

This Document can be made available in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE NO. **41**

January 8, 2007

Authored by Jaros

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

1.1 A bill for an act
1.2 relating to traffic regulations; prohibiting use of mobile telephones while
1.3 operating motor vehicle; providing a defense; proposing coding for new law in
1.4 Minnesota Statutes, chapter 169.

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

1.6 Section 1. [169.472] USE OF MOBILE TELEPHONES.

1.7 Subdivision 1. **Definitions.** For purposes of this section, "mobile telephone"
1.8 means a cellular, analog, wireless, or digital telephone capable of sending or receiving
1.9 telephone messages without an access line for service, whether or not the telephone may
1.10 be operated hands-free.

1.11 Subd. 2. **Prohibition.** No person may use a mobile telephone while operating a
1.12 motor vehicle that is in motion. A peace officer may not issue a citation for a violation of
1.13 this subdivision unless the officer lawfully stopped or detained the driver of the motor
1.14 vehicle for another moving violation other than a violation involving motor vehicle
1.15 equipment.

1.16 Subd. 3. **Defense.** It is an affirmative defense against a charge of violating
1.17 subdivision 2 that the mobile telephone was used in response to an emergency and for
1.18 the purpose of contacting:

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

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

1.22 (3) an ambulance service provider;

1.23 (4) a fire department or law enforcement agency; or

1.24 (5) a first aid squad.