

EHB 1474

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THE STATE SENATE  
Monday, March 29, 1999

ENGROSSED

House Bill No. 1474

As Amended

ENGROSSED HOUSE BILL NO. 1474 - By: TYLER, CALVEY and FERGUSON of the House and STIPE and WEEDN of the Senate.

[ motor vehicles - Motorcycle Safety and Education Program within the Department of Public Safety - codification - 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

(Bold face denotes Committee Amendments)

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

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

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

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

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

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

8 D. The Administrator, with the approval of the Risk Management  
9 Administrator pursuant to Section 85.58A of Title 74 of the Oklahoma  
10 Statutes, may contract with a private insurer authorized to do  
11 business in this state for the purpose of purchasing insurance  
12 coverage pertinent to the operation of the Program.

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

16 A. There is hereby created the Advisory Committee for  
17 Motorcycle Safety and Education which shall be comprised of seven  
18 (7) members, six of whom shall be appointed by the Commissioner of  
19 the Department of Public Safety and one of whom shall be appointed  
20 by the Insurance Commissioner. One member shall be a certified  
21 instructor of motorcycle safety and education; one member shall be a  
22 licensed and safety course certified motorcycle operator/owner; one  
23 member shall be an employee of the Department of Public Safety; one

1 member shall represent the interests of district court and municipal  
2 judges that hear cases pertaining to traffic laws; one member shall  
3 represent private sector motorcycle rider education schools; one  
4 member shall be a representative of the Oklahoma Highway Safety  
5 Office; and the member appointed by the Insurance Commissioner shall  
6 be an employee of the Insurance Commissioner's office. Members  
7 shall serve at the pleasure of the appointing authority.

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

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

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

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

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

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

20           There shall be an additional fine of Ten Dollars (\$10.00) placed  
21 on all misdemeanor and felony convictions for operating or being in  
22 actual physical control of a motor vehicle while under the influence

1 of alcohol or other intoxicating substance, which shall be credited  
2 to the Motorcycle Safety and Education Program Revolving Fund.

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

4 COMMITTEE REPORT BY: COMMITTEE ON VETERANS, MILITARY AFFAIRS &  
5 PUBLIC SAFETY, dated 3-23-99 - DO PASS, As Amended.