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February 27, 2018

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL NO. 1374

By: Smalley

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[ dockless bicycles - definitions - insurance
requirements - codification - effective date -
emergency ]
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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 12-710 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

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

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

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

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

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

10       C. Each dockless bicycle made available for reservation by a  
11 bicycle sharing company must:

12       1. Meet the requirements for bicycles set forth in this  
13 article;

14       2. Obtain a permit from the Oklahoma Tourism and Recreation  
15 Department;

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

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

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

22       6. Be lawfully parked when not in use.

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

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

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

6        E. The Department shall:

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

13        2. Promulgate rules as needed to implement the provisions of  
14 this act.

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

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

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

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

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

16      COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM  
17      February 27, 2018 - DO PASS AS AMENDED  
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