

This Document can be made available  
in alternative formats upon request

State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-FIFTH  
SESSION

**HOUSE FILE No. 1601**

March 1, 2007

Authored by Anderson, B.; Severson; Hornstein; Thissen; Lieder and others  
The bill was read for the first time and referred to the Committee on Finance

1.1 A bill for an act  
1.2 relating to drivers' licenses; establishing novice driver safety education program;  
1.3 modifying provisions related to driver instruction permits and provisional drivers'  
1.4 licenses; appropriating money; amending Minnesota Statutes 2006, sections  
1.5 171.055, subdivision 2; 171.06, by adding a subdivision; proposing coding for  
1.6 new law in Minnesota Statutes, chapter 121A.

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

1.8 Section 1. **[121A.37] NOVICE DRIVER SAFETY EDUCATION PROGRAM.**

1.9 **Subdivision 1. Established; administration; rules.** A novice driver safety  
1.10 education program is established. The commissioners of public safety and education  
1.11 shall administer the program. The program must include training novice driver safety  
1.12 instructors or developing a novice driver safety curriculum, or both.

1.13 **Subd. 2. Appropriation.** (a) Money in the novice driver safety fund created by  
1.14 section 171.06, subdivision 2c, is annually appropriated to the commissioner of public  
1.15 safety to carry out the purposes of subdivision 1. The commissioner of public safety may  
1.16 make grants from the fund to the commissioner of education at times and in amounts  
1.17 the commissioner of public safety considers necessary to carry out the purposes of  
1.18 subdivision 1.

1.19 (b) Of the money appropriated under paragraph (a), not more than five percent  
1.20 may be expended to defray the administrative costs of carrying out the purposes of  
1.21 subdivision 1.

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

1.23 Subd. 2. **Use of provisional license.** (a) A provisional license holder may operate a  
1.24 motor vehicle only when every occupant under the age of 18 has a seat belt or child

2.1 passenger restraint system properly fastened. A person who violates this paragraph is  
2.2 subject to a fine of \$25. A peace officer may not issue a citation for a violation of this  
2.3 paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle  
2.4 for a moving violation as defined in section 171.04. The commissioner shall not record a  
2.5 violation of this paragraph on a person's driving record.

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

2.13 (c) A provisional license holder may not drive with more than two passengers  
2.14 except when:

2.15 (1) accompanied by an immediate family member who is 21 years of age or older;

2.16 (2) accompanied by an adult who is 25 years of age or older; or

2.17 (3) the holder has in possession a signed statement from the holder's parent or  
2.18 guardian authorizing the holder to operate a motor vehicle with more than two passengers.

2.19 (d) A provisional license holder may not drive between 12:00 a.m. and 5:00 a.m.  
2.20 except when:

2.21 (1) accompanied by a parent or guardian;

2.22 (2) accompanied by a family member who is 21 years of age or older;

2.23 (3) accompanied by a designated adult who is 25 years of age or older; or

2.24 (4) the holder has in possession a signed statement from the holder's parent or  
2.25 guardian authorizing the holder to operate a motor vehicle between 12:00 a.m. and 5:00  
2.26 a.m.

2.27 (e) If the holder of a provisional license during the period of provisional licensing  
2.28 incurs (1) a conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections  
2.29 169A.50 to 169A.53, (2) a conviction for a crash-related moving violation, or (3) more  
2.30 than one conviction for a moving violation that is not crash related, the person may not be  
2.31 issued a driver's license until 12 consecutive months have expired since the date of the  
2.32 conviction or until the person reaches the age of 18 years, whichever occurs first.

2.33 Sec. 3. Minnesota Statutes 2006, section 171.06, is amended by adding a subdivision  
2.34 to read:

3.1            Subd. 2c. **Novice driver safety fund; instruction permit fee increased.** (a) The  
3.2 fee for the initial instruction permit is increased by \$9. The additional fee must be paid  
3.3 into the state treasury and credited as follows:

3.4            (1) \$8 of the additional fee must be credited to the novice driver safety fund, which  
3.5 is hereby created, provided that any fee receipts in excess of \$500,000 in a fiscal year must  
3.6 be credited 90 percent to the trunk highway fund and ten percent to the general fund, as  
3.7 provided in section 171.26; and

3.8            (2) the remainder of the additional fee must be credited to the general fund.

3.9            (b) All application forms prepared by the commissioner for instruction permits must  
3.10 clearly state the amount of the total fee that is dedicated to the novice driver safety fund.