

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1401

BY: HUDSON

AS INTRODUCED

AN ACT RELATING TO CITIES AND TOWNS AND MOTOR

VEHICLES; AMENDING 11 O.S. 1981, SECTION 22-117,
WHICH RELATES TO TRAFFIC REGULATIONS OF
MUNICIPALITIES; REQUIRING MUNICIPALITIES TO CREATE
NO-PASSING ZONES IN SCHOOL ZONES; AMENDING 47 O.S.
1981, SECTIONS 11-307, 11-705, AS AMENDED BY
SECTION 1, CHAPTER 207, O.S.L. 1989, AND 11-801 (47
O.S. SUPP. 1990, SECTION 11-705), WHICH RELATE TO
NO-PASSING ZONES, MEETING OR OVERTAKING SCHOOL
BUSES AND BASIC RULES AND MAXIMUM SPEED LIMITS;
REQUIRING DEPARTMENT OF PUBLIC SAFETY TO DECLARE
SCHOOL ZONES AS NO-PASSING ZONES AND TO CAUSE
APPROPRIATE SIGNS TO BE PLACED MARKING SUCH ZONES;
STRIKING LANGUAGE RELATING TO OVERTAKING A SCHOOL
BUS; REQUIRING DEPARTMENT OF PUBLIC SAFETY TO MARK
SPEED ZONES AS NO-PASSING ZONES; AND PROVIDING AN
EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 11 O.S. 1981, Section 22-117, is
amended to read as follows:

Section 22-117. A. The municipal governing body may establish ordinances and regulations governing the operation of motor vehicles and traffic upon the roads and streets within the municipality in the manner provided by, and not inconsistent with, state law. The governing body may also regulate and prevent racing and fast driving, and all games, practices or amusements likely to result in damage to any person or property, in the streets, highways, alleys, bridges, sidewalks or other places in the municipality, and riding or driving over or upon the sidewalks of the municipality.

B. Any municipal governing body which establishes ordinances and regulations governing school zone speed limits, shall place school zone signs designating the beginning and end of the zone on the side or in the center of the roadway. Such end zone signing shall be as follows:

~~(a)~~ 1. On roadways of two driving lanes, only the end zone signing may be on either side of the roadway or in the center of the roadway.

~~(b)~~ 2. On roadways in excess of two driving lanes, the end zone signing shall be on the right side of the roadway or in the center of the roadway if said roadway is divided by a median.

C. Any municipal governing body which establishes ordinances and regulations governing school zones, shall provide for no-passing zones in school zones in the manner provided by state law.

SECTION 2. AMENDATORY 47 O.S. 1981, Section 11-307, is amended to read as follows:

Section 11-307. ~~(a) A.~~ A. ~~The Oklahoma Department of Highways~~ Department of Transportation or other designated authorities are hereby authorized to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on

the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

~~(b)~~ B. The Department of Transportation shall include within its determination of portions of highways where passing would be especially hazardous, portions of highways within school zones. The Department shall cause appropriate signs or markings to be placed indicating the beginning and end of such no-passing zones in school zones.

C. Where signs or markings are in place to define a no-passing zone ~~as set forth in paragraph (a)~~ no driver shall at any time drive to the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

SECTION 3. AMENDATORY 47 O.S. 1981, Section 11-705, as amended by Section 1, Chapter 207, O.S.L. 1989 (47 O.S. Supp. 1990, Section 11-705), is amended to read as follows:

Section 11-705. A. The driver of a vehicle meeting ~~or overtaking~~ a school bus that is stopped to take on or discharge school children, and on which the red loading signals are in operation, is to stop his vehicle before it reaches the school bus and not proceed until the loading signals are deactivated and then proceed ~~past such school bus~~ at a speed which is reasonable and with due caution for the safety of such school children and other occupants.

B. Every school bus used for the transportation of school children shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight (8) inches in height and in addition shall be equipped with visual signals meeting the requirements of Section 12-218 of this title, which shall be actuated by the driver of said school bus

whenever but only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging school children.

C. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

D. If the driver of a school bus witnesses a violation of the provisions of subsection A of this section, within twenty-four (24) hours of the alleged offense, he shall report the violation, the vehicle color, license tag number, and the time and place such violation occurred to the law enforcement authority of the municipality where the violation occurred. The law enforcement authority of a municipality shall issue a letter of warning on the alleged violation to the person in whose name the vehicle is registered. The Office of the Attorney General shall provide a form letter to each municipal law enforcement agency in this state for the issuance of the warning provided for in this subsection. Such form letter shall be used by each such law enforcement agency in the exact form provided for by the Office of the Attorney General. A warning letter issued pursuant to this subsection shall not be recorded on the driving record of the person to whom such letter was issued. Issuance of a warning letter pursuant to this section shall not preclude the imposition of other penalties as provided by law.

SECTION 4. 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; 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) 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 Transportation 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 Department shall mark school speed zones with signs or markings indicating the school zone as a no-passing zone. The county commissioners shall mark such school zones along the county roads so that the maximum speed provided by this section and no-passing zones shall be established

therein. Said signs may be either permanent or temporary. The ~~Highway~~ Department of Transportation 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~~ Transportation 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~~ Transportation 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 (a) of this section.

Copies of such regulations certified as in effect on any particular date by the Secretary of the ~~Oklahoma State Highway~~ Transportation 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) of this section, 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 5. This act shall become effective September 1, 1991.

43-1-5592

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