



DEPARTMENT OF PUBLIC SAFETY

DRAFT ADDRESSES CERTAIN ADMINISTRATIVE REQUIREMENTS ONLY. NOT ALL TOPICS ARE FULLY DEVELOPED. PROVISIONS RELATING TO COURSE CURRICULUM AND SAFETY AND EQUIPMENT REQUIREMENTS ARE NOT DEVELOPED.

****THIS RULE DRAFT IS SUBJECT TO CHANGE****

DELETED FROM 9/13/2012 DRAFT = ~~STRIKEOUT~~; NEW LANGUAGE = HIGHLIGHT

CHAPTER 7422 MOTORCYCLE ROAD GUARD CERTIFICATE

PART	TITLE
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<u>7422.0200</u>	<u>MOTORCYCLE ROAD GUARD; STATUTORY AUTHORITY; RESTRICTIONS.</u>
<u>7422.0300</u>	<u>MOTORCYCLE ROAD GUARD CERTIFICATE; QUALIFICATIONS.</u>
<u>7422.0400</u>	<u>MOTORCYCLE ROAD GUARD INSTRUCTOR CERTIFICATE;</u> <u>QUALIFICATIONS.</u>
<u>7422.0500</u>	<u>MOTORCYCLE ROAD GUARD CERTIFICATE ISSUANCE;</u> <u>DISQUALIFICATION</u>
<u>7422.0600</u>	<u>ALCOHOL CONSUMPTION PROHIBITION; VIOLATION.</u>
<u>7422.0700</u>	<u>COURSE INSTRUCTION FREQUENCY.</u>
<u>7422.0800</u>	<u>DATA CLASSIFICATION; USE OF INFORMATION.</u>
<u>7422.0900</u>	<u>INSURANCE COVERAGE COURSE FEE.</u>
<u>7422.1000</u>	<u>COURSE FEE.</u>

COURSE CURRICULUM (TO BE DEVELOPED)

SAFETY AND EQUIPMENT REQUIREMENTS (TO BE DEVELOPED)



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7422.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the terms defined in this part have the meanings given them.

Subp 2. **Applicant.** "Applicant" means a person who is applying for enrollment in the motorcycle road guard certification course.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of public safety, acting directly or through authorized officers or agents.

Subp. 4. **Disqualification or disqualify.** "Disqualification" or "disqualify" is the commissioner's rescission of a person's motorcycle road guard certificate.

~~Subp. 5. **Group ride.**~~

Subp. 6 **5. Instructor applicant.** "Instructor applicant" means a person who is applying for a motorcycle road guard instructor certificate.

Subp. 7 **6. Minnesota motorcycle safety center.** "Minnesota Motorcycle Safety Center" means the motorcycle safety education program under Minnesota Statutes, section 121A.36.

Subp. 8 **7. Motorcycle road guard.** "Motorcycle road guard" means a person who holds a valid motorcycle road guard certificate.

Subp. 9 **8. Motorcycle road guard certification course.** "Motorcycle road guard certification course" means a program authorized by the commissioner for the instruction and certification of a motorcycle road guard.

Subp. 10 **9. Motorcycle road guard instructor.** "Motorcycle road guard instructor" means a person who has met the requirements for a motorcycle road guard instructor certificate.

Subp. 11 **10. Motorcycle road guard instructor certificate.** "Motorcycle road guard instructor certificate" means a certificate issued by the



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1 commissioner authorizing a person to instruct the motorcycle road guard
2 certification course.

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4 Subp. 12 11. Qualified prior impaired driving incident. "Qualified
5 prior impaired driving incident" has the meaning given in Minnesota Statutes,
6 section 169A.03, subdivision 22.

7 ~~Subp. 13. Successful completion.~~

8 Subp. 14 12. Valid motorcycle road guard certificate. "Valid
9 motorcycle road guard certificate" means a certificate that authorizes the
10 person to whom it is issued to perform the duties under part 7422.0200 and
11 is:

- 12 (1) issued by the commissioner;
13 (2) not expired; and
14 (3) not disqualified.

15
16 **7422.0200 MOTORCYCLE ROAD GUARD; STATUTORY AUTHORITY; RESTRICTIONS.**

17 **Subpart 1. Statutory authority.** A motorcycle road guard who is
18 certified by the commissioner is authorized under Minnesota Statutes, section
19 169.06, subdivision 4 and successor requirements, to:

20 A. stop and hold vehicles in place until it is safe for vehicles to
21 proceed;

22 B. act as a flagger escorting a motorcycle group ride; and

23 C. direct operators of motorcycles within a motorcycle group ride or
24 other vehicle traffic, notwithstanding any contrary indication of a traffic-
25 control device, including stop signs or traffic-control signals;

26 and must:

27 D. obtain consent from the chief of police, or the chief's designee, of
28 any city of the first class through which the group is proceeding; and



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2 E. notify each statutory or home rule charter city through which the
3 motorcycle group is proceeding.

4 Subp. 2. **Restrictions.** In order for a motorcycle road guard to escort
5 a motorcycle group ride, the motorcycle group ride must be an organized
6 gathering of motorcyclists that is sponsored by a business or charitable
7 organization in which the motorcyclists are riding and following a route
8 plan.

9
10 **7422.0300 MOTORCYCLE ROAD GUARD CERTIFICATE; QUALIFICATIONS.**

11 Subpart 1. **Statutory requirements.** An applicant for a motorcycle road
12 guard certificate must meet the requirements under Minnesota Statutes,
13 section 171.60, subdivision 2.

14 Subp 2. **Review of driving record.** The commissioner shall review the
15 driving record of an applicant for a motorcycle road guard certificate upon
16 initial application.

- 17 A. An applicant who does not have a Minnesota driver's
18 license shall submit a certified copy of the applicant's
19 driving record from the United States state where
20 applicant is licensed to the commissioner.
- 21 B. An applicant whose Minnesota driving record dates back
22 less than five years from the date of the application
23 must submit a certified copy of the applicant's driving
24 record from the previous jurisdiction in which the
25 applicant was licensed so that the commissioner can
26 review five years of an applicant's driving record.
- 27 C. The commissioner shall accept and review a driving
28 record with fewer than five years in the case where an



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2 applicant's age, at the time of an applicant's driver's
3 license issuance, results in a driving record that
4 contains fewer than five years.

- 5 D. A certified copy of a driving record submitted under
6 this part must be dated no earlier than 30 days before
7 the commissioner receives it.

8 **Subp 3. Prior driving convictions, violations, and incidents.** No
9 applicant for a motorcycle road guard shall have:

- 10 A. more than two petty misdemeanor convictions for any
11 moving violation under Minnesota Statutes, chapter 169,
12 or a statute from another state in conformity with one
13 of these provisions, for ~~two years~~ 24 months preceding
14 the date of application; ~~and~~

- 15 B. any qualified prior impaired driving incident, or a
16 statute from another state in conformity with this
17 provision, for five years preceding the date of
18 application;

- 19 C. any conviction under Minnesota Statutes, section 169.13,
20 or a statute from another state in conformity with this
21 provision; and

- 22 D. any conviction under Minnesota Statutes, section 609.21,
23 or a statute from another state in conformity with this
24 provision.

25 **Subp. 4. Hearing.** An applicant must be able to speak and hear well
26 enough to conduct a normal verbal conversation with another at a distance of
27 five feet, with or without a hearing aid.

28 **Subp. 5. Vision.** An applicant must be able to meet the vision



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1 requirements to obtain an unrestricted class D license, except that the
2 restriction of corrective lenses enabling the applicant to meet the vision
3 requirement is an acceptable restriction.
4

5 Subp. 6. Vehicle insurance coverage. An applicant must maintain
6 vehicle insurance coverage pursuant to Minnesota Statutes, section 169.791.

7 ~~Subp. 7. Motorcycle riding qualification. An applicant whose driving~~
8 ~~record has a motorcycle endorsement must successfully complete and pass the~~
9 ~~skills test of the Basic Rider Course 2 that is offered through the Minnesota~~
10 ~~Motorcycle Safety Center.~~

11 Subp. & 7. Continuing requirements.

12 A. Once certified, a motorcycle road guard must:

13 (1) remain in compliance with subparts 1 through 6;

14 (2) authorize the commissioner to annually review the
15 motorcycle road guard's driving record; or

16 (3) submit a certified copy of the motorcycle road
17 guard's driving record to the commissioner one year
18 after the date of initial certification if the
19 motorcycle road guard is not a Minnesota resident.

20 B. Any physical or mental disability of a motorcycle road
21 guard that interferes with the safe operation of a motor
22 vehicle under Minnesota Statutes, section 171.04 or
23 171.13 is governed under parts 7410.2100 to 7410.3000.

24
25 7422.0400 MOTORCYCLE ROAD GUARD INSTRUCTOR; QUALIFICATIONS.

26 Subpart 1. Driver education requirements. In order to instruct the
27 motorcycle road guard certification course, an instructor applicant must:

28 A. meet the qualifications under part 7411.0620 and part



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1
2 7411.0630, except that an instructor applicant is not subject part 7411.0620,
3 subpart 8, if the instructor applicant had a criminal history performed
4 within ten years preceding the date of application and the outcome of the
5 check of the national criminal data repository did not indicate a criminal
6 record where the applicant was convicted of a gross misdemeanor or felony.

7 B. meet the requirements of the motorcycle road guard instructor
8 certificate under part 7422.XXXX [to be developed].

9 Subp. 2. **Appeal.** An instructor applicant whose application is denied
10 under part 7411.0620, subpart 8, may appeal the decision of the commissioner
11 under the contested case procedures of Minnesota Statutes, chapter 14.

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13 **7422.0500 MOTORCYCLE ROAD GUARD CERTIFICATE ISSUANCE; DISQUALIFICATION.**

14 **Subpart 1. Issuance.**

15 A. Upon successful completion of the motorcycle road guard
16 course and payment of the program course fee under part
17 7422.1000 by an applicant, the commissioner shall issue
18 a motorcycle road guard certificate for a period of two
19 years.

20 B. A motorcycle road guard must carry the certificate at
21 all times while performing the duties under part
22 7422.0200.

23 C. The commissioner shall not renew the certificate once it
24 has expired.

25 **Subp. 2. Disqualification.**

26 A. Once certified, failure of a person who holds a
27 motorcycle road guard certificate to meet any of the
28 requirements under 7422.0300 is cause for the



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1 test administered under subpart 2 of a motorcycle road guard, or a test
2 refusal of a motorcycle road guard, a peace officer shall: ~~notify the~~
3 ~~commissioner.~~
4

5 A. confiscate the road guard's certificate; and

6 B. notify the commissioner

7 Subp. 4. Administrative disqualification. When the commissioner is
8 notified under subpart 3 that a person who holds a motorcycle road guard
9 certificate has violated this part or that a person who holds a motorcycle
10 road guard certificate has refused a test under subpart 2, the commissioner
11 shall:

12 A. disqualify the motorcycle road guard certificate; and

13 B. not issue a motorcycle road guard certificate to the
14 person described in this subpart for a period of ten
15 years from the date of disqualification of the
16 motorcycle road guard certificate.

17
18 Subp. 4. Reason to believe. For purposes of this part, "reason to
19 believe" means from the manner in which a motorcycle road guard is driving,
20 operating, controlling, or acting upon departure from a motor vehicle, or has
21 driven, operated, or controlled a motor vehicle, or grounds put forth in good
22 faith which are not arbitrary, irrational, unreasonable, or irrelevant and
23 which make the proposition asserted more likely than not. Grounds upon which
24 reason to believe are based include:

25 A. facts or statements supplied by the motorcycle road
26 guard;

27 B. driver's license record and accident records;

28 C. court documents and police records;



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- D. facts of which the peace officer has personal knowledge;
- E. a blood, breath, or urine test indicating the presence of alcohol or controlled substances, or a test refusal.

Subp. 5. **Appeal.** A person whose motorcycle road guard certificate is disqualified under this part may appeal the commissioner's disqualification under the contested case procedures of Minnesota Statutes, chapter 14.

7422.0700. COURSE INSTRUCTION; FREQUENCY.

A. The commissioner shall offer the motorcycle road guard certification course through the Minnesota motorcycle safety center at least once per year.

B. The commissioner shall offer motorcycle road guard instructor certificate training at least once per year.

7422.0800 DATA CLASSIFICATION; USE OF INFORMATION.

Subpart 1. **Data classified.** Data on individuals provided to obtain a motorcycle road guard certificate shall be treated as public data on individuals except that the individual's driving record is governed under Minnesota Statutes, section 171.12. For purposes of this part, public data on individuals has the meaning given in Minnesota Statutes, section 13.02, subdivision 15.

Subp.2 **Required list.** The commissioner shall maintain a list of all persons who are certified as a motorcycle road guard on the department's website. The list must contain only the following information:

- A. full name;
- B. motorcycle road guard certificate number; and
- C. the expiration date of the motorcycle road guard certificate.



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2 7422.0900 ~~INSURANCE COVERAGE~~ COURSE FEE. [TO BE DEVELOPED.]

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4 ~~7422.0900 COURSE FEE. [TO BE DEVELOPED.]~~