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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 2326

March 23, 2007

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

1.1 A bill for an act
1.2 relating to traffic regulations; providing for enforcement and penalties for failure
1.3 to yield right-of-way to buses on highway shoulders; amending Minnesota
1.4 Statutes 2006, section 169.20, subdivision 7.

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

1.6 Section 1. Minnesota Statutes 2006, section 169.20, subdivision 7, is amended to read:

1.7 Subd. 7. **Transit Bus obstruction violation; penalties.** (a) The driver of a vehicle
1.8 traveling in the right-hand lane of traffic shall yield the right-of-way to any transit bus
1.9 authorized to use the shoulder under section 169.306 that is attempting to enter that lane
1.10 from a bus stop or shoulder, as indicated by a flashing left turn signal.

1.11 (b) A person shall not operate a motor vehicle on a highway shoulder so as to impede
1.12 the progress of a bus authorized to use the shoulder under section 169.306, unless:

1.13 (1) the person is a police officer;

1.14 (2) the person is operating the vehicle at the direction of or in obedience to a police
1.15 officer or an official traffic control device;

1.16 (3) the vehicle is an authorized emergency vehicle, while in compliance with section
1.17 169.03, subdivisions 4 and 5; or

1.18 (4) the vehicle is operating in compliance with an over-width vehicle permit issued
1.19 under section 169.86.

1.20 (c) A police officer may arrest the driver of a motor vehicle if the officer has probable
1.21 cause to believe that the driver has operated the vehicle in violation of paragraph (a) or
1.22 (b) within the four-hour period following the termination of the violation or a receipt of a
1.23 report under paragraph (e). The arrest may be made even though the violation was not
1.24 committed in the presence of the police officer.

2.1 (d) A police officer may issue a citation in lieu of arrest to the driver of a motor
2.2 vehicle if the officer has probable cause to believe that the driver has operated the vehicle
2.3 in violation of paragraph (a) or (b).

2.4 (e) Although probable cause may be otherwise satisfied by other evidentiary
2.5 elements or factors, probable cause is sufficient for purposes of this subdivision when the
2.6 operator of the bus denied right-of-way or impeded in violation of paragraph (a) or (b)
2.7 makes a timely report of the violation and provides a description of the vehicle used to
2.8 commit the offense and the vehicle's license plate number. For the purposes of an arrest
2.9 under paragraph (a) or (b), "timely" means that the report must be made within a four-hour
2.10 period following the termination of the incident giving rise to the violation.

2.11 (f) If a motor vehicle is operated in violation of paragraph (a) or (b), the owner of
2.12 the vehicle, or for a leased motor vehicle the lessee of the vehicle, is guilty of a petty
2.13 misdemeanor; provided that, this paragraph does not apply if:

2.14 (1) a person other than the owner is convicted or pleads guilty to the violation;

2.15 (2) the owner presents written evidence that the motor vehicle had been reported to a
2.16 law enforcement agency as stolen at the time of the violation; or

2.17 (3) the owner is a lessor of the motor vehicle and provides the name and address of
2.18 the person who was the lessee at the time of the violation.

2.19 (g) Paragraph (c) does not prohibit or limit the prosecution of a motor vehicle
2.20 operator for violating paragraph (a) or (b).

2.21 (h) A violation under this subdivision does not constitute grounds for revocation
2.22 or suspension of the owner's or lessee's driver's license.