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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 2970

February 14, 2008

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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; requiring motorists to move to far left of roadway
1.3 before passing road maintenance workers; amending Minnesota Statutes 2006,
1.4 section 169.18, subdivision 1, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2006, section 169.18, subdivision 1, is amended to read:

1.7 Subdivision 1. **Keep to the right.** Upon all roadways of sufficient width a vehicle
1.8 shall be driven upon the right half of the roadway, except as follows:

1.9 (1) when overtaking and passing another vehicle proceeding in the same direction
1.10 under the rules governing such movement;

1.11 (2) when the right half of a roadway is closed to traffic while under construction
1.12 or repair;

1.13 (3) upon a roadway divided into three marked lanes for traffic under the rules
1.14 applicable thereon;

1.15 (4) upon a roadway designated and signposted for one-way traffic as a one-way
1.16 roadway; ~~or~~

1.17 (5) as necessary to comply with subdivision 11 when approaching an authorized
1.18 emergency vehicle parked or stopped on the roadway; or

1.19 (6) as necessary to comply with subdivision 12 when approaching a road
1.20 maintenance or construction vehicle parked or stopped on the roadway.

1.21 Sec. 2. Minnesota Statutes 2006, section 169.18, is amended by adding a subdivision
1.22 to read:

2.1 **Subd. 12. Passing parked road maintenance or construction vehicle; citation;**
2.2 **probable cause.** (a) When approaching and before passing a road maintenance or
2.3 construction vehicle with its warning lights activated that is parked or otherwise stopped
2.4 on or next to a street or highway having two lanes in the same direction, the driver of a
2.5 vehicle shall safely move the vehicle to the lane farthest away from the vehicle, if it
2.6 is possible to do so.

2.7 (b) When approaching and before passing a road maintenance or construction
2.8 vehicle with its warning lights activated that is parked or otherwise stopped on or next
2.9 to a street or highway having more than two lanes in the same direction, the driver of a
2.10 vehicle shall safely move the vehicle so as to leave a full lane vacant between the driver
2.11 and any lane in which the vehicle is completely or partially parked or otherwise stopped,
2.12 if it is possible to do so.

2.13 (c) A peace officer may issue a citation to the driver of a motor vehicle if the peace
2.14 officer has probable cause to believe that the driver has operated the vehicle in violation
2.15 of this subdivision within the four-hour period following the termination of the incident
2.16 or a receipt of a report under paragraph (d). The citation may be issued even though the
2.17 violation was not committed in the presence of the peace officer.

2.18 (d) Although probable cause may be otherwise satisfied by other evidentiary
2.19 elements or factors, probable cause is sufficient for purposes of this subdivision when
2.20 the person cited is operating the vehicle described by a member of the maintenance or
2.21 construction crew responding to an incident in a timely report of the violation of this
2.22 subdivision, which includes a description of the vehicle used to commit the offense
2.23 and the vehicle's license plate number. For the purposes of issuance of a citation under
2.24 paragraph (c), "timely" means that the report must be made within a four-hour period
2.25 following the termination of the incident.

2.26 (e) For purposes of paragraphs (a) and (b) only, the term "warning lights" means
2.27 flashing lights authorized for road maintenance equipment under section 169.64,
2.28 subdivision 3.