

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 1374

By: Smalley

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7 COMMITTEE SUBSTITUTE

8 An Act relating to dockless bicycles; providing
9 definitions; providing insurance requirements for a
10 bicycle sharing company; providing requirements for
11 certain dockless bicycles made available for
12 reservation; providing certain responsibilities for
13 certain bicycle sharing companies; providing for
14 codification; providing an effective date; and
15 declaring an emergency.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 12-710 of Title 47, unless there
19 is created a duplication in numbering, reads as follows:

20 A. As used in this section:

21 1. "Bicycle sharing company" means an entity that makes
22 dockless bicycles available for private use by reservation through
23 an online application, software or website;

24 2. "Dockless bicycle" means a bicycle, including an electric
bicycle, that is self-locking and that is not connected to a docking
station;

1 3. "Local governmental entity" means a county, municipality or
2 other local governmental entity or subdivision; and

3 4. "User" means a person who reserves a dockless bicycle
4 through a bicycle sharing company's online application, software or
5 website.

6 B. A person or entity may not operate a bicycle sharing company
7 in this state unless the person or entity maintains a current and
8 valid combined single-limit policy of commercial general liability
9 insurance coverage in the amount of at least Five Hundred Thousand
10 Dollars (\$500,000.00) per occurrence for bodily injury and property
11 damage.

12 C. Each dockless bicycle made available for reservation by a
13 bicycle sharing company must:

14 1. Meet the requirements for bicycles set forth in this
15 article;

16 2. Obtain a permit from the Oklahoma Tourism and Recreation
17 Department;

18 3. Be available for reservation twenty-four (24) hours a day,
19 seven (7) days a week;

20 4. Prominently display the bicycle company's trade address;

21 5. Display an e-mail address or a telephone number at which a
22 user may contact the bicycle sharing company for customer support;
23 and

24 6. Be lawfully parked when not in use.

1 D. A bicycle sharing company must provide through its online
2 application, software or website:

3 1. Notification that a rider of a dockless bicycle must operate
4 the dockless bicycle in compliance with state and local law; and

5 2. An interface that enables a user to notify the bicycle
6 sharing company of an issue relating to the safety or maintenance of
7 a dockless bicycle.

8 E. The Department shall:

9 1. Issue a permit to each applicant that presents proof, in a
10 form prescribed by the Department, that the applicant meets the
11 requirements for a bicycle sharing company set forth in this act,
12 and proof of insurance required by this act and pays to the
13 Department an annual permit fee of One Thousand Dollars (\$1,000.00);
14 and

15 2. Promulgate rules as needed to implement the provisions of
16 this act.

17 F. The authority of the Department shall be limited to
18 permitting and regulation of bicycle sharing companies to ensure
19 compliance by the bicycle sharing companies with the provisions of
20 this act and shall not include jurisdiction to adjudicate private
21 causes of action arising from the provisions of bicycle rental and
22 use.

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1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 12-711 of Title 47, unless there
3 is created a duplication in numbering, reads as follows:

4 Notwithstanding any other provision of law, the regulation,
5 licensing or permitting of bicycle sharing companies for the
6 provisions of bicycle rentals and use is within the exclusive
7 jurisdiction of the Oklahoma Tourism and Recreation Department and
8 any rules promulgated by the Department consistent with the act. No
9 political subdivision of the state may impose a tax on, or require a
10 license for, a bicycle sharing company for the provision of bicycle
11 rental and use or subject a bicycle sharing company to the political
12 subdivision's rate requirement, entry requirement, operational
13 requirement or other requirements.

14 SECTION 3. This act shall become effective July 1, 2018.

15 SECTION 4. It being immediately necessary for the preservation
16 of the public peace, health or safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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