

**Subject** Wireless communications device use while driving

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## Overview

This bill, under the third division engrossment (DIVH0050-3), expands a limitation on using a wireless communications device while driving, so that it prohibits (with some exceptions) handheld cellular phone calls as well as handheld use of the device. Current law bans electronic messaging with a handheld device while operating a motor vehicle as part of traffic. Under the change, all handheld device usage is prohibited, such as engaging in cell phone calls, accessing apps on the device, and streaming audio or video content. There are exceptions for activating or deactivating features through a one-touch hands-free mode, some emergency situations, and in emergency vehicles (when used for official duties). The bill also broadens what constitutes a wireless communications device, clarifies terms, and makes technical changes.

The bill does not change a petty misdemeanor penalty for violations. A first offense carries a fine of \$125 (\$50 base fine plus a \$75 court surcharge) plus a possible law library fee imposed in some jurisdictions. For a second or subsequent offense, the fine is increased to \$350 (\$225 plus the \$50 base fine and the \$75 surcharge).

## Summary

Section	Description
1	<p><b>Wireless communications device.</b></p> <p>Amends the definition of a wireless communications device (e.g., a cell phone or personal electronic device that can transmit data), so that it includes devices that are being used for navigation or as a global positioning system. Makes technical changes.</p>
2	<p><b>Use of wireless communications device.</b></p> <p>Prohibits handheld use of a wireless communications device when operating a motor vehicle.</p> <p><b>Subd. 1. Definitions.</b> Defines and clarifies terms. Establishes that voice-activated or hands-free mode for a device allows an app or device functionality to be used without either hand, allowing for one-touch activation or deactivation. Broadens “use” to include holding a device regardless of interaction with it.</p>

Section	Description
3	<p><b>Subd. 2. Prohibition on use; penalty.</b> Prohibits a motor vehicle operator from using a wireless communications device when the vehicle is part of traffic, so that handheld cellular phone calls and other handheld activities with the device are prohibited.</p> <p><b>Subd. 3. Exceptions.</b> Modifies exceptions to the ban, to (1) clarify that global positioning system features can be used in a hands-free mode, and (2) disallow handheld cellular phone calls (in conjunction with the changes in subdivision 2). Prevents using hands-free mode for video content (including video calling and live-streaming) as well as reading text messages.</p> <p><b>Traffic stop study; appropriation.</b> Establishes a grant to a qualified research organization to review and analyze data on traffic stops and provide a report to the legislature.</p> <p><b>Subd. 1. Appropriation.</b> Appropriates \$250,000 in 2020 from the general fund for a grant to a qualified research organization to conduct a study on traffic stops in Minnesota.</p> <p><b>Subd. 2. Study requirements.</b> Requires the recipient to conduct a study to determine what impact, if any, changes in Minnesota traffic laws since 2003 have had on traffic stops in the state. Specifically requires the study to review the impact of the wireless communications device law, changes to that law, the primary seatbelt law, and the adoption of the 0.08 standard for DWI offenses. Directs the recipient to coordinate with law enforcement agencies to acquire relevant data and to compare recent data with data collected pursuant to a study authorized in 2001. Requires an assessment of data based on factors including the geographic area of the stops and the demographics of stopped drivers. Further requires the recipient to assure the confidentiality of data.</p> <p><b>Subd. 3. Report.</b> Requires the grant recipient to provide a report on the results of the study by February 15, 2021.</p>



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