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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **311**

January 25, 2007

Authored by Hornstein, Thissen, Erhardt and Jaros

The bill was read for the first time and referred to the Committee on Finance

1.1 A bill for an act
1.2 relating to traffic regulations; doubling fine for moving violation committed
1.3 while operating mobile phone; providing affirmative defense to doubled fine;
1.4 amending Minnesota Statutes 2006, section 169.89, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2006, section 169.89, is amended by adding a
1.7 subdivision to read:

1.8 Subd. 6. Violation committed while operating mobile phone. (a) A person
1.9 convicted of committing a moving violation while communicating over a cellular or
1.10 wireless telephone, is assessed an additional surcharge equal to the amount of the fine
1.11 imposed for the moving violation, but not less than \$25. "Moving violation" does not
1.12 include a parking violation, a vehicle equipment violation, or a warning citation.

1.13 (b) It is an affirmative defense against a charge of violating paragraph (a) that the
1.14 mobile telephone was used in response to an emergency to contact:

1.15 (1) a first responder by use of a 911 or other emergency telephone number;

1.16 (2) a hospital, clinic, or doctor's office;

1.17 (3) an ambulance service provider;

1.18 (4) a fire department or law enforcement agency; or

1.19 (5) a first aid squad.