ENROLLED HOUSE
BILL NO. 2335

By: Peterson of the House

and

Ford of the Senate

An Act relating to driver improvement; amending 36 O.S. 2001, Section 924.1, which relates to accident prevention courses; establishing minimum course hours; amending 47 O.S. 2001, Section 6-206.1, which relates to defensive driving courses; modifying minimum course hours and enrollment fee; and providing an effective date.

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

SECTION 1. AMENDATORY 36 O.S. 2001, Section 924.1, is amended to read as follows:

Section 924.1 A. Any schedule of rates or rating plan for automobile or motorcycle liability and physical damage insurance submitted to or filed with the State Board for Property and Casualty Rates shall provide for an appropriate reduction in premium charges for those insured persons for a three-year period after successfully completing a motor vehicle accident prevention course which shall include but not be limited to an automobile or motorcycle accident prevention course meeting the criteria established by the Department of Public Safety. Provided, however, there shall be no reduction in premiums for a self-instructed course or a course which does not provide for actual classroom or field driving instruction for a minimum number of hours as determined by the Department of Public Safety. Provided further, there shall be no reduction in premiums for a course attended pursuant to a court order in connection with a motor vehicle violation or an alcohol- or drug-related offense.

B. All insurance companies writing automobile or motorcycle liability and physical damage insurance in this state shall allow an appropriate reduction in premium charges to all eligible persons pursuant to this section.

C. The approved course shall be taught by instructors approved by the Department of Public Safety.

D. Upon successfully completing the approved course, each participant shall be issued by the sponsoring agency of the course, a certificate which shall be the basis of qualification for the discount on insurance.

E. Each participant shall successfully complete an approved course each three (3) years to continue to be eligible for the discount on insurance.

F. An approved course pursuant to this section shall provide at least six (6) hours of instruction.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-206.1, is amended to read as follows:

Section 6-206.1 A. Driver improvement or defensive driving course is a course which offers an educational setting, provides for driving concepts which encourage attitude or behavioral changes in the responsibility of operating a motor vehicle in a safe and responsible manner.

B. It shall be the responsibility of the institution or organization to provide:

1. Adequate facilities which meet or exceed state and local fire, health and safety codes;

2. Adequate equipment, in good working order, and instructional materials for such courses;

3. Qualified instructors who shall:

a. possess an undergraduate degree and have nine (9) college or university credit hours in traffic safety education, or is a peace officer certified by the Council on Law Enforcement Education and Training (CLEET) who is employed by a municipality,

b. have no alcohol or drug related convictions or revocations in the past five (5) years,

c. have no more than five (5) points accumulated on the driving record in the past three (3) years in accordance with the Oklahoma Mandatory Point System,

d. have a valid Oklahoma driver license, and

e. complete a course of training through the approved organization or institution;

4. A course of study designed to inform the participant of driver improvement and defensive driving concepts while encouraging attitude or behavioral changes in the responsibility of operating a motor vehicle in a safe and responsible manner. The curriculum, which means the complete lesson plans which include instructional strategy, presentation methods and resources utilized to incorporate the concepts of traffic safety, must provide for but not be limited to the following:

a. driver personality traits - behavioral attitudes,

b. driver qualifications and limitations,

c. effects of alcohol and other drugs,

d. current accident prevention and defensive driving techniques: speed control, perception, reactions, lane positioning, safe turning and passing, occupant

restraints, following distance and rules of the road; and

5. Provide at least ~~eight (8)~~ six (6) hours of classroom instruction.

C. Organizations or institutions desirous of making application shall submit the following to the Department of Public Safety:

1. Evidence of organizational or institutional status which meet statutory requirements;

2. Copy of proposed course curriculum which includes lesson objectives, presentation materials, instructional strategy and resources utilized;

3. Certification that instructors meet statutory requirements; and

4. Upon Department of Public Safety approval said organization or institution shall be considered for point credits as set forth in this section.

D. The Department of Public Safety is authorized to grant a two point credit towards the Oklahoma Point System Regulations to any person who successfully completes a course pursuant to this section provided only one such course shall be acknowledged once every twenty-four (24) months.

E. The Department upon giving of notice and hearing may decline to grant credit points to any organization or institution for:

1. Unethical conduct of an instructor or official of an institution or organization;

2. Failure to satisfactorily resolve citizens' complaints;

3. Falsifying or misrepresenting any document or information to the Department or student;

4. Failure of organization or instructor to meet statutory requirements;

5. Conflict of interest by the organization or institution and/or its personnel; or

6. Failure of organization, institution or instructor to continue to meet statutory requirements as provided for in this section.

F. Course enrollment will be limited to not more than thirty students with an enrollment fee of ~~Twenty-five Dollars ($25.00)~~ Fifty Dollars ($50.00) per student.

G. Enrollment in the course shall not be limited to persons ordered to enroll, attend and successfully complete the course.

H. The organization or institution shall within fifteen (15) days of the completion certify to the Department of Public Safety all persons who successfully complete the course on a form approved or

furnished by the Department. This shall include the person's full name, address, date of birth and driver license number.

I. Department personnel shall be admitted to any course without charge, upon request and display of proper credentials.

J. Each organization or institution shall develop auditing procedures which could be utilized to show compliance with this section.

K. Any point credit allowed must comply with the Department's Point System Regulations.

SECTION 3. This act shall become effective November 1, 2002.

Passed the House of Representatives the 5th day of March, 2002.

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Presiding Officer of the House of Representatives

Passed the Senate the 8th day of April, 2002.

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Presiding Officer of the Senate