

CHAPTER 311—S.F.No. 2756

An act relating to transportation; allowing escort drivers of overdimensional loads to control traffic; directing commissioner of public safety to establish escort driver training and certification program; amending Minnesota Statutes 2008, sections 169.06, subdivision 4; 169.86, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 299D.

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

Section 1. Minnesota Statutes 2008, 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 ~~traffic~~ or police officer or by a certified overdimensional load escort driver, 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 shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

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

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

Sec. 2. Minnesota Statutes 2008, section 169.86, is amended by adding a subdivision to read:

Subd. 3b. **Escort vehicles.** The commissioner or local authority shall specify in the permit:

(1) the minimum number of escort vehicles required to escort the overdimensional load; and

(2) whether the operators of the escort vehicles must be certified licensed peace officers or may be overdimensional load escort drivers who hold a current certificate under section 299D.085.

Sec. 3. **[299D.085] OVERDIMENSIONAL LOAD ESCORT DRIVER.**

Subdivision 1. **Definition.** For purposes of this section, "overdimensional load" is a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in chapter 169, or otherwise not in conformity with the provisions of chapter 169.

Subd. 2. **Certificate.** No person may operate as an overdimensional load escort driver in this state without a certificate issued by the commissioner, or by a state with which the commissioner has entered into a reciprocal agreement. The commissioner shall assess a fee for each certificate applicant, calculated to cover the commissioner's cost of establishing and administering the program.

Subd. 3. **Qualifications.** To obtain a certificate to operate as an overdimensional load escort driver, a person must be a minimum of 18 years of age, possess a valid operator's license for the type of vehicle being operated, successfully complete an escort driver certification course developed by the commissioner and offered by the commissioner or authorized agents, and meet all additional requirements, including vehicle and safety equipment standards specified by the commissioner.

Subd. 4. **Penalty.** A person who violates, or aids or abets the violation of, any provision of this section is guilty of a petty misdemeanor.

Subd. 5. **Rulemaking.** The commissioner of public safety shall adopt rules to carry out the provisions of this section. Notwithstanding section 16A.1283, the rules must specify the fee to be assessed under subdivision 2.

Sec. 4. **EFFECTIVE DATE.**

Sections 1, 2, and 3, subdivisions 1 to 4, are effective one year after publication in the State Register of rules adopted under section 3, subdivision 5. Section 3, subdivision 5, is effective the day following final enactment.

Presented to the governor May 7, 2010

Signed by the governor May 11, 2010, 2:09 p.m.