SENATE STATE OF MINNESOTA EIGHTY-SEVENTH LEGISLATURE

S.F. No. 2499

(SENATE AUTHORS: DEKRUIF)

1.6

1.7

18

1.9

1.10

1 11

1.12

1.13

1.14

1.15

1.16

1 17

1.18

1 19

1.20

1.21

1.22

1.23

1.24

1.25

DATE D-PG OFFICIAL STATUS 03/19/2012 4550 Introduction and first reading

Referred to Transportation

A bill for an act
relating to transportation; clarifying authority of civilian escort drivers and
licensed protective agents to escort oversized loads; amending Minnesota
Statutes 2010, sections 169.06, subdivision 4; 169.86, subdivision 3b; 299D.085,
subdivisions 2, 3, by adding a subdivision; 326.338, subdivision 4.

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, 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

Section 1.

S.F. No. 2499, as introduced - 87th Legislative Session (2011-2012) [12-5862]

2.1

2.2

2.3

2.4

2.5

2.6

2.7

2.8

2.9

2.10

2.11

2.15

2.16

2.17

2.18

2.19

2.20

2.21

2.22

2.23

2.24

2.25

2.26

2.27

2.28

2.29

2.30

2.31

2.32

2.33

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) <u>A civilian escort driver or an overdimensional load escort driver with a certificate</u> 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 2010, section 169.86, subdivision 3b, is amended 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; or may be civilian escort drivers, as defined in section 299D.085, subdivision 6. However, the commissioner or local authority shall specify only certified licensed peace officers as escort drivers when the transportation will involve lengthy traffic stoppages or other dangerous situations within the judgment of the commissioner or local authority.
 - Sec. 3. Minnesota Statutes 2010, section 299D.085, subdivision 2, is amended to read: Subd. 2. **Certificate.** Except as provided in subdivision 6, 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.
 - Sec. 4. Minnesota Statutes 2010, section 299D.085, subdivision 3, is amended to read: Subd. 3. **Qualifications.** Except as provided in subdivision 6, 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

Sec. 4. 2

S.F. No. 2499, as introduced - 87th Legislative Session (2011-2012) [12-5862]

3.1

3.2

3.3

3.4

3.5

3.6

3.7

3.8

3.9

3.10

3.11

3.12

3.13

3.14

3.15

3.16

3.17

3.18

3.19

3.20

3.21

3.22

3.23

3.24

3.25

3.26

3.27

3.28

3.29

3.30

3.31

3.32

3.33

3.34

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.

Sec. 5. Minnesota Statutes 2010, section 299D.085, is amended by adding a subdivision to read:

- Subd. 6. Exemption for civilian escort drivers. A "civilian escort driver" is a person who is a minimum of 18 years of age, possesses a valid operator's license for the type of vehicle being operated, and meets vehicle and safety equipment standards specified by the commissioner. A civilian escort driver may operate as an overdimensional load escort driver only when the overdimensional load vehicle does not extend over a roadway centerline and will not travel the wrong way on a roadway.
- Sec. 6. Minnesota Statutes 2010, section 326.338, subdivision 4, is amended to read:
- Subd. 4. **Protective agent.** A person who for a fee, reward, or other valuable consideration undertakes any of the following acts is considered to be engaged in the business of protective agent:
- (1) providing guards, private patrol, or other security personnel to protect persons or their property or to prevent the theft, unlawful taking of goods, merchandise, or money, or to prevent the misappropriation or concealment of goods, merchandise, money, or other valuable things, or to procure the return of those things;
- (2) physically responding to any alarm signal device, burglar alarm, television camera, still camera, or a mechanical or electronic device installed or used to prevent or detect burglary, theft, shoplifting, pilferage, losses, or other security measures;
 - (3) providing armored car services for the protection of persons or property;
- (4) controlling motor traffic on public streets, roads, and highways for the purpose of escorting a funeral procession and oversized loads; or
- (5) providing management and control of crowds for the purpose of safety and protection.

A person covered by this subdivision may perform the traffic-control duties in clause (4) in place of a <u>police_peace</u> officer when a special permit is required, provided that the protective agent is first-aid qualified-<u>and certified under section 299D.085.</u> A <u>special permit may not be denied or withheld because the traffic control duties in clause</u> (4) will be performed by a licensed protective agent rather than a peace officer. The <u>commissioner of transportation and the commissioner of public safety may not adopt a</u>

Sec. 6. 3

S.F. No. 2499, as introduced - 87th Legislative Session (2011-2012) [12-5862]

4.1 <u>rule or regulation that either directly or indirectly bars licensed protective agents from</u>

4.2 performing the traffic control duties in clause (4).

Sec. 6. 4