

1.1 A bill for an act

1.2 relating to traffic regulations; making seat belt violation a primary offense in
1.3 all seating positions regardless of age; making technical changes; amending
1.4 Minnesota Statutes 2008, sections 169.686, subdivisions 1, 2, by adding a
1.5 subdivision; 171.05, subdivision 2b; 171.055, subdivision 2.

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

1.7 Section 1. Minnesota Statutes 2008, section 169.686, subdivision 1, is amended to read:

1.8 Subdivision 1. **Seat belt requirement.** (a) Except as provided in section 169.685, a
1.9 properly adjusted and fastened seat belt, including both the shoulder and lap belt when the
1.10 vehicle is so equipped, shall be worn by:

1.11 ~~(1) the driver and passengers of a passenger vehicle or, commercial motor vehicle,~~
1.12 commuter van, as defined in section 168.126, a type III school bus, a type III Head
1.13 Start bus, and a vehicle with a gross vehicle weight rating less than 10,000 pounds that
1.14 is a pickup truck or van;

1.15 ~~(2) a passenger riding in the front seat of a passenger vehicle or commercial motor~~
1.16 ~~vehicle; and~~

1.17 ~~(3) a passenger riding in any seat of a passenger vehicle who is older than three~~
1.18 ~~but younger than 11 years of age.~~

1.19 (b) Except as provided in section 169.685, a person who is 15 years of age or older
1.20 and who violates paragraph (a), clause (1) or (2), is subject to a fine of \$25. The driver
1.21 of the passenger vehicle or commercial motor vehicle in which the violation occurred is
1.22 subject to a \$25 fine for a each violation of paragraph (a), clause (2) or (3), by the driver or
1.23 by a child of the driver passenger under the age of 15 or any child under the age of 11.
1.24 ~~A peace officer may not issue a citation for a violation of this section unless the officer~~
1.25 ~~lawfully stopped or detained the driver of the motor vehicle for a moving violation other~~

2.1 ~~than a violation involving motor vehicle equipment, but the court may not impose more~~
2.2 ~~than one surcharge under section 357.021, subdivision 6, on the driver. The Department of~~
2.3 Public Safety shall not record a violation of this subdivision on a person's driving record.

2.4 Sec. 2. Minnesota Statutes 2008, section 169.686, is amended by adding a subdivision
2.5 to read:

2.6 Subd. 1a. **Definitions.** For the purposes of this section:

2.7 (a) "Pickup truck" means any truck regardless of manufacturer's nominal rated
2.8 carrying capacity and commonly known as a pickup truck.

2.9 (b) "Van" means any vehicle of a box-like design with no barrier or separation
2.10 between the operator's area and the remainder of the cargo-carrying area, or designed
2.11 to carry 15 or fewer passengers, including the driver, regardless of the manufacturer's
2.12 nominal rated carrying capacity.

2.13 Sec. 3. Minnesota Statutes 2008, section 169.686, subdivision 2, is amended to read:

2.14 Subd. 2. **Seat belt exemptions.** This section shall not apply to:

2.15 (1) a person driving a passenger vehicle in reverse;

2.16 (2) a person riding in a ~~seat~~ vehicle in which all the seating positions equipped with
2.17 safety belts are occupied by other persons in safety belts;

2.18 (3) a person who is in possession of a written certificate from a licensed physician
2.19 verifying that because of medical unfitness or physical disability the person is unable
2.20 to wear a seat belt;

2.21 (4) a person who is actually engaged in work that requires the person to alight from
2.22 and reenter a motor vehicle at frequent intervals and who, while engaged in that work,
2.23 does not drive or travel in that vehicle at a speed exceeding 25 miles per hour;

2.24 (5) a rural mail carrier of the United States Postal Service or a newspaper delivery
2.25 person while in the performance of duties;

2.26 (6) a person driving or riding in a passenger vehicle manufactured before January 1,
2.27 1965; and

2.28 (7) a person driving or riding in a pickup truck, as defined in section 168.002,
2.29 subdivision 26, while engaged in normal farming work or activity.

2.30 Sec. 4. Minnesota Statutes 2008, section 171.05, subdivision 2b, is amended to read:

2.31 Subd. 2b. **Instruction permit use by person under age 18.** (a) This subdivision
2.32 applies to persons who have applied for and received an instruction permit under
2.33 subdivision 2.

3.1 (b) The permit holder may, with the permit in possession, operate a motor vehicle,
3.2 but must be accompanied by and be under the supervision of a certified driver education
3.3 instructor, the permit holder's parent or guardian, or another licensed driver age 21 or
3.4 older. The supervisor must occupy the seat beside the permit holder.

3.5 ~~(c) The permit holder may operate a motor vehicle only when every occupant under~~
3.6 ~~the age of 18 has a seat belt or child passenger restraint system properly fastened. A~~
3.7 ~~person who violates this paragraph is subject to a fine of \$25. A peace officer may~~
3.8 ~~not issue a citation for a violation of this paragraph unless the officer lawfully stopped~~
3.9 ~~or detained the driver of the motor vehicle for a moving violation as defined in section~~
3.10 ~~171.04, subdivision 1. The commissioner shall not record a violation of this paragraph on~~
3.11 ~~a person's driving record.~~

3.12 ~~(d)~~ The permit holder may not operate a vehicle while communicating over, or
3.13 otherwise operating, a cellular or wireless telephone, whether handheld or hands free,
3.14 when the vehicle is in motion. The permit holder may assert as an affirmative defense that
3.15 the violation was made for the sole purpose of obtaining emergency assistance to prevent
3.16 a crime about to be committed, or in the reasonable belief that a person's life or safety
3.17 was in danger. Violation of this paragraph is a petty misdemeanor subject to section
3.18 169.89, subdivision 2.

3.19 ~~(e)~~ (d) The permit holder must maintain a driving record free of convictions for
3.20 moving violations, as defined in section 171.04, subdivision 1, and free of convictions
3.21 for violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53. If
3.22 the permit holder drives a motor vehicle in violation of the law, the commissioner shall
3.23 suspend, cancel, or revoke the permit in accordance with the statutory section violated.

3.24 Sec. 5. Minnesota Statutes 2008, section 171.055, subdivision 2, is amended to read:

3.25 Subd. 2. **Use of provisional license.** ~~(a) A provisional license holder may operate a~~
3.26 ~~motor vehicle only when every occupant under the age of 18 has a seat belt or child~~
3.27 ~~passenger restraint system properly fastened. A person who violates this paragraph is~~
3.28 ~~subject to a fine of \$25. A peace officer may not issue a citation for a violation of this~~
3.29 ~~paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle~~
3.30 ~~for a moving violation as defined in section 171.04. The commissioner shall not record a~~
3.31 ~~violation of this paragraph on a person's driving record.~~

3.32 ~~(b)~~ A provisional license holder may not operate a vehicle while communicating
3.33 over, or otherwise operating, a cellular or wireless telephone, whether handheld or
3.34 hands free, when the vehicle is in motion. The provisional license holder may assert
3.35 as an affirmative defense that the violation was made for the sole purpose of obtaining

4.1 emergency assistance to prevent a crime about to be committed, or in the reasonable
4.2 belief that a person's life or safety was in danger. Violation of this paragraph is a petty
4.3 misdemeanor subject to section 169.89, subdivision 2.

4.4 ~~(e)~~(b) If the holder of a provisional license during the period of provisional licensing
4.5 incurs (1) a conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections
4.6 169A.50 to 169A.53, (2) a conviction for a crash-related moving violation, or (3) more
4.7 than one conviction for a moving violation that is not crash related, the person may not be
4.8 issued a driver's license until 12 consecutive months have expired since the date of the
4.9 conviction or until the person reaches the age of 18 years, whichever occurs first.

4.10 ~~(d)~~(c) For the first six months of provisional licensure, a provisional license holder
4.11 may not operate a motor vehicle carrying more than one passenger under the age of 20
4.12 years who is not a member of the holder's immediate family. For the second six months,
4.13 the holder of the license may not operate a motor vehicle that is carrying more than three
4.14 passengers who are under the age of 20 years and who are not members of the holder's
4.15 immediate family. This paragraph does not apply if the provisional license holder is
4.16 accompanied by a parent or guardian.

4.17 ~~(e)~~(d) For the first six months of provisional licensure, a provisional license holder
4.18 may operate a motor vehicle between the hours of midnight and 5:00 a.m. only when
4.19 the license holder is:

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

4.25 **Sec. 6. CITATION.**

4.26 This act may be cited as the "Kathryn Swanson Seat Belt Safety Act."

4.27 **Sec. 7. EFFECTIVE DATE.**

4.28 This act is effective June 1, 2009, and applies to acts committed on or after that date.