

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2674

By: Tyler of the House

and

Stipe of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 2001, Sections 40-121, 40-122 and 40-123, which relate to the motorcycle safety and education program of the Department of Public Safety; modifying how the program will be administered; eliminating authority for purchase of equipment and loan programs; eliminating use of fund to conduct courses and pay tuition; requiring promulgation of rules by Commissioner; modifying procedure for advisory committee; eliminating requirement certain funds be used for tuition; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 40-121, is amended to read as follows:

Section 40-121. 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 guidelines and standards for courses of instruction ~~which have been,~~ as established ~~or~~ and approved by the ~~Administrator~~ Commissioner and which are taught by certified instructors ~~who have obtained national certification in the manner and form,~~ as prescribed by the ~~Administrator~~ Commissioner. 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~~ Commissioner 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~~ Commissioner.

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~~ Commissioner 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, as created in Section 3 40-123 of this ~~act~~ title. ~~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~~ The Commissioner shall promulgate rules necessary to implement and administer the provisions of Sections 40-121 through 40-123 of this title.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 40-122, is amended to read as follows:

Section 40-122. A. There is hereby created the Advisory Committee for Motorcycle Safety and Education which shall be comprised of the Administrator, who shall serve as chair of the Committee and shall be a nonvoting member, and seven (7) voting 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 meet at the call of the Administrator or the Commissioner. A vice-chair shall be elected by the Committee from among its members. The vice-chair shall act as chair of the Committee only in the absence of the Administrator at officially called meetings of the Committee.

C. 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.~~ D. 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.~~ E. Members of the Committee who are not state employees shall receive no compensation from the state for serving on the Committee, ~~but.~~ All members of the Committee shall be entitled to reimbursement for any actual and necessary traveling expenses pursuant to the State Travel Reimbursement Act.

SECTION 3. AMENDATORY 47 O.S. 2001, Section 40-123, is amended to read as follows:

Section 40-123. 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. This act shall become effective July 1, 2002.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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