



DEPARTMENT OF PUBLIC SAFETY

**\*\* RULE DRAFT IS SUBJECT TO CHANGE \*\***

**DELETED FROM 12/04/2012 DRAFT = STRIKEOUT; NEW LANGUAGE = HIGHLIGHT**

CHAPTER 7422 MOTORCYCLE ROAD GUARD CERTIFICATE

**PART**

**TITLE**

7422.0100

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7422.0200

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7422.0400

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MOTORCYCLE ROAD GUARD CERTIFICATE PROGRAM; CURRICULUM



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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. **Daytime.** "Daytime" has the meaning given in Minnesota Statutes, section 169.011, subdivision 22

Subp. 6. **Entity.** "Entity" has the meaning given in Minnesota Statutes, section 12.03, subdivision 4e.

Subp. 7. **Instructor applicant.** "Instructor applicant" means a person who is applying for a motorcycle road guard instructor certificate.

Subp. 8. **Minnesota motorcycle safety center.** "Minnesota Motorcycle Safety Center" means the motorcycle safety education program under Minnesota Statutes, section 121A.36.

Subp. 9. **Motorcycle road guard.** "Motorcycle road guard" means a person who holds a valid motorcycle road guard certificate.

Subp. 10. **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. 11. **Motorcycle road guard instructor.** "Motorcycle road guard instructor" means a person who has met the requirements for a motorcycle road



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guard instructor certificate.

~~Subp. 12. **Motorcycle road guard instructor certificate.** "Motorcycle road guard instructor certificate" means a certificate issued by the commissioner authorizing a person to instruct the motorcycle road guard certification course.~~

Subp. 13 **12. Qualified prior impaired driving incident.** "Qualified prior impaired driving incident" has the meaning given in Minnesota Statutes, section 169A.03, subdivision 22.

Subp. 14 **13. Valid motorcycle road guard certificate.** "Valid motorcycle road guard certificate" means a certificate that authorizes the person to whom it is issued to perform the duties under part 7422.0200 and is:

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

**Subp. 14. Wireless communications device.** "Wireless communications device has the meaning given in Minnesota Statutes, section 169.011, section 94.

**7422.0200 MOTORCYCLE ROAD GUARD; AUTHORITY; RESTRICTIONS.**

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

- A. stop and hold vehicles in place until it is safe for vehicles to proceed;
- B. act as a flagger escorting a motorcycle group ride; and



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2 C. direct operators of motorcycles within a motorcycle group ride or  
3 other vehicle traffic, notwithstanding any contrary indication of a traffic-  
4 control device, including stop signs or traffic-control signals;  
5 and must:

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

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

10 Subp. 2 Requirement to carry certificate. In addition to the  
11 requirements in subpart 1, a motorcycle road guard must carry a valid  
12 motorcycle road guard certificate at all times and must produce proof of such  
13 certificate on demand of a peace officer.

14 Subp. 3. Restrictions. In order for a motorcycle road guard to escort  
15 a motorcycle group ride, the motorcycle group ride must be an organized  
16 gathering of motorcyclists of at least 20 motorcyclists that:

17 A. is sponsored by an entity that has liability insurance  
18 in force for all participants and organizers of the  
19 motorcycle group ride and must produce proof of such  
20 insurance on demand of a peace officer;

21 B. is following a route in accordance with the notification  
22 provided under Minnesota Statutes, section 169.06,  
23 subdivision 4;

24 C. is riding only in daytime hours; and

25 D. complies with the temporary traffic control zone layout  
26 provisions of the Minnesota Manual on Uniform Traffic  
27 Control Devices, authorized under Minnesota Statutes,  
28 section 169.06, subdivision 1.



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2 **Subp. 4. Requirement to produce proof of liability insurance.**

3 **A. A motorcycle road guard must:**

4 (1) carry proof of liability insurance required under  
5 subpart 3; and

6 (2) produce proof of such insurance on demand of a peace  
7 officer.

8 **B. A motorcycle road guard who fails to produce proof of**  
9 **insurance must, within ten days of an officer's request**  
10 **under this subpart, produce the required proof of**  
11 **insurance stating that the security had been provided**  
12 **for the motorcycle group ride at the time of the demand**  
13 **to the commissioner.**

14 **C. The commissioner shall suspend the motorcycle road guard**  
15 **certificate of a person who does not comply with item B**  
16 **of this subpart until such proof of insurance is**  
17 **received by the commissioner.**

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

21  
22 **7422.0300 MOTORCYCLE ROAD GUARD CERTIFICATE; QUALIFICATIONS.**

23 Subpart 1. Statutory requirements. An applicant for a motorcycle road  
24 guard certificate must meet the requirements under Minnesota Statutes,  
25 section 171.60, subdivision 2.

26 Subp 2. Review of driving record. The commissioner shall review the  
27 driving record of an applicant for a motorcycle road guard certificate upon  
28 initial application.



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- 2 A. An applicant who does not have a Minnesota driver's
- 3 license shall submit a certified copy of the applicant's
- 4 driving record from the United States state where
- 5 applicant is licensed to the commissioner.
- 6 B. An applicant whose Minnesota driving record dates back
- 7 less than five years from the date of the application
- 8 must submit a certified copy of the applicant's driving
- 9 record from the previous jurisdiction in which the
- 10 applicant was licensed so that the commissioner can
- 11 review five years of an applicant's driving record.
- 12 C. The commissioner shall accept and review a driving
- 13 record with fewer than five years in the case where an
- 14 applicant's age, at the time of an applicant's driver's
- 15 license issuance, results in a driving record that
- 16 contains fewer than five years.
- 17 D. A certified copy of a driving record submitted under
- 18 this part must be dated no earlier than 30 days before
- 19 the commissioner receives it.

20 Subp 3. **Prior driving convictions, violations, and incidents.** No

21 applicant for a motorcycle road guard shall have:

- 22 A. More than two petty misdemeanor convictions for any
- 23 moving violation under Minnesota Statutes, chapter 169,
- 24 or a statute **an equivalent violation** from another state
- 25 ~~in conformity with one of these provisions,~~ for 24
- 26 months preceding the date of application;
- 27 B. any qualified prior impaired driving incident, or a
- 28 statute **an equivalent violation** from another state ~~in~~





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2 B. Any physical or mental disability of a motorcycle road  
3 guard that interferes with the safe operation of a motor  
4 vehicle under Minnesota Statutes, section 171.04 or  
5 171.13 is governed under parts 7410.2100 to 7410.3000.

6  
7 **7422.0400 MOTORCYCLE ROAD GUARD INSTRUCTOR; QUALIFICATIONS.**

8 ~~Subpart 1. **Driver education requirements.** In order to instruct the~~  
9 ~~motorcycle road guard certification course, an instructor applicant must:~~

10 ~~A. meet the qualifications under part 7411.0620 and part~~  
11 ~~7411.0630, except that an instructor applicant is not subject part 7411.0620,~~  
12 ~~subpart 8, if the instructor applicant had a criminal history performed~~  
13 ~~within ten years preceding the date of application and the outcome of the~~  
14 ~~check of the national criminal data repository did not indicate a criminal~~  
15 ~~record where the applicant was convicted of a gross misdemeanor or felony.~~

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

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

21  
22 **7422.0500 MOTORCYCLE ROAD GUARD CERTIFICATE ISSUANCE; DISQUALIFICATION.**

23 Subpart 1. **Issuance.**

24 A. Upon successful completion of the motorcycle road guard  
25 course and payment of the program course fee under part  
26 7422.0900 by an applicant, the commissioner shall issue  
27 a motorcycle road guard certificate for a period of two  
28 years. There is no automatic renewal period for a



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motorcycle road guard certificate.

- B. A person who was previously certified as a motorcycle road guard and whose certification has expired must re-enroll as an applicant by meeting the qualifications under 7400.0300 and successfully completing the program curriculum in order to perform the duties of a motorcycle road guard under part 7422.0200.

Subp. 2. Disqualification.

- A. Once certified, failure of a person who holds a motorcycle road guard certificate to meet any of the requirements under 7422.0300 is cause for the commissioner to disqualify the person's motorcycle road guard certificate.
- B. The commissioner shall disqualify the motorcycle road guard certificate of a person who fails to submit a current driving record as required under part 7422.0300, subpart 7 within thirteen months of initial certification.

Subp. 3. 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.

**7422.0600 ALCOHOL AND CONTROLLED SUBSTANCES USE PROHIBITION; VIOLATION.**

Subpart 1. Prohibition of alcohol consumption and controlled substances use. A person who holds a motorcycle road guard certificate shall not perform the duties of a motorcycle road guard, either while operating a motor vehicle or while standing in, or in proximity to, an intersection,



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1  
2 under part 7422.0200:

- 3 A. while consuming alcoholic beverages or while using  
4 controlled substances; or  
5 B. after having consumed alcoholic beverages or after  
6 having used controlled substances.

7 Subp. 2. Use of preliminary screening test. When a peace officer has  
8 reason to believe that a motorcycle road guard may be violating or has  
9 violated subpart 1, the officer may require the driver to provide a sample of  
10 the motorcycle road guard's breath for a preliminary screening using a device  
11 approved by the commissioner for this purpose.

12  
13 Subp. 3. Use of preliminary screening test result. Upon a positive  
14 test administered under subpart 2 of a motorcycle road guard, or a test  
15 refusal of a motorcycle road guard, a peace officer shall:

- 16 A. confiscate the road guard's certificate; and  
17 B. notify the commissioner

18 Subp. 4. Administrative disqualification. When the commissioner is  
19 notified under subpart 3 that a person who holds a motorcycle road guard  
20 certificate has violated this part or that a person who holds a motorcycle  
21 road guard certificate has refused a test under subpart 2, the commissioner  
22 shall:

- 23 A. disqualify the motorcycle road guard certificate; and  
24 B. not issue a motorcycle road guard certificate to the  
25 person described in this subpart for a period of ten  
26 years from the date of disqualification of the  
27 motorcycle road guard certificate.

28 Subp. 5. Reason to believe. For purposes of this part, "reason to



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1 believe" means from the manner in which a motorcycle road guard is driving,  
2 operating, controlling, or acting upon departure from a motor vehicle, or has  
3 driven, operated, or controlled a motor vehicle, or grounds put forth in good  
4 faith which are not arbitrary, irrational, unreasonable, or irrelevant and  
5 which make the proposition asserted more likely than not. Grounds upon which  
6 reason to believe are based include:  
7

- 8 A. facts or statements supplied by the motorcycle road  
9 guard;
- 10 B. driver's license record and accident records;
- 11 C. court documents and police records;
- 12 D. facts of which the peace officer has personal knowledge;
- 13 E. a blood, breath, or urine test indicating the presence  
14 of alcohol or controlled substances, or a test refusal.

15 Subp. 6. Appeal. A person whose motorcycle road guard certificate is  
16 disqualified under this part may appeal the commissioner's disqualification  
17 under the contested case procedures of Minnesota Statutes, chapter 14.

18  
19 **7422.0700. COURSE INSTRUCTION; FREQUENCY.**

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

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

24  
25 **7422.0800 DATA CLASSIFICATION; USE OF INFORMATION.**

26 Subpart 1. Data classified. Data on individuals provided to obtain a  
27 motorcycle road guard certificate shall be treated as public data on  
28 individuals except that the individual's driving record is governed under



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1  
2 Minnesota Statutes, section 171.12. For purposes of this part, public data  
3 on individuals has the meaning given in Minnesota Statutes, section 13.02,  
4 subdivision 15.

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

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

12  
13 **7422.0900 COURSE FEE. [TO BE DEVELOPED.]**

14  
15 **7422.1000 VEHICLE REQUIREMENTS; RESTRICTIONS.**

16 Subpart 1. Required equipment. A motorcycle or passenger vehicle that  
17 is used by a motorcycle road guard in accordance with part 7422.0200 must be  
18 in safe operating condition and must be equipped with a wireless  
19 communications device that can be used to contact law enforcement in the  
20 event of a roadside emergency.

- 21 A. communication devicee [need to specify];  
22 B. other items (?)

23 Subp. 2 Restrictions. A motorcycle or passenger vehicle that is used  
24 by a motorcycle guard in accordance with part 7422.0200 must not:

- 25 A. use equipment or lighting for use exclusively by  
26 emergency vehicles;  
27 B. carry equipment that reduces the visibility of the  
28 driver or otherwise restricts the driver's ability to



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2 safely operate the vehicle; and

3 C. contain any passengers under the age of 18.

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5 **7422.1100 ROAD GUARD FLAGGING EQUIPMENT; APPAREL REQUIREMENTS.**

6 Subpart 1. **Flagging equipment.** A motorcycle road guard who is  
7 performing traffic control in accordance with part 7422.0200 must use a  
8 STOP/SLOW paddle that:

9 A. has an octagonal shape;

10 B. is at least 18 inches wide with letters at least 6  
11 inches high;

12 C. on the STOP face, has white letters and white border on  
13 a red background;

14 D. on the SLOW face, has black letters and a black border  
15 on an orange background;

16 E. is retroreflective; and

17 F. ~~is fastened to a staff that is a minimum of 60 inches in~~  
18 ~~length.~~

19 G. **F.** A collapsible STOP/SLOW paddle that meets the  
20 requirements of items A through ~~F~~ **E** may be used.

21 Subp. 2. **Required high-visibility safety apparel.** A motorcycle road  
22 guard must wear the following high visibility apparel when acting as a  
23 flagger and performing traffic control in accordance with part 7422.0200:

24 A. a safety vest; and

25 B. safety pants during low visibility situations, low  
26 light conditions, or inclement weather.

27 C. The apparel in items A and B must be orange-red,  
28 fluorescent yellow-green, or a combination of the two as



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2 defined in the ANSI standard.

3 D. The retroreflective material of the apparel in items  
4 A and B must be orange, yellow, white, silver, yellow-  
5 green, or a fluorescent version of these colors and must  
6 be visible at a minimum distance of 1,000 feet.

7 E. A shirt or jacket may be substituted for a vest  
8 provided that it meets the color and visibility  
9 requirements of this subpart.

10 Subp. 3. ANSI/ISEA 107-2004 requirement. A motorcycle road guard who  
11 is acting as a flagger and performing traffic control in accordance with part  
12 7422.0200 must wear high-visibility safety apparel that meets the Performance  
13 Class 2 or 3 requirements of the ANSI/ISEA 107-2004 publication entitled  
14 "American National Standard for High-Visibility Apparel and Headwear" and  
15 labeled as meeting the ANSI 107-2004 standard performance for Class 2 or 3  
16 risk exposure. For the purposes of this part, "ANSI 107-2004 standard" means  
17 the standard for the design and performance of high visibility safety apparel  
18 that is developed by the International Safety Equipment Association and  
19 published by the American National Standards Institute. This standard is not  
20 subject to frequent change. A copy of the standard is available at the  
21 Department of Public Safety, 445 Minnesota Street, Suite 1000, Saint Paul,  
22 Minnesota 55101 or on the Internet at [LIST URL].

23  
24 **7422.1200 MOTORCYCLE ROAD GUARD CERTIFICATE PROGRAM; CURRICULUM.**

25 **Subpart 1. Curriculum requirements. The classroom curriculum**  
26 **presented and delivered to each applicant enrolled in the program for**  
27 **motorcycle road guard certification must include:**



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2 A. Opportunity for the applicant to analyze and assess  
3 several decision-making models and factors influencing  
4 highway-use decisions;

5 B. Content and purpose of motor vehicle and traffic laws  
6 and rules for safe motorcycle riding performance;

7 C. Opportunity for the applicant to identify and analyze  
8 intersection types and road types;

9 D. Principles and purpose of high visibility apparel;

10 E. Principles and purpose of intersection control and  
11 flagging requirements, including:

12 (1)

13 (2)

14 (3)

15 F. Best practices of motorcycle group riding formation;

16 G. Information on how to prepare a motorcycle group ride  
17 route;

18 H. Information on program consequences of alcohol use by a  
19 certified motorcycle road guard while performing road  
20 guard duties;

21 **Subp. 2. Laboratory and skill test.**