

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 1768

BY: STEIDLEY

AS INTRODUCED

AN ACT RELATING TO MOTOR VEHICLES; AMENDING 47 O.S.
1991, SECTION 1171, WHICH RELATES TO TOUR BUSES;
MODIFYING DEFINITION OF TOUR BUS; AND PROVIDING AN
EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 47 O.S. 1991, Section 1171, is amended to read as follows:

Section 1171. A. As used in this section, "tour bus" means an intercity bus or buses owned, leased or operated to transport passengers ~~by charter or special service as defined by the Interstate Commerce Commission~~ who are assembled into a travel group through a sale to each individual passenger of a ticket covering a comprehensive trip from any point within the State of Oklahoma with visits to places of established interest and a return in conjunction with packages offered by travel agencies or professional tour operators. The term "tour bus" shall not include regular route passenger service or chartered buses.

B. It shall be unlawful for the Oklahoma Tourism and Recreation Department or any other agency of the state to discriminate in any way against a company, corporation, partnership or sole

proprietorship operating tour buses on an intrastate or interstate basis in this state.

C. Upon application, the Marketing Services Division of the Department of Tourism and Recreation shall issue a permit to any applicant for a tour bus permit in the State of Oklahoma. The fee for such permit shall be Twenty Dollars (\$20.00) per year for each tour bus company. The fee shall be paid to the Marketing Services Division and said fees shall be deposited by the State Treasurer in the Oklahoma Tourism and Recreation Department Revolving Fund.

D. Prior to the issuance of any such permit, all tour bus operators must file with the Marketing Services Division of the Department of Tourism and Recreation proof of compliance with all insurance requirements and safety standards required by the State of Oklahoma.

E. The public policy of this state, as declared by the Legislature, is to encourage tour bus operations within the state and to simplify permit application procedures for providers of tour bus services. Rules and regulations adopted by the Oklahoma Tourism and Recreation Commission shall implement the stated public policy and also protect the public's interest by mandating that tour bus operators shall conduct their operations in accordance with all applicable laws of the state, and all applicable rules established by the Oklahoma Tourism and Recreation Commission.

F. No person shall operate a tour bus as a carrier of persons or property unless such person holds a valid commercial chauffeur's license.

G. No tour bus shall be operated on the public highways of the state that does not comply with safety criteria established by state law or by the Department of Public Safety. No tour bus shall be operated by any person who is intoxicated or under the influence of alcohol or under the influence of amphetamines, stimulants, controlled dangerous substances, or other drugs. Any tour bus which

fails to meet safety criteria, or which is operated by a person under the influence of alcohol, amphetamines, stimulants, controlled dangerous substances, or other drugs shall be denied continued use of the public highways of the state.

H. No tour bus operator shall conduct any operations in this state until after such tour bus operator shall have filed with the Marketing Services Division of the Oklahoma Tourism and Recreation Department a liability insurance policy or bond covering public liability and property damage, issued by an insurance or bonding company or insurance carrier authorized to do business in this state and shall be in such sum and amount as fixed by rules as approved by the Oklahoma Tourism and Recreation Commission; and such liability and property damage insurance policy or bond shall bind the obligor thereunder to make compensation for injuries to, or death of, persons, and loss or damage to property, resulting from the operation of any such tour bus for which such carrier is legally liable.

Providing further that such tour bus operator shall maintain all insurance required by state law and the rules of the Oklahoma Tourism and Recreation Commission during the operation of such tour bus and that the failure for any cause to maintain such coverage in full force and effect shall immediately, without any notice from the Oklahoma Tourism and Recreation Commission, suspend the rights of the tour bus operator to operate such tour bus until proper insurance is provided.

Any tour bus operator engaged in interstate operations shall comply with all provisions of this section; however, valid Interstate Commerce Commission certification shall be recognized in lieu of a liability insurance policy or bond and safety inspection by an Oklahoma Department of Public Safety authorized inspection.

I. Every owner of any tour bus operated within this state, such agents, employees and every other person who violates or fails to

comply with or procures, aids or abets in the violation of any provision of this section shall be deemed guilty of a misdemeanor. Upon conviction in a criminal court of competent jurisdiction, such misdemeanor is punishable by a fine not exceeding One Thousand Dollars (\$1,000.00).

J. The Department of Public Safety shall be responsible for enforcement of this section, and monthly, shall notify the Marketing Services Division of the Oklahoma Tourism and Recreation Department of any citations issued for violations of this section.

K. The Marketing Services Division of the Oklahoma Tourism and Recreation Department may enter into an agreement with any person or corporation located within or without the state for transmission of tour bus permits by way of a facsimile machine or other device if the Department determines that such agreement is in the best interests of the state.

L. The Oklahoma Tourism and Recreation Commission may adopt such rules and regulations as it deems necessary to administer the provisions of this section. The Department may prescribe an application form for the permit and such other forms as it deems appropriate.

SECTION 2. This act shall become effective September 1, 1992.

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