

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1832

02/16/2023 Authored by Frazier, Moller, Richardson, Becker-Finn, Hollins and others
The bill was read for the first time and referred to the Committee on Transportation Finance and Policy

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

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

1.6 Section 1. 169.984 VEHICLE EQUIPMENT SECONDARY OFFENSES.

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

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

1.11 (c) "Mandatory secondary offense" means a violation of section 168.09, subdivision 1
1.12 (vehicle registration); 169.50, subdivision 2 (license plate illumination); 169.69 (muffler
1.13 required); 169.693 (exceed motor vehicle noise limits); 169.71, subdivision 1, paragraph
1.14 (a), clause (2) or (3), and subdivision 2 (windshield prohibitions/windshield wipers required);
1.15 169.71, subdivision 4, clauses (1) to (4) (restrictions on mirrored/glazed windows); or
1.16 169.79, subdivision 8 (license plate validation stickers).

1.17 (d) "Presumptive secondary offense" means a violation of section 169.47, subdivision
1.18 1, paragraph (a) (unsafe equipment); 169.49 (headlamps); 169.50, subdivision 1, paragraph
1.19 (b) (rear lamps); 169.55, subdivision 1 (lamps required); 169.57, subdivision 1, paragraph
1.20 (a), and subdivision 3 (stop lamps required/signal maintenance); 169.63, paragraph (a) (use
1.21 of headlamps); or 169.71, subdivision 1, paragraph (a), clause (1) (certain windshield
1.22 prohibitions).

2.1 Subd. 2. Secondary offenses. (a) A peace officer may not stop or detain the operator of
2.2 a motor vehicle for a mandatory secondary offense and may not issue a citation for a
2.3 mandatory secondary offense, unless:

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

2.6 (2) the motor vehicle was unoccupied.

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

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

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

2.13 (2) the motor vehicle was unoccupied; or

2.14 (3) as otherwise provided for in this subdivision.

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

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

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

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

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

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

- 3.1 Subd. 4. **Warning letter.** If an officer does not have grounds to stop a vehicle or detain
- 3.2 the operator of a motor vehicle for a mandatory secondary offense or presumptive secondary
- 3.3 offense and the officer can identify the owner of the vehicle, the officer's agency is
- 3.4 encouraged to send a letter to the owner of the vehicle identifying the violation and instructing
- 3.5 the owner to correct the defect or otherwise remedy the violation.