STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1375 BY: PILGRIM

AS INTRODUCED

AN ACT RELATING TO MOTOR VEHICLES; AMENDING 47 O.S. 1981, SECTIONS 11-801 AND 11-801a, AS AMENDED BY SECTION 1, CHAPTER 25, O.S.L. 1987 (47 O.S. SUPP. 1990, SECTION 11-801a), WHICH RELATES TO MAXIMUM SPEED LIMITS; MODIFYING MAXIMUM SPEED LIMIT FOR SCHOOL BUSES; PROVIDING EXCEPTION TO PROVISION SUSPENDING CONFLICTING SPEED LIMIT LAWS; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 47 O.S. 1981, Section 11-801, is amended to read as follows:

Section 11-801. (a) Any person driving a vehicle on a highway shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the highway and any other conditions then existing, and no person shall drive any vehicle upon a highway at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead.

(b) Except when a special hazard exists that requires lower speed for compliance with ~~paragraph~~ subsection (a) of this section, the limits specified in this act or established as hereinafter

authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits:

1. Sixty-five (65) miles per hour in other locations during daytime.
2. Fifty-five (55) miles per hour in such other locations during nighttime.
3. Seventy (70) miles per hour in such other locations which are four-lane divided highways.

Daytime means from a half hour before sunrise to a half hour after sunset. Nighttime means at any other hour.

4. No person shall drive a truck, truck tractor with semitrailer or poletrailer attached or any other combination of vehicles at a speed greater than a maximum of sixty (60) miles per hour in the day and fifty-five (55) miles per hour during the nighttime.
5. No person shall drive a pickup truck at a greater speed than is prescribed in subsection (b) of ~~Section 11-801~~ <u>this section</u>; except when such pickup truck is hauling livestock, then and in that event the maximum speed of such pickup truck shall not exceed sixty (60) miles per hour day or fifty-five (55) miles per hour at night. A pickup truck, as used in this act, shall apply to all vehicles having a rated load capacity of three-quarter ton or less.
6. No person shall drive a school bus at a speed greater than a maximum of fifty (50) miles per hour except on turnpikes and interstate highways where the maximum shall be ~~sixty-five (65)~~ <u>fifty-five (55)</u> miles per hour.
7. On any highway outside of a municipality, the speed limit in a properly marked school zone shall be a maximum of twenty-five (25) miles per hour, provided

the zone is marked with movable school zone signs, the signs placed at least one hundred (100) yards on each side of the area of the school proper. These signs shall not be placed upon or left standing on any part of the roadway except during the school day and the period immediately after the closing of school when children are, or are expected to be, crossing the highway in said school area; provided that such signs shall be removed from the roadway at all times when school is actually assembled and in no event shall such signs be placed upon the roadway more than one hour prior to the assembly of school in the morning nor left standing on the roadway for more than one hour after the dismissal of school in the evening. The Oklahoma State Department of Highways shall mark such school zones, or entrances and exits onto highways by buses or students, so that the maximum speed provided by this section shall be established therein. Exits and entrances to controlled-access highways which are within such school zones shall be marked in the same manner as other highways. The county commissioners shall mark such school zones along the county roads so that the maximum speed provided by this section shall be established therein. Said signs may be either permanent or temporary. The Highway Department shall give priority over all other signing projects to the foregoing duty to mark school zones. The Department shall also provide other safety devices for school zones which are needed in the opinion of the department.

8. No person shall drive any vehicle at a greater maximum speed than twenty-five (25) miles per hour through

state schools located on the state-owned land adjoining or outside the limits of a corporate city or town where a state educational institution is established.

9. No person shall drive any vehicle on a highway in any state park or wildlife refuge at a rate of speed in excess of thirty-five (35) miles per hour. Provided, however, that the provisions of this paragraph shall not apply to any state or federal designated highway within such areas.

10. No person shall drive any vehicle or combination of vehicles with solid rubber or metal tires at a speed greater than the maximum of ten (10) miles per hour.

The maximum speed limits set forth in this act may be altered as authorized in Sections 11-802 and 11-803.

(c) The Oklahoma State Highway Commission is hereby authorized to prescribe maximum and minimum speeds for all vehicles and any combinations of vehicles using controlled-access highways. Such regulations shall become effective after signs have been posted on these highways giving notice thereof. Such regulations may apply to an entirely controlled-access highway or to selected sections thereof as may be designated by the Oklahoma State Highway Commission. It shall be a violation of this section to drive any vehicle at a faster rate of speed than such prescribed maximum or at a slower rate of speed than such prescribed minimum. However, all vehicles shall at all times conform to ~~paragraph~~ subsection (a) of this section.

Copies of such regulations certified as in effect on any particular date by the Secretary of the Oklahoma State Highway Commission shall be accepted as evidence in any court in this state. Whenever changes have been made in speed zones copies of such

regulations shall be filed with the State Commissioner of Public Safety.

(d) The driver of every vehicle shall, consistent with the requirements of ~~paragraph~~ subsection (a), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when driving upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions.

SECTION 2. AMENDATORY 47 O.S. 1981, Section 11-801a, as amended by Section 1, Chapter 25, O.S.L. 1987 (47 O.S. Supp. 1990, Section 11-801a), is amended to read as follows:

Section 11-801a. No person shall drive a vehicle on a road or highway at a speed in excess of fifty-five (55) miles per hour unless, pursuant to federal law, a greater speed limit is authorized or established; provided, however, that the speed limit on rural interstate highways, as defined by federal law, shall be a maximum of sixty-five (65) miles per hour. This act shall cease to be effective when the "Federal-Aid Highway Amendments of 1974" (Public Law 93-643), or a substantially similar successor law with sanctions, ceases to be in effect; or by proclamation of the Governor that an emergency no longer exists and this maximum speed is no longer warranted; or by resolution of the Legislature that an emergency no longer exists and this maximum speed is no longer warranted. ~~This~~ Except for the maximum speed limits allowed for school buses in Section 11-801 of this title, this act shall suspend but not repeal all other laws in conflict and such laws shall resume their effectiveness when this act ceases to be in effect.

SECTION 3. 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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