, or addition to a cellular**
1.9 **phone, whether or not permanently installed in a motor vehicle, that when used allows the**
1.10 **vehicle operator to maintain both hands on the steering wheel; and**

1.11 **(2) "Use" means talking, text messaging, or listening on a cellular phone.**

1.12 **Subd. 2. Prohibition.** No person may use a cellular phone while operating a motor
1.13 **vehicle that is in motion unless the cellular phone is equipped and used with a hands-free**
1.14 **device. A peace officer may not issue a citation for a violation of this subdivision unless**
1.15 **the officer lawfully stopped or detained the driver of the motor vehicle for another moving**
1.16 **violation other than a violation involving motor vehicle equipment.**

1.17 **Subd. 3. Defense.** It is an affirmative defense against a charge of violating
1.18 **subdivision 2 for a person to produce evidence that the cellular phone was used for the**
1.19 **purpose of contacting the following in response to an emergency:**

1.20 **(1) a public safety answering point, by dialing 911 or other emergency telephone**
1.21 **number;**

1.22 **(2) a hospital, clinic, or doctor's office;**

1.23 **(3) an ambulance service provider;**

1.24 **(4) a fire department or law enforcement agency; or**

2.1 (5) a first aid squad.