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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **2628**

February 12, 2008

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

March 17, 2008

Committee Recommendation and Adoption of Report:

To Pass and re-referred to the Committee on Public Safety and Civil Justice

1.1 A bill for an act
1.2 relating to drivers' licenses; modifying requirements for holder of provisional
1.3 driver's license; amending Minnesota Statutes 2006, section 171.055, subdivision
1.4 2.

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

1.6 Section 1. Minnesota Statutes 2006, section 171.055, subdivision 2, is amended to read:

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

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

1.21 (c) For the first six months of provisional licensure, a provisional license holder may
1.22 not operate a motor vehicle carrying more than one passenger under the age of 20 years
1.23 who is not a member of the holder's immediate family. For the second six months, the
1.24 holder of the license may not operate a motor vehicle that is carrying more than three

2.1 passengers who are under the age of 20 years and who are not members of the holder's
2.2 immediate family.

2.3 (d) For the first six months of provisional licensure, a provisional license holder who
2.4 is less than 18 years of age may operate a motor vehicle between the hours of midnight
2.5 and 5:00 a.m. only when the license holder is:

2.6 (1) driving between the license holder's home and place of employment;

2.7 (2) driving between the license holder's home and a school event for which the
2.8 school has not provided transportation;

2.9 (3) driving for employment purposes; or

2.10 (4) accompanied by a licensed driver at least 25 years of age.

2.11 (e) If the holder of a provisional license during the period of provisional licensing
2.12 incurs (1) a conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections
2.13 169A.50 to 169A.53, (2) a conviction for a crash-related moving violation, or (3) more
2.14 than one conviction for a moving violation that is not crash related, the person may not be
2.15 issued a driver's license until 12 consecutive months have expired since the date of the
2.16 conviction or until the person reaches the age of 18 years, whichever occurs first.

2.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.