A bill for an act relating to public safety; limiting the authority for peace officers to stop or detain drivers for certain motor vehicle equipment violations; proposing coding for new law in Minnesota Statutes, chapter 169.

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

Section 1. [169.984] VEHICLE EQUIPMENT SECONDARY OFFENSES.

Subdivision 1. Definitions. (a) As used in this section, the following terms have the meanings provided.

(b) "Dangerous condition" means a situation where an improper or malfunctioning piece of motor vehicle equipment creates a substantial, identifiable risk to human life.

(c) "Mandatory secondary offense" means a violation of section 168.09, subdivision 1 (vehicle registration); 169.50, subdivision 2 (license plate illumination); 169.69 (muffler required); 169.693 (exceed motor vehicle noise limits); 169.71, subdivision 1, paragraph (a), clause (2) or (3) and subdivision 2 (windshield prohibitions/windshield wipers required); 169.71, subdivision 4, clauses (1) to (4) (restrictions on mirrored/glazed windows); or 169.79, subdivision 8 (license plate validation stickers).

(d) "Presumptive secondary offense" means a violation of section 169.47, subdivision 1, paragraph (a) (unsafe equipment); 169.49 (headlamps); 169.55, subdivision 1 (lámps required); 169.50, subdivision 1, paragraph (b), (rear lamps); 169.57, subdivision 1, paragraph (a) and subdivision 3 (turn signals required/lamp/signal maintenance); 169.63, paragraph (a) (use of headlamps); or 169.71, subdivision 1, paragraph (a), clause (1) (certain windshield prohibitions).
Subd. 2. Secondary offenses. (a) A peace officer may not stop or detain the operator of a motor vehicle for a mandatory secondary offense, and may not issue a citation for a mandatory secondary offense, unless:

(1) the officer lawfully stopped or detained the operator of the motor vehicle for a moving violation that was not related to operation or maintenance of the vehicle's equipment; or

(2) the motor vehicle was unoccupied.

(b) This subdivision does not apply to a commercial motor vehicle.

Subd. 3. Presumptive secondary offenses. (a) A peace officer may not stop or detain the operator of a motor vehicle for a presumptive secondary offense, and may not issue a citation for a presumptive secondary offense, unless:

(1) the officer lawfully stopped or detained the operator of the motor vehicle for a moving violation that was not related to operation or maintenance of the vehicle's equipment;

(2) the motor vehicle was unoccupied; or

(3) as otherwise provided for in this subdivision.

(b) A peace officer may stop or detain an operator of a motor vehicle for a presumptive secondary offense when the officer has reasonable and articulable suspicion that the operator has committed a presumptive secondary offense and any of the following circumstances exist:

(1) the operator is in violation of section 169.47, subdivision 1, paragraph (a) (unsafe equipment), in a manner that creates a dangerous condition;

(2) the operator is in violation of section 169.50, subdivision 1, paragraph (b) (tail lamps), section 169.55, subdivision 1 (lamps required) or section 169.63, paragraph (a) (use of headlamps), and none of the headlamps are functioning or none of the tail lamps are functioning;

(3) the operator is in violation of section 169.57, subdivision 1, paragraph (a) or subdivision 3 (turn signals required/lamp/signal maintenance), and none of the vehicle's stop lamps are functioning; or

(4) the operator is in violation of section 169.71, subdivision 1, paragraph (a), clause (1), (certain windshield prohibitions) and the violation creates an imminent threat to human life.

(c) This subdivision does not apply to a commercial motor vehicle.
Subd. 4. **Warning letter.** If an officer does not have grounds to stop a vehicle or detain the operator of a motor vehicle for a mandatory secondary offense or presumptive secondary offense and the officer can identify the owner of the vehicle, the officer's agency is encouraged to send a letter to the owner of the vehicle identifying the violation and instructing the owner to correct the defect or otherwise remedy the violation.