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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 3726

March 3, 2008

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

March 10, 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 traffic regulations; limiting use of wireless communications devices
1.3 while operating a motor vehicle; amending Minnesota Statutes 2006, section
1.4 169.01, by adding a subdivision; proposing coding for new law in Minnesota
1.5 Statutes, chapter 169.

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

1.7 Section 1. Minnesota Statutes 2006, section 169.01, is amended by adding a
1.8 subdivision to read:

1.9 Subd. 93. **Wireless communications device.** "Wireless communications device"
1.10 means (1) a cellular phone, or (2) a portable electronic device that is capable of receiving
1.11 and transmitting data, including but not limited to text messages and e-mail, without an
1.12 access line for service. A wireless communications device does not include a device that
1.13 is permanently affixed to the vehicle, including a global positioning system or navigation
1.14 system.

1.15 Sec. 2. [169.475] **USE OF WIRELESS COMMUNICATIONS DEVICE.**

1.16 Subdivision 1. **Definition.** For purposes of this section, "electronic message"
1.17 means a self-contained piece of digital communication that is designed or intended to
1.18 be transmitted between physical devices. An electronic message includes, but is not
1.19 limited to, e-mail, a text message, an instant message, a command or request to access
1.20 a World Wide Web page, or other data that uses a commonly recognized electronic
1.21 communications protocol. An electronic message does not include voice or other data
1.22 transmitted as a result of making a phone call, or data transmitted automatically by a
1.23 wireless communications device without direct initiation by a person.

2.1 Subd. 2. **Prohibition on use.** No person may operate a motor vehicle while using a
2.2 wireless communications device to compose, read, or send an electronic message, when
2.3 the vehicle is in motion or a part of traffic.

2.4 Subd. 3. **Exceptions.** This section does not apply if a wireless communications
2.5 device is used:

2.6 (1) solely in a voice-activated or other hands-free mode;

2.7 (2) for making a cellular phone call;

2.8 (3) for obtaining emergency assistance to (i) report a traffic accident, medical
2.9 emergency, or serious traffic hazard, or (ii) prevent a crime about to be committed;

2.10 (4) in the reasonable belief that a person's life or safety is in immediate danger; or

2.11 (5) in an authorized emergency vehicle while in the performance of official duties.