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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **3263**

March 1, 2010

Authored by Hortman

The bill was read for the first time and referred to the Transportation and Transit Policy and Oversight Division

March 15, 2010

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

March 23, 2010

Calendar For The Day

Amended

Read Third Time as Amended

Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act
1.2 relating to traffic regulations; modifying provisions governing speed limits in
1.3 highway work zones, operating vehicles on multilane roads, and surcharges on
1.4 traffic citations; creating traffic safety education account; amending Minnesota
1.5 Statutes 2008, sections 169.14, subdivision 5d; 169.18, subdivisions 7, 10, by
1.6 adding a subdivision; 171.12, subdivision 6; 171.13, by adding a subdivision;
1.7 Minnesota Statutes 2009 Supplement, section 357.021, subdivision 6.

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

1.9 Section 1. Minnesota Statutes 2008, section 169.14, subdivision 5d, is amended to read:

1.10 Subd. 5d. **Speed zoning in work zone; surcharge.** (a) The commissioner, on
1.11 trunk highways and temporary trunk highways, and local authorities, on streets and
1.12 highways under their jurisdiction, may authorize the use of reduced maximum speed
1.13 limits in highway work zones. The commissioner or local authority is not required to
1.14 conduct an engineering and traffic investigation before authorizing a reduced speed limit
1.15 in a highway work zone.

1.16 (b) The minimum highway work zone speed limit is 20 miles per hour. The work
1.17 zone speed limit must not reduce the established speed limit on the affected street or
1.18 highway by more than 15 miles per hour, except that the highway work zone speed limit
1.19 must not exceed 40 miles per hour. The commissioner or local authority shall post the
1.20 limits of the work zone. Highway work zone speed limits are effective on erection of
1.21 appropriate regulatory speed limit signs. The signs must be removed or covered when
1.22 they are not required. A speed greater than the posted highway work zone speed limit is
1.23 unlawful.

2.1 (c) Notwithstanding paragraph (b), on divided highways the commissioner or local
2.2 authority may establish a highway work zone speed limit that does not exceed 55 miles
2.3 per hour.

2.4 (d) Notwithstanding paragraph (b), on two-lane highways having one lane for
2.5 each direction of travel with a posted speed limit of 60 miles per hour or greater, the
2.6 commissioner or local authority may establish a highway work zone speed limit that
2.7 does not exceed 40 miles per hour.

2.8 (e) For purposes of this subdivision, "highway work zone" means a segment of
2.9 highway or street where a road authority or its agent is constructing, reconstructing, or
2.10 maintaining the physical structure of the roadway, its shoulders, or features adjacent to
2.11 the roadway, including underground and overhead utilities and highway appurtenances,
2.12 when workers are present.

2.13 ~~(e)~~ (f) Notwithstanding section 609.0331 or 609.101 or other law to the contrary, a
2.14 person who violates a speed limit established under ~~paragraph (b) or (c)~~ this subdivision,
2.15 or who violates any other provision of this section while in a highway work zone, is
2.16 assessed an additional surcharge equal to the amount of the fine imposed for the speed
2.17 violation, but not less than \$25.

2.18 Sec. 2. Minnesota Statutes 2008, section 169.18, subdivision 7, is amended to read:

2.19 Subd. 7. **Laned highway.** When any roadway has been divided into two or more
2.20 clearly marked lanes for traffic, the following rules, in addition to all others consistent
2.21 herewith, shall apply:

2.22 (a) A vehicle shall be driven as nearly as practicable entirely within a single lane
2.23 and shall not be moved from such lane until the driver has first ascertained that such
2.24 movement can be made with safety.

2.25 (b) Upon a roadway which is not a one-way roadway and which is divided into three
2.26 lanes, a vehicle shall not be driven in the center lane except when overtaking and passing
2.27 another vehicle where the roadway is clearly visible and such center lane is clear of traffic
2.28 within a safe distance, or in preparation for a left turn or where such center lane is at the
2.29 time allocated exclusively to traffic moving in the direction the vehicle is proceeding, and
2.30 is signposted to give notice of such allocation. The left lane of a three-lane roadway which
2.31 is not a one-way roadway shall not be used for overtaking and passing another vehicle.

2.32 (c) Official signs may be erected by a road authority directing slow-moving traffic to
2.33 use a designated lane or allocating specified lanes to traffic moving in the same direction,
2.34 and must be erected as appropriate to instruct motorists of the requirements under
2.35 subdivision 10. Drivers of vehicles shall obey the directions of every such sign.

3.1 (d) Whenever a bicycle lane has been established on a roadway, any person operating
3.2 a motor vehicle on such roadway shall not drive in the bicycle lane except to park where
3.3 parking is permitted, to enter or leave the highway, or to prepare for a turn as provided
3.4 in section 169.19, subdivision 1.

3.5 (e) A vehicle must be driven in the right-hand lane according to subdivision 10.

3.6 Sec. 3. Minnesota Statutes 2008, section 169.18, subdivision 10, is amended to read:

3.7 Subd. 10. **Slow-moving Vehicle operation in right-hand lane.** (a) Upon all
3.8 roadways ~~any, including freeways and expressways as defined in section 160.02, a vehicle~~
3.9 ~~proceeding at less than the normal speed of traffic at the time and place and under the~~
3.10 ~~conditions then existing shall~~ must be driven in the right-hand lane then available for
3.11 traffic, or as close as practicable to the right-hand curb or edge of the roadway, if safe
3.12 and practicable to do so, except:

3.13 (1) when overtaking and passing another vehicle proceeding in the same direction, ~~or;~~

3.14 (2) when preparing for a left turn at an intersection or into a private road or
3.15 driveway, ~~or;~~

3.16 (3) when a specific lane is designated and posted for a specific type of traffic;

3.17 (4) when necessary to enter or exit an expressway, freeway, interstate highway, or
3.18 other controlled-access highway;

3.19 (5) when otherwise directed (i) by an official traffic-control device, (ii) by a peace
3.20 officer, or (iii) in a highway work zone, as defined in section 169.14, subdivision 5d; or

3.21 (6) when expressly allowed or required by other law.

3.22 (b) A person who violates paragraph (a) is subject to a fine of \$50.

3.23 Sec. 4. Minnesota Statutes 2008, section 169.18, is amended by adding a subdivision
3.24 to read:

3.25 Subd. 13. **Traffic safety education account; appropriation.** (a) A traffic safety
3.26 education account is established in the general fund. Notwithstanding sections 299D.03,
3.27 subdivision 5; 484.841, subdivision 1; 484.85; and 484.90, subdivision 6, the account
3.28 consists of any fines collected under subdivision 10, and any other money donated,
3.29 allotted, transferred, or otherwise provided to the account.

3.30 (b) Money in the account is annually appropriated to the commissioner of public
3.31 safety, for the State Patrol to conduct traffic safety educational programs, including but not
3.32 limited to review of traffic regulations and instruction on safe driving behavior.

3.33 **EFFECTIVE DATE.** This section is effective July 1, 2010.

4.1 Sec. 5. Minnesota Statutes 2008, section 171.12, subdivision 6, is amended to read:

4.2 Subd. 6. **Certain convictions not recorded.** (a) Except as provided in paragraph
4.3 (b), the department shall not keep on the record of a driver any conviction for a violation
4.4 of a speed limit of 55 or 60 miles per hour unless the violation consisted of a speed greater
4.5 than ten miles per hour in excess of ~~a 55 miles per hour~~ the speed limit, ~~or more than five~~
4.6 ~~miles per hour in excess of a 60 miles per hour speed limit.~~

4.7 (b) This subdivision does not apply to (1) a violation that occurs in a commercial
4.8 motor vehicle, or (2) a violation committed by a holder of a class A, B, or C commercial
4.9 driver's license, without regard to whether the violation was committed in a commercial
4.10 motor vehicle or another vehicle.

4.11 Sec. 6. Minnesota Statutes 2008, section 171.13, is amended by adding a subdivision
4.12 to read:

4.13 Subd. 1k. **Driver's manual; restricted driving in left lane.** The commissioner
4.14 shall include in each edition of the driver's manual published by the department after
4.15 August 1, 2010, instructions relating to the requirement to drive a motor vehicle in the
4.16 right-hand lane, and the circumstances under which a driver is allowed to drive in the
4.17 left-most lane of a highway that is divided into more than one lane in the same direction of
4.18 travel, as provided under section 169.18, subdivision 10.

4.19 Sec. 7. Minnesota Statutes 2009 Supplement, section 357.021, subdivision 6, is
4.20 amended to read:

4.21 Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided
4.22 in this paragraph, the court shall impose and the court administrator shall collect a \$75
4.23 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or
4.24 petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle
4.25 parking, for which there shall be a \$12 surcharge. When a defendant is convicted of more
4.26 than one offense in a case, the surcharge shall be imposed only once in that case. In the
4.27 Second Judicial District, the court shall impose, and the court administrator shall collect,
4.28 an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor,
4.29 misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance
4.30 relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the
4.31 \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to
4.32 imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person
4.33 is convicted of a petty misdemeanor for which no fine is imposed.

5.1 (b) If the court fails to impose a surcharge as required by this subdivision, the court
5.2 administrator shall show the imposition of the surcharge, collect the surcharge, and
5.3 correct the record.

5.4 (c) The court may not waive payment of the surcharge required under this
5.5 subdivision. Upon a showing of indigency or undue hardship upon the convicted person
5.6 or the convicted person's immediate family, the sentencing court may authorize payment
5.7 of the surcharge in installments.

5.8 (d) The court administrator or other entity collecting a surcharge shall forward it to
5.9 the commissioner of management and budget.

5.10 (e) If the convicted person is sentenced to imprisonment and has not paid the
5.11 surcharge before the term of imprisonment begins, the chief executive officer of the
5.12 correctional facility in which the convicted person is incarcerated shall collect the
5.13 surcharge from any earnings the inmate accrues from work performed in the facility
5.14 or while on conditional release. The chief executive officer shall forward the amount
5.15 collected to the court administrator or other entity collecting the surcharge imposed by
5.16 the court.

5.17 (f) A person who successfully completes a diversion or similar program for a
5.18 violation of chapter 169 must pay the surcharge described in this subdivision.

5.19 (g) The surcharge does not apply to (1) administrative citations issued pursuant to
5.20 section 169.999, and (2) citations under section 169.18, subdivision 10.

5.21 Sec. 8. **REVISOR'S INSTRUCTION.**

5.22 The revisor of statutes shall recodify Minnesota Statutes, section 171.13,
5.23 subdivisions 1b, 1c, 1d, 1e, 1f, 1g, 1h, 1i, 1j, and 1k, as Minnesota Statutes, section
5.24 171.125.