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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

**EIGHTY-FIFTH  
SESSION**

**HOUSE FILE No. 106**

January 11, 2007

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

February 8, 2007

Committee Recommendation and Adoption of Report:

Amended and re-referred to the Committee on Public Safety and Civil Justice without further recommendation

1.1 A bill for an act  
1.2 relating to traffic regulations; making seat belt violation a primary offense in  
1.3 all seating positions regardless of age; making technical changes; amending  
1.4 Minnesota Statutes 2006, sections 169.686, subdivision 1; 171.05, subdivision  
1.5 2b; 171.055, subdivision 2.

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

1.7 Section 1. Minnesota Statutes 2006, section 169.686, subdivision 1, is amended to read:

1.8 Subdivision 1. **Seat belt requirement.** (a) A properly adjusted and fastened seat  
1.9 belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be  
1.10 worn by:

1.11 ~~(1) the driver and passengers of a passenger vehicle or commercial motor vehicle;~~

1.12 ~~(2) a passenger riding in the front seat of a passenger vehicle or commercial motor~~  
1.13 ~~vehicle; and~~

1.14 ~~(3) a passenger riding in any seat of a passenger vehicle who is older than three~~  
1.15 ~~but younger than 11 years of age.~~

1.16 (b) A person who is 15 years of age or older and who violates paragraph (a), ~~clause~~

1.17 ~~(1) or (2)~~, is subject to a fine of \$25. The driver of the ~~passenger vehicle or commercial~~

1.18 ~~motor~~ vehicle in which the violation occurred is subject to a \$25 fine for a violation of

1.19 paragraph (a), ~~clause (2) or (3)~~, by a ~~child of the driver~~ passenger under the age of 15

1.20 ~~or any child under the age of 11. A peace officer may not issue a citation for a violation~~

1.21 ~~of this section unless the officer lawfully stopped or detained the driver of the motor~~

1.22 ~~vehicle for a moving violation other than a violation involving motor vehicle equipment.~~

1.23 The Department of Public Safety shall not record a violation of this subdivision on a

1.24 person's driving record.

2.1 Sec. 2. Minnesota Statutes 2006, section 171.05, subdivision 2b, is amended to read:

2.2 Subd. 2b. **Instruction permit use by person under age 18.** (a) This subdivision  
2.3 applies to persons who have applied for and received an instruction permit under  
2.4 subdivision 2.

2.5 (b) The permit holder may, with the permit in possession, operate a motor vehicle,  
2.6 but must be accompanied by and be under the supervision of a certified driver education  
2.7 instructor, the permit holder's parent or guardian, or another licensed driver age 21 or  
2.8 older. The supervisor must occupy the seat beside the permit holder.

2.9 ~~(c) The permit holder may operate a motor vehicle only when every occupant under~~  
2.10 ~~the age of 18 has a seat belt or child passenger restraint system properly fastened. A~~  
2.11 ~~person who violates this paragraph is subject to a fine of \$25. A peace officer may~~  
2.12 ~~not issue a citation for a violation of this paragraph unless the officer lawfully stopped~~  
2.13 ~~or detained the driver of the motor vehicle for a moving violation as defined in section~~  
2.14 ~~171.04, subdivision 1. The commissioner shall not record a violation of this paragraph on~~  
2.15 ~~a person's driving record.~~

2.16 ~~(d)~~ (c) The permit holder may not operate a vehicle while communicating over, or  
2.17 otherwise operating, a cellular or wireless telephone, whether handheld or hands free,  
2.18 when the vehicle is in motion. The permit holder may assert as an affirmative defense that  
2.19 the violation was made for the sole purpose of obtaining emergency assistance to prevent  
2.20 a crime about to be committed, or in the reasonable belief that a person's life or safety  
2.21 was in danger. Violation of this paragraph is a petty misdemeanor subject to section  
2.22 169.89, subdivision 2.

2.23 ~~(e)~~ (d) The permit holder must maintain a driving record free of convictions for  
2.24 moving violations, as defined in section 171.04, subdivision 1, and free of convictions  
2.25 for violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53. If  
2.26 the permit holder drives a motor vehicle in violation of the law, the commissioner shall  
2.27 suspend, cancel, or revoke the permit in accordance with the statutory section violated.

2.28 Sec. 3. Minnesota Statutes 2006, section 171.055, subdivision 2, is amended to read:

2.29 Subd. 2. **Use of provisional license.** ~~(a) A provisional license holder may operate a~~  
2.30 ~~motor vehicle only when every occupant under the age of 18 has a seat belt or child~~  
2.31 ~~passenger restraint system properly fastened. A person who violates this paragraph is~~  
2.32 ~~subject to a fine of \$25. A peace officer may not issue a citation for a violation of this~~  
2.33 ~~paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle~~  
2.34 ~~for a moving violation as defined in section 171.04. The commissioner shall not record a~~  
2.35 ~~violation of this paragraph on a person's driving record.~~

3.1           ~~(b)~~ (a) A provisional license holder may not operate a vehicle while communicating  
3.2 over, or otherwise operating, a cellular or wireless telephone, whether handheld or  
3.3 hands free, when the vehicle is in motion. The provisional license holder may assert  
3.4 as an affirmative defense that the violation was made for the sole purpose of obtaining  
3.5 emergency assistance to prevent a crime about to be committed, or in the reasonable  
3.6 belief that a person's life or safety was in danger. Violation of this paragraph is a petty  
3.7 misdemeanor subject to section 169.89, subdivision 2.

3.8           ~~(c)~~ (b) If the holder of a provisional license during the period of provisional licensing  
3.9 incurs (1) a conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections  
3.10 169A.50 to 169A.53, (2) a conviction for a crash-related moving violation, or (3) more  
3.11 than one conviction for a moving violation that is not crash related, the person may not be  
3.12 issued a driver's license until 12 consecutive months have expired since the date of the  
3.13 conviction or until the person reaches the age of 18 years, whichever occurs first.