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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1683

03/10/2015 Authored by Bernardy, Selcer, Masin and Hausman
The bill was read for the first time and referred to the Committee on Transportation Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; prohibiting cell phone use for drivers under age 18;
1.3 requiring drivers to use a provisional driver's license until age 18; amending
1.4 Minnesota Statutes 2014, sections 169.475, subdivision 2; 171.04, subdivision 1;
1.5 171.055, subdivision 2; 171.06, subdivision 2.

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

1.7 Section 1. Minnesota Statutes 2014, section 169.475, subdivision 2, is amended to read:

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

1.11 (b) No person under the age of 18 may operate a motor vehicle while using a
1.12 wireless communications device to (1) compose, read, or send an electronic message,
1.13 or (2) place or receive a cellular phone call, when the vehicle is in motion or a part of
1.14 traffic. The exceptions under subdivision 3, clauses (1) and (2), do not apply to drivers
1.15 under the age of 18.

1.16 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to
1.17 violations committed on or after that date.

1.18 Sec. 2. Minnesota Statutes 2014, section 171.04, subdivision 1, is amended to read:

1.19 Subdivision 1. **Persons not eligible.** The department shall not issue a driver's license:
1.20 (1) to any person under 18 years unless:

1.21 (i) the applicant is 16 or 17 years of age and has a previously issued valid license
1.22 from another state or country ~~or the applicant has, for the 12 consecutive months preceding~~
1.23 ~~application, held~~ and has qualified for a provisional license ~~and during that time has~~

2.1 ~~incurred (A) no conviction for a violation of section 169A.20, 169A.33, 169A.35, or~~
2.2 ~~sections 169A.50 to 169A.53, (B) no conviction for a crash-related moving violation, and~~
2.3 ~~(C) not more than one conviction for a moving violation that is not crash-related. "Moving~~
2.4 ~~violation" means a violation of a traffic regulation but does not include a parking violation,~~
2.5 ~~vehicle equipment violation, or warning citation;~~

2.6 (ii) the application for a license is approved by (A) either parent when both reside
2.7 in the same household as the minor applicant or, if otherwise, then (B) the parent or
2.8 spouse of the parent having custody or, in the event there is no court order for custody,
2.9 then (C) the parent or spouse of the parent with whom the minor is living or, if subitems
2.10 (A) to (C) do not apply, then (D) the guardian having custody of the minor, (E) the foster
2.11 parent or director of the transitional living program in which the child resides or, in the
2.12 event a person under the age of 18 has no living father, mother, or guardian, or is married
2.13 or otherwise legally emancipated, then (F) the minor's adult spouse, adult close family
2.14 member, or adult employer; provided, that the approval required by this item contains a
2.15 verification of the age of the applicant and the identity of the parent, guardian, adult
2.16 spouse, adult close family member, or adult employer; and

2.17 (iii) the applicant presents a certification by the person who approves the application
2.18 under item (ii), stating that the applicant has driven a motor vehicle accompanied by
2.19 and under supervision of a licensed driver at least 21 years of age for at least ten hours
2.20 during the period of provisional licensure;

2.21 (2) to any person who is 18 years of age or younger, unless the person has applied
2.22 for, been issued, and possessed the appropriate instruction permit for a minimum of six
2.23 months, ~~and, with respect to a person under 18 years of age, a provisional license for a~~
2.24 ~~minimum of 12 months;~~

2.25 (3) to any person who is 19 years of age or older, unless that person has applied
2.26 for, been issued, and possessed the appropriate instruction permit for a minimum of
2.27 three months;

2.28 (4) to any person whose license has been suspended during the period of suspension
2.29 except that a suspended license may be reinstated during the period of suspension upon
2.30 the licensee furnishing proof of financial responsibility in the same manner as provided in
2.31 the Minnesota No-Fault Automobile Insurance Act;

2.32 (5) to any person whose license has been revoked except upon furnishing proof
2.33 of financial responsibility in the same manner as provided in the Minnesota No-Fault
2.34 Automobile Insurance Act and if otherwise qualified;

2.35 (6) to any drug-dependent person, as defined in section 254A.02, subdivision 5;

3.1 (7) to any person who has been adjudged legally incompetent by reason of mental
 3.2 illness, mental deficiency, or inebriation, and has not been restored to capacity, unless
 3.3 the department is satisfied that the person is competent to operate a motor vehicle with
 3.4 safety to persons or property;

3.5 (8) to any person who is required by this chapter to take a vision, knowledge, or road
 3.6 examination, unless the person has successfully passed the examination. An applicant
 3.7 who fails four road tests must complete a minimum of six hours of behind-the-wheel
 3.8 instruction with an approved instructor before taking the road test again;

3.9 (9) to any person who is required under the Minnesota No-Fault Automobile
 3.10 Insurance Act to deposit proof of financial responsibility and who has not deposited the
 3.11 proof;

3.12 (10) to any person when the commissioner has good cause to believe that the
 3.13 operation of a motor vehicle on the highways by the person would be inimical to public
 3.14 safety or welfare;

3.15 (11) to any person when, in the opinion of the commissioner, the person is afflicted
 3.16 with or suffering from a physical or mental disability or disease that will affect the person
 3.17 in a manner as to prevent the person from exercising reasonable and ordinary control over
 3.18 a motor vehicle while operating it upon the highways;

3.19 (12) to a person who is unable to read and understand official signs regulating,
 3.20 warning, and directing traffic;

3.21 (13) to a child for whom a court has ordered denial of driving privileges under
 3.22 section 260C.201, subdivision 1, or 260B.235, subdivision 5, until the period of denial is
 3.23 completed; or

3.24 (14) to any person whose license has been canceled, during the period of cancellation.

3.25 Sec. 3. Minnesota Statutes 2014, section 171.055, subdivision 2, is amended to read:

3.26 Subd. 2. **Use of provisional license.** (a) A provisional license holder may not
 3.27 operate a vehicle while communicating over, or otherwise operating, a cellular or wireless
 3.28 telephone, whether handheld or hands free, when the vehicle is in motion. The provisional
 3.29 license holder may assert as an affirmative defense that the violation was made for the
 3.30 sole purpose of obtaining emergency assistance to prevent a crime about to be committed,
 3.31 or in the reasonable belief that a person's life or safety was in danger. Violation of this
 3.32 paragraph is a petty misdemeanor subject to section 169.89, subdivision 2.

3.33 (b) ~~If the holder of a provisional license during the period of provisional licensing~~
 3.34 ~~incurs (1) a conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections~~
 3.35 ~~169A.50 to 169A.53, (2) a conviction for a crash-related moving violation, or (3) more~~

4.1 ~~than one conviction for a moving violation that is not crash related, the~~ A person may not
 4.2 be issued a driver's license until ~~12 consecutive months have expired since the date of the~~
 4.3 ~~conviction or until~~ the person reaches the age of 18 years, ~~whichever occurs first.~~

4.4 (c) For the first six months of provisional licensure, a provisional license holder may
 4.5 not operate a motor vehicle carrying more than one passenger under the age of 20 years
 4.6 who is not a member of the holder's immediate family. For the second six months, the
 4.7 holder of the license may not operate a motor vehicle that is carrying more than three
 4.8 passengers who are under the age of 20 years and who are not members of the holder's
 4.9 immediate family. This paragraph does not apply if the provisional license holder is
 4.10 accompanied by a parent or guardian.

4.11 (d) For the first six months of provisional licensure, a provisional license holder
 4.12 may operate a motor vehicle between the hours of midnight and 5:00 a.m. only when
 4.13 the license holder is:

- 4.14 (1) driving between the license holder's home and place of employment;
- 4.15 (2) driving between the license holder's home and a school event for which the
 4.16 school has not provided transportation;
- 4.17 (3) driving for employment purposes; or
- 4.18 (4) accompanied by a licensed driver at least 25 years of age.

4.19 Sec. 4. Minnesota Statutes 2014, section 171.06, subdivision 2, is amended to read:

4.20 Subd. 2. **Fees.** (a) The fees for a license and Minnesota identification card are
 4.21 as follows:

4.22	Classified Driver's License	D-\$17.25	C-\$21.25	B-\$28.25	A-\$36.25
4.23	Classified Under-21 D.L.	D-\$17.25	C-\$21.25	B-\$28.25	A-\$16.25
4.24	Enhanced Driver's License	D-\$32.25	C-\$36.25	B-\$43.25	A-\$51.25
4.25	Instruction Permit				\$5.25
4.26	Enhanced Instruction				
4.27	Permit				\$20.25
4.28	Commercial Learner's				
4.29	Permit				\$2.50
4.30	Provisional License				\$8.25
4.31	Enhanced Provisional				
4.32	License				\$23.25
4.33	Duplicate License or				
4.34	duplicate identification				
4.35	card				\$6.75
4.36	Enhanced Duplicate				
4.37	License or enhanced				
4.38	duplicate identification				
4.39	card				\$21.75

5.1	Minnesota identification	
5.2	card or Under-21	
5.3	Minnesota identification	
5.4	card, other than duplicate,	
5.5	except as otherwise	
5.6	provided in section 171.07,	
5.7	subdivisions 3 and 3a	\$11.25
5.8	Enhanced Minnesota	
5.9	identification card	\$26.25

5.10 In addition to each fee required in this paragraph, the commissioner shall collect a
 5.11 surcharge of: (1) \$1.75 until June 30, 2012; and (2) \$1.00 from July 1, 2012, to June 30,
 5.12 2016. Surcharges collected under this paragraph must be credited to the driver and vehicle
 5.13 services technology account in the special revenue fund under section 299A.705.

5.14 ~~(b) Notwithstanding paragraph (a), an individual who holds a provisional license and~~
 5.15 ~~has a driving record free of (1) convictions for a violation of section 169A.20, 169A.33,~~
 5.16 ~~169A.35, or sections 169A.50 to 169A.53, (2) convictions for crash-related moving~~
 5.17 ~~violations, and (3) convictions for moving violations that are not crash related, shall have a~~
 5.18 ~~\$3.50 credit toward the fee for any classified under-21 driver's license. "Moving violation"~~
 5.19 ~~has the meaning given it in section 171.04, subdivision 1.~~

5.20 ~~(e)~~ (b) In addition to the driver's license fee required under paragraph (a), the
 5.21 commissioner shall collect an additional \$4 processing fee from each new applicant
 5.22 or individual renewing a license with a school bus endorsement to cover the costs for
 5.23 processing an applicant's initial and biennial physical examination certificate. The
 5.24 department shall not charge these applicants any other fee to receive or renew the
 5.25 endorsement.

5.26 ~~(d)~~ (c) In addition to the fee required under paragraph (a), a driver's license agent
 5.27 may charge and retain a filing fee as provided under section 171.061, subdivision 4.

5.28 ~~(e)~~ (d) In addition to the fee required under paragraph (a), the commissioner shall
 5.29 charge a filing fee at the same amount as a driver's license agent under section 171.061,
 5.30 subdivision 4. Revenue collected under this paragraph must be deposited in the driver
 5.31 services operating account.

5.32 ~~(f)~~ (e) An application for a Minnesota identification card, instruction permit,
 5.33 provisional license, or driver's license, including an application for renewal, must contain a
 5.34 provision that allows the applicant to add to the fee under paragraph (a), a \$2 donation for
 5.35 the purposes of public information and education on anatomical gifts under section 171.075.