

ENGROSSED HOUSE
BILL NO. 1474

By: Tyler, Calvey and Ferguson
of the House

and

Stipe of the Senate

An Act relating to motor vehicles; creating the Motorcycle Safety and Education Program within the Department of Public Safety; authorizing Commissioner of Public Safety to hire Administrator; stating requirements for courses of instruction; authorizing motorcycle loan program; permitting Administrator to contract with private schools and instructors under certain circumstances; requiring evaluation and inspection; providing for cost of program; permitting Administrator to contract with private insurer; creating Advisory Committee for Motorcycle Safety and Education; providing for appointment of members; stating purpose of Committee; prohibiting creation of additional salaried positions; providing for travel reimbursement; creating revolving fund; assessing fine for certain purpose; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 40-121 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created in the Department of Public Safety the "Motorcycle Safety and Education Program". The Commissioner of Public Safety may hire an Administrator who shall be responsible for the administration and operation of the Program, as determined by the Commissioner.

B. 1. The Program shall include courses of instruction which have been established or approved by the Administrator and are taught by instructors who have obtained national certification in the manner and form prescribed by the Administrator. The courses shall meet or exceed nationally accepted standards for courses of instruction in motorcycle safety and education. The courses shall

include instruction for novice and experienced motorcycle operators and passengers, instruction in motorist awareness and alcohol and drug awareness, and any other kind of instruction the Administrator deems appropriate for motorcycle safety and education.

2. The Program may include provisions for equipment purchases or leases, marketing and promotion, improving motorcycle license testing procedures, and such other provisions as deemed appropriate by the Administrator.

3. The Administrator may participate in a motorcycle manufacturer's motorcycle loan program in order to obtain equipment for use in courses of instruction.

4. The Administrator may contract with private schools and instructors to teach motorcycle safety and education courses; provided, such schools shall meet standards for motorcycle safety and education instruction as set by the Administrator and the instructors shall be certified as required by this section.

5. The Administrator shall evaluate the Program every two (2) years and shall periodically inspect public and private facilities and equipment and periodically evaluate procedures used in the courses of instruction. Evaluation and inspection reports shall be submitted to the Department of Public Safety and the Advisory Committee according to rules of this act.

C. The cost of administering and operating the Motorcycle Safety and Education Program and conducting courses of instruction shall be funded by the Motorcycle Safety and Education Program Revolving Fund, created in Section 3 of this act. Provided, reasonable tuition as set by the Administrator may be charged for each course if sufficient funds are not available to cover the costs of the Program, as provided in Section 3 of this act.

D. The Administrator, with the approval of the Risk Management Administrator pursuant to Section 85.58A of Title 74 of the Oklahoma Statutes, may contract with a private insurer authorized to do

business in this state for the purpose of purchasing insurance coverage pertinent to the operation of the Program.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 40-122 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Advisory Committee for Motorcycle Safety and Education which shall be comprised of seven (7) members, six of whom shall be appointed by the Commissioner of the Department of Public Safety and one of whom shall be appointed by the Insurance Commissioner. One member shall be a certified instructor of motorcycle safety and education; one member shall be a licensed and safety course certified motorcycle operator/owner; one member shall be an employee of the Department of Public Safety; one member shall represent the interests of district court and municipal judges that hear cases pertaining to traffic laws; one member shall represent private sector motorcycle rider education schools; one member shall be a representative of the Oklahoma Highway Safety Office; and the member appointed by the Insurance Commissioner shall be an employee of the Insurance Commissioner's office. Members shall serve at the pleasure of the appointing authority.

B. The Committee shall advise and assist the Commissioner in the development, administration and operation of the Motorcycle Safety and Education Program, the promulgation of rules pursuant thereto and the setting of goals, objectives and priorities for the Program.

C. The provisions of this section shall not be construed to authorize the creation of any additional salaried position within the Department of Public Safety.

D. Members of the Committee shall receive no compensation for serving on the Committee, but shall be entitled to reimbursement for any actual and necessary traveling expenses pursuant to the State Travel Reimbursement Act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 40-123 of Title 47, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Department of Public Safety to be designated the "Motorcycle Safety and Education Program Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all tuition, fees, donations, federal funds and grants received for the purpose of motorcycle safety and education programming. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Commissioner of Public Safety for the purpose of operating the Motorcycle Safety and Education Program; provided, a portion of said fund shall be dedicated for the purpose of subsidizing up to seventy percent (70%) of any tuition charged for motorcycle safety and education courses. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 40-124 of Title 47, unless there is created a duplication in numbering, reads as follows:

There shall be an additional fine of Ten Dollars (\$10.00) placed on all misdemeanor and felony convictions for operating or being in actual physical control of a motor vehicle while under the influence of alcohol or other intoxicating substance, which shall be credited to the Motorcycle Safety and Education Program Revolving Fund.

SECTION 5. This act shall become effective November 1, 1999.

Passed the House of Representatives the 2nd day of March, 1999.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1999.

President of the Senate