



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

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

2.12 Sec. 2. Minnesota Statutes 2010, section 169.86, subdivision 3b, is amended to read:

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

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

2.17 (2) whether the operators of the escort vehicles must be certified licensed peace  
2.18 officers or may be overdimensional load escort drivers who hold a current certificate under  
2.19 section 299D.085- or may be civilian escort drivers, as defined in section 299D.085,  
2.20 subdivision 6. However, the commissioner or local authority shall specify only certified  
2.21 licensed peace officers as escort drivers when the transportation will involve lengthy  
2.22 traffic stoppages or other dangerous situations within the judgment of the commissioner  
2.23 or local authority.

2.24 Sec. 3. Minnesota Statutes 2010, section 299D.085, subdivision 2, is amended to read:

2.25 Subd. 2. **Certificate.** Except as provided in subdivision 6, no person may operate  
2.26 as an overdimensional load escort driver in this state without a certificate issued by the  
2.27 commissioner, or by a state with which the commissioner has entered into a reciprocal  
2.28 agreement. The commissioner shall assess a fee for each certificate applicant, calculated  
2.29 to cover the commissioner's cost of establishing and administering the program.

2.30 Sec. 4. Minnesota Statutes 2010, section 299D.085, subdivision 3, is amended to read:

2.31 Subd. 3. **Qualifications.** Except as provided in subdivision 6, to obtain a certificate  
2.32 to operate as an overdimensional load escort driver, a person must be a minimum  
2.33 of 18 years of age, possess a valid operator's license for the type of vehicle being

3.1 operated, successfully complete an escort driver certification course developed by the  
3.2 commissioner and offered by the commissioner or authorized agents, and meet all  
3.3 additional requirements, including vehicle and safety equipment standards specified by  
3.4 the commissioner.

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

3.7 Subd. 6. **Exemption for civilian escort drivers.** A "civilian escort driver" is a  
3.8 person who is a minimum of 18 years of age, possesses a valid operator's license for the  
3.9 type of vehicle being operated, and meets vehicle and safety equipment standards specified  
3.10 by the commissioner. A civilian escort driver may operate as an overdimensional load  
3.11 escort driver only when the overdimensional load vehicle does not extend over a roadway  
3.12 centerline and will not travel the wrong way on a roadway.

3.13 Sec. 6. Minnesota Statutes 2010, section 326.338, subdivision 4, is amended to read:

3.14 Subd. 4. **Protective agent.** A person who for a fee, reward, or other valuable  
3.15 consideration undertakes any of the following acts is considered to be engaged in the  
3.16 business of protective agent:

3.17 (1) providing guards, private patrol, or other security personnel to protect persons or  
3.18 their property or to prevent the theft, unlawful taking of goods, merchandise, or money, or  
3.19 to prevent the misappropriation or concealment of goods, merchandise, money, or other  
3.20 valuable things, or to procure the return of those things;

3.21 (2) physically responding to any alarm signal device, burglar alarm, television  
3.22 camera, still camera, or a mechanical or electronic device installed or used to prevent or  
3.23 detect burglary, theft, shoplifting, pilferage, losses, or other security measures;

3.24 (3) providing armored car services for the protection of persons or property;

3.25 (4) controlling motor traffic on public streets, roads, and highways for the purpose  
3.26 of escorting a funeral procession and oversized loads; or

3.27 (5) providing management and control of crowds for the purpose of safety and  
3.28 protection.

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

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- 4.1 rule or regulation that either directly or indirectly bars licensed protective agents from
- 4.2 performing the traffic control duties in clause (4).