

JURISDICTION:
General Reference:

MINNESOTA
Minnesota Statutes Annotated

Required Use of Safety Belts¹:

Requirements:

I. The driver of a passenger or commercial motor vehicle² shall wear a seat belt.³ §169.686, subd. 1(1)
II. A passenger riding the front seat of a passenger or commercial motor vehicle² shall wear a seat belt. §169.686, subd. 1(2)
III. A passenger, who is >3 but <11 years old, shall be secured in a seat belt while riding in any seating position. §169.686, subd. 1(3)
Secondary Enforcement. A law enforcement officer may not issue a citation for a violation of these requirements unless they have lawfully stopped or detained the vehicle operator for a moving violation except for a equipment violation. §169.686, subd. 1
Note: Not reported are certain required uses of seat belts which are needed to secure wheelchairs being transported on public transportation vehicles. §299A.13

Sanctions for Failure to Use or
Require the Use of Safety Belts:

Petty Misdemeanor³: A fine of \$25.⁴ §§169.89, subd. 1 & 169.686, subd. 1 A person may also be required to attend a driver improvement clinic. §169.89, subd. 5 Note: A violation of this requirement shall not be recorded on an offender's driver record. §169.686, subd. 1.

Effect on Civil Liability:

Evidence of either the use or the failure to use a seat belt shall not be admissible in evidence in any litigation involving personal injuries or property damage resulting from the use or operation of any motor vehicle. §169.685, subd. 4(a) This provision was held constitutional on both "equal protection" and "due process of law" grounds. *Cressy v. Grassmann*, 536 N.W.2d 39 (Minn.App. 1995) (review denied by the Minn. Sup. Ct., 1995 Minn. LEXIS 850) Note: The law neither prevents a person from bring a cause of action for damages arising out of a seat belt that was defectively designed, manufactured or installed nor prohibits the introduction of evidence pertaining to the use of a safety belts in such cases. §169.685, subd. 4(b)

¹**Exemptions.** The requirement to use a seat belt does not apply in the following circumstances: (1) To drivers who are operating a passenger vehicle in reverse; (2) to persons who are riding in a vehicle where all of the available seat belt positions have been occupied; (3) to persons who for physical or medical reasons cannot use a seat belt; (4) to persons who are engaged in work that requires them to alight from and reenter a passenger vehicle at frequent intervals and where the vehicle is does not exceed 25 MPH; (5) to rural mail carriers of the U.S. Postal Service while performing official duties; (6) to persons driving or riding in a passenger motor vehicle manufactured before January 1, 1965; and, (6) to persons riding in pickup trucks while engaged in normal farming work or activity. §169.686, subd. 2

²Under State law, the following types of motor vehicles do not have to be equipped with safety belts: (1) Bus, (2) school bus, (3) motorcycle, (4) motorized bicycle, (5) farm tractor, (6) road tractor and (7) truck. §169.685, subd. 1

³Under separate provisions of law, school bus and Head Start bus operators must use a safety belt. §169.447, subd. 2 Persons, violating this requirement, commit a Petty Misdemeanor and are subject to a fine sanction of not more than \$200. However, if they commit a third offense within 12 months, they commit a Misdemeanor and are subject to an incarceration term of not more than 90 days and/or a fine of not more than \$700. §§169.89, subs. 1 & 2 and 609.03(3) Note: These are the general penalty provisions of Chapter 169.

⁴An individual ≥15 years old who violates I or II is personally responsible for their actions. However, the driver is responsible if the offense was committed either by their child <15 years old or by any child <11 years old. §169.686, subd. 1

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Required Use of Child Safety Restraint Systems⁵:

Requirements:

A driver, when transporting a child <4 years old in a motor vehicle that is equipped with factory-installed seat belts, shall secure such child in a Federally approved child passenger restraint system. §169.685, subd. 5(a) & (b)

Enforcement. The State supreme court has held that the child safety restraint law, §169.685, is a primary enforcement statute. *State v. Lucas*, 589 N.W.2d 91 (Minn. 1999)

Sanctions for Failure to Require the Use of Child Restraint Systems:

Petty Misdemeanor: A fine of not more than **\$50**. §169.685, subd. 5(b) A person may also be required to attend a driver improvement clinic. §169.89, subd. 5

Effect on Civil Liability:

Evidence of either the use of or the failure to use a child passenger restraint system shall not be admissible in evidence in any litigation involving personal injuries or property damage resulting from the use or operation of any motor vehicle. §169.685, subd. 4(a) This prohibition also applies to wrongful death cases. The court interpreted the term "physical injuries" to include death. *Sweldar v. Lahti*, 473 N.W.2d 77 (Minn.App. 1991) This provision was held not to violate a person's constitutional rights to equal protection and due process of law. *Gressy v. Grassmann*, 536 N.W.2d 39 (Minn.App. 1995) Note: The law neither prevents a person from bring a cause of action for damages arising out of a child passenger restraint system that was defectively designed, manufactured or installed nor prohibits the introduction of evidence pertaining to the use of a child passenger restraint systems in such cases. §169.685, subd. 4(b)

Required Use of Motorcycle Protective Headgear⁶:

⁵**Exemptions.** The requirement to use a child passenger restraint system does not apply in the following circumstances: (1) To children who are being transported for official purposes in an emergency medical vehicle where the use of such a system is unreasonable or unavailable; (2) to children who are being transported in police vehicles when a such a system is not available but such children must be restrained in a seat belt; (3) to children who cannot use such a system for physical or medical reasons; and, (4) to children riding in a motor vehicle for hire (e.g, taxi, airport limousine and bus) but this exemption does not apply to rented, leased or borrowed motor vehicles. §169.685, subd. 6

⁶In an action to recover damages for injuries from a traffic accident, the failure to use protective headgear shall be admissible only with

Requirements:

I. No person <18 years old shall operate or ride on a motorcycle⁷ or

Required Use of Motorcycle Protective Headgear:
(continued)

respect to the question of head injuries. Damages for head injuries of any person who was not wearing protective headgear shall be reduced to the extent that those injuries could have been avoided by wearing protective headgear. The admissibility of such evidence applies to operators or passengers regardless of whether they are required by law to wear protective headgear. §169.974, subd. 6 (This provision was held to be constitutional on "equal protection" grounds. *Leonard v. Parrish*, 420 N.W.2d 629 (Minn.App. 1988)) Note: Because of §169.223, subd. 1, such evidence may also be allowed in the case of injured operators or riders of motorized bicycles.

⁷A person <18 years old shall wear protective headgear when operating off-highway motorcycles. §84.793, subd. 2 A person, who violates this requirement commits a misdemeanor. §84.796(a) The sanctions for a misdemeanor are an imprisonment term of not more than **90 days** and/or a fine of not more than **\$700**. §609.03(3)

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Requirements: (continued)

motorized bicycle without wearing State approved protective headgear.⁸
§§169.223, subd. 1 & 169.974, subd. 4(a)
II. Any person who is operating a motorcycle on a "two-wheeled instruction permit" must wear State approved protective headgear.
§169.974, subd. 2

Sanctions for Failure to Use:

Petty Misdemeanor: A fine of not more than **\$200**. §169.89, subds. 1 & 2
A person may also be required to attend a driver improvement clinic.
§169.89, subd. 5

Required Use of Motorcycle Eye Protection Device:

Requirements:

No person shall operate a motorcycle⁹ or motorized bicycle without wearing an eye-protection device.¹⁰ §§169.223, subd. 1 & 169.974, subd. 4(a)

Sanctions for Failure to Use:

Petty Misdemeanor: A fine of not more than **\$200**. §169.89, subds. 1 & 2
A person may also be required to attend a driver improvement clinic.
§169.89, subd. 5

Required Use of Bicycle Protective Headgear:

Requirements:

The operator of an electric-assisted bicycle must wear nationally approved headgear. §169.223, subd. 1(5)

Sanctions for Failure to Use:

Petty Misdemeanor: A fine of not more than **\$200**. §169.89, subds. 1 & 2
A person may also be required to attend a driver improvement clinic.
§169.89, subd. 5

Required Use of Bicycle Eye Protection Device:

Requirements:

None⁹

Sanctions for Failure to Use:

⁸This requirement does not apply if the operator or rider is participating in an authorized parade or to persons riding in an enclosed cab. §169.974, subd. 4(b)

⁹Any person operating an off-highway motorcycle must wear an eye-protection device. §84.793, subd. 4 A person, who violates this requirement commits a misdemeanor. §84.796(a) The sanctions for a misdemeanor are an imprisonment term of not more than **90 days** and/or a fine of not more than **\$700**. §609.03(3)

¹⁰This requirement does not apply to operators of electric-assisted bicycles. §169.223, subd. 1(6)

Prohibition Against Riding in Unsecured
Portion of Vehicle:

Requirements: **None**¹¹

Sanctions for a Violation:

Exemptions:

¹¹Even though there is no statutory authority prohibiting this activity, such a prohibition may have been indirectly established for certain children via the provisions of the Child Safety Restraint Systems law.