1.1 .................. moves to amend H.F. No. 50 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2018, section 169.011, subdivision 94, is amended to read:

1.4 Subd. 94. Wireless communications device. "Wireless communications device" means
1.5 (1) a cellular phone, or (2) a portable electronic device that is capable of receiving and
1.6 transmitting data, including but not limited to text messages and e-mail, without an access
1.7 line for service. A wireless communications device does not include a device or feature that
1.8 is permanently affixed to physically integrated into the vehicle, or including a global
1.9 positioning system or navigation system when the system is used exclusively for navigation
1.10 purposes.

1.11 Sec. 2. Minnesota Statutes 2018, section 169.475, is amended to read:

1.12 169.475 USE OF WIRELESS COMMUNICATIONS DEVICE.

1.13 Subdivision 1. Definition Definitions. (a) For purposes of this section, the following
1.14 terms have the meanings given.

1.15 (b) "Electronic message" means a self-contained piece of digital communication that is
1.16 designed or intended to be transmitted between physical devices. An electronic message
1.17 includes, but is not limited to: e-mail; a text message; an instant message; a command or
1.18 request to access a World Wide Web page; a voice mail message; a transmitted image; transmitted audio content; transmitted video content, including through video calling; and
1.19 other data that uses transmitted using a commonly recognized electronic communications
1.20 protocol. An electronic message does not include: voice or other audio data transmitted as
1.21 a result of making a phone call, data transmitted between a motor vehicle and a wireless
1.22 communications device located in the vehicle, or data transmitted automatically by a wireless
1.23 communications device without direct initiation by a person.
(c) "Voice-activated or hands-free mode" means an attachment, accessory, wirelessly paired or tethered capability, or built-in capability of a wireless communications device or a motor vehicle that allows a person to use a feature or software application without either hand, except for one touch activation or deactivation of the feature or software application. A feature or software application includes but is not limited to text messaging and phone calling.

(d) For purposes of this section, a motor vehicle is not in motion or a part of traffic if the vehicle is lawfully stopped, is in a location that is not designed or ordinarily used for vehicular travel, and is not obstructing traffic.

Subd. 2. Prohibition on use; penalty. (a) No person operating a motor vehicle while is prohibited from using a wireless communications device, which includes but is not limited to:

(1) compose, read, or send: initiating, composing, sending, retrieving, or reading an electronic message, when the vehicle is in motion or a part of traffic; and

(2) engaging in a cellular phone call, including initiating a call, talking or listening, and participating in video calling.

(b) A person who violates paragraph (a) a second or subsequent time must pay a fine of $225, plus the amount specified in the uniform fine schedule established by the Judicial Council.

Subd. 3. Exceptions. (a) This section does not apply if a wireless communications device is used:

(1) solely in a voice-activated or other hands-free mode, including to access a global positioning system or navigation system;

(2) for making a cellular phone call;

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

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

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

(b) The exception in paragraph (a), clause (1), does not apply to accessing nonnavigation video content, engaging in video calling, engaging in live-streaming, or reading electronic messages.
3.1 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to acts committed on or after that date."

3.3 Amend the title accordingly