

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE **S.F. No. 1719**

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DATE	D-PG	OFFICIAL STATUS
02/08/2012	3762	Introduction and first reading Referred to Transportation
02/09/2012	3775	Authors added Ingebrigtsen; Tomassoni; Brown
02/15/2012	3810	Comm report: To pass and re-referred to State Government Innovation and Veterans
03/01/2012	3975a	Comm report: To pass as amended and re-refer to Finance
03/29/2012	5263a	Comm report: To pass as amended
	5270	Second reading See HF2685, Art. 3, Sec. 27, 43

A bill for an act

relating to public safety; traffic regulations; establishing a motorcycle road guard certificate; providing criminal penalties; amending Minnesota Statutes 2010, section 169.06, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 171.

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

Section 1. Minnesota Statutes 2010, section 169.06, subdivision 4, is amended to read:

Subd. 4. **Obedience to traffic-control signal or flagger; presumptions.** (a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a police officer or by a ~~certified overdimensional load escort driver~~ flagger authorized under this subdivision, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

(b) No provision of this chapter for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

(c) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(d) Any official traffic-control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices

2.1 shall be presumed to comply with the requirements of this chapter, unless the contrary
2.2 shall be established by competent evidence.

2.3 (e) A flagger in a designated work zone may stop vehicles and hold vehicles in place
2.4 until it is safe for the vehicles to proceed. A person operating a motor vehicle that has
2.5 been stopped by a flagger in a designated work zone may proceed after stopping only on
2.6 instruction by the flagger.

2.7 (f) An overdimensional load escort driver with a certificate issued under section
2.8 299D.085, while acting as a flagger escorting a legal overdimensional load, may stop
2.9 vehicles and hold vehicles in place until it is safe for the vehicles to proceed. A person
2.10 operating a motor vehicle that has been stopped by an escort driver acting as a flagger may
2.11 proceed only on instruction by the flagger or a police officer.

2.12 (g) A person may stop and hold vehicles in place until it is safe for the vehicles to
2.13 proceed, if the person: (1) holds a motorcycle road guard certificate issued under section
2.14 171.60; (2) meets the safety and equipment standards for operating under the certificate;
2.15 (3) is acting as a flagger escorting a motorcycle group ride; (4) has notified each statutory
2.16 or home rule charter city through which the motorcycle group is proceeding; and (5)
2.17 has obtained consent from the chief of police, or the chief's designee, of any city of the
2.18 first class through which the group is proceeding. A flagger operating as provided under
2.19 this paragraph may direct operators of motorcycles within a motorcycle group ride or
2.20 other vehicle traffic, notwithstanding any contrary indication of a traffic-control device,
2.21 including stop signs or traffic-control signals. A person operating a vehicle that has been
2.22 stopped by a flagger under this paragraph may proceed only on instruction by the flagger
2.23 or a police officer.

2.24 Sec. 2. **[171.60] MOTORCYCLE ROAD GUARD CERTIFICATE.**

2.25 Subdivision 1. Certificate required. No person may perform traffic control as a
2.26 motorcycle road guard as provided under chapter 169 without a valid motorcycle road
2.27 guard certificate issued by the commissioner.

2.28 Subd. 2. Certification qualifications and standards; fee. Through the Minnesota
2.29 Motorcycle Safety Center, the commissioner of public safety shall:

2.30 (1) establish qualifications and requirements for a person to obtain a motorcycle road
2.31 guard certificate under this section, which must include:

2.32 (i) a minimum 18 years of age;

2.33 (ii) possession of a valid driver's license; and

2.34 (iii) successful completion of a motorcycle road guard certification course;

3.1 (2) develop and offer, whether by the Minnesota Motorcycle Safety Center or
3.2 authorized agents, a motorcycle road guard certification course; and

3.3 (3) establish safety and equipment standards for a person who operates under a
3.4 motorcycle road guard certificate, including but not limited to specifying requirements
3.5 for a reflective safety vest.

3.6 Subd. 3. **Fee.** The commissioner of public safety shall assess a fee for each applicant
3.7 for a motorcycle road guard certificate, calculated to cover the commissioner's cost of
3.8 establishing and administering the program.

3.9 Subd. 4. **Penalty.** A person who violates any provision of this section is guilty
3.10 of a petty misdemeanor.

3.11 Subd. 5. **Rulemaking.** The commissioner of public safety shall adopt rules to carry
3.12 out the provisions of this section. Notwithstanding section 16A.1283, the rules must
3.13 specify the fee to be assessed under subdivision 3.

3.14 Sec. 3. **EFFECTIVE DATE.**

3.15 Sections 1 and 2, subdivisions 1 to 4, are effective one year after publication in the
3.16 State Register of rules adopted under section 2, subdivision 5. Section 2, subdivision 5, is
3.17 effective the day following final enactment.