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State of Minnesota

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Page No. **492**

HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **2460**

May 3, 2007

Authored by Dill

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

March 13, 2008

Committee Recommendation and Adoption of Report:

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

March 19, 2008

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act  
1.2 relating to drivers' licenses; imposing additional eligibility requirements to  
1.3 operate motor vehicle pursuant to provisional driver's license; imposing a  
1.4 penalty; amending Minnesota Statutes 2006, section 171.055.

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

1.6 Section 1. Minnesota Statutes 2006, section 171.055, is amended to read:

1.7 **171.055 PROVISIONAL LICENSE.**

1.8 Subdivision 1. **Requirements for provisional license; misdemeanor.** (a) The  
1.9 department may issue a provisional license, which must be distinctive in appearance  
1.10 from a driver's license, to an applicant who:

1.11 (1) has reached the age of 16 years;

1.12 (2) during the six months immediately preceding the application for the provisional  
1.13 license has possessed an instruction permit and has incurred (i) no convictions for a  
1.14 violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, (ii) no  
1.15 convictions for a crash-related moving violation, and (iii) no convictions for a moving  
1.16 violation that is not crash related;

1.17 (3) has successfully completed a course of driver education in accordance with  
1.18 department rules, including but not limited to 30 hours of classroom instruction and six  
1.19 hours of behind-the-wheel driving instruction;

1.20 (4) completes the required application, which must be approved by (i) either parent  
1.21 when both reside in the same household as the minor applicant or, if otherwise, then (ii)  
1.22 the parent or spouse of the parent having custody or, in the event there is no court order  
1.23 for custody, then (iii) the parent or spouse of the parent with whom the minor is living  
1.24 or, if items (i) to (iii) do not apply, then (iv) the guardian having custody of the minor or,

2.1 in the event a person under the age of 18 has no living father, mother, or guardian, or is  
2.2 married or otherwise legally emancipated, then (v) the applicant's adult spouse, adult close  
2.3 family member, or adult employer; provided, that the approval required by this clause  
2.4 contains a verification of the age of the applicant and the identity of the parent, guardian,  
2.5 adult spouse, adult close family member, or adult employer;

2.6 (5) presents ~~certification~~ a logbook or schedule certified by the person who approves  
2.7 the application under clause (4) ~~stating~~ attesting that the applicant has driven a motor  
2.8 vehicle accompanied by and under the supervision of a licensed driver at least 21 years of  
2.9 age, for no less than ~~30~~ 50 hours, at least ten of which were nighttime hours; and

2.10 (6) pays the fee required in section 171.06, subdivision 2.

2.11 (b) For purposes of this section, "moving violation" has the meaning given it in  
2.12 section 171.04, subdivision 1.

2.13 (c) Notwithstanding paragraph (a), clause (2), the commissioner shall not issue a  
2.14 provisional license to a person who has ever incurred a conviction for violation of section  
2.15 169A.20, 169A.33, or 169A.35; a violation of a provision of sections 169A.50 to 169A.53;  
2.16 or a crash-related moving violation, and at the time of the conviction the person did not  
2.17 possess an instruction permit.

2.18 (d) If a person approving the application under paragraph (a), clause (4), falsifies an  
2.19 entry, or knows an entry is false, in a logbook or schedule certified by the person under  
2.20 paragraph (a), clause (5), that person is guilty of a misdemeanor.

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

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

2.35 (c) If the holder of a provisional license during the period of provisional licensing  
2.36 incurs (1) a conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections

- 3.1 169A.50 to 169A.53, (2) a conviction for a crash-related moving violation, or (3) more  
3.2 than one conviction for a moving violation that is not crash related, the person may not be  
3.3 issued a driver's license until ~~12 consecutive months have expired since the date of the~~  
3.4 ~~conviction or until~~ the person reaches the age of 18 years, ~~whichever occurs first.~~