

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 868

By: Brown of the Senate

and

Satterfield of the House

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 11-705, which relates to meeting or overtaking stopped school bus; providing penalty; amending 47 O.S. 1991, Section 11-807, which relates to penalties for speeding violations; providing penalty for speeding in school zone; amending Section 30, Chapter 303, O.S.L. 1992 and 47 O.S. 1991, Section 18-101 (47 O.S. Supp. 1993, Section 11-810), which relate to points for speeding violations and driver's records; requiring points be assessed for school zone violation; repealing 47 O.S. 1991, Sections 11-801c and 11-801d, which relate to points for speeding violations; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, 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.

E. Every person convicted of violating this section shall be guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Ten Dollars (\$10.00) and not more than Two Hundred Fifty Dollars (\$250.00), or shall be sentenced to serve a term of not less than five (5) days nor more than thirty (30) days in jail, or shall be subject to both such fine and imprisonment.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 11-807, is amended to read as follows:

Section 11-807. (a) In every charge of violation of any speed regulation in this article, the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the maximum speed applicable within the district or at the location.

(b) The provision of this article declaring maximum speed limitations shall not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

(c) Every person convicted of violating any provision of Article VIII, Sections 11-801 to 11-807 of this title inclusive except paragraph 7 or 8 of subsection (b) of Section 11-801 of this title, shall be guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Ten Dollars (\$10.00) and not more than Two Hundred Dollars (\$200.00), or shall be sentenced to serve a term of not less than five (5) days nor more than thirty (30) days in jail, or by both such fine and imprisonment. Every person convicted of violating paragraph 7 or 8 of subsection (b) of Section 11-801 of this title shall be guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Ten Dollars (\$10.00) and not more than Two Hundred Fifty Dollars (\$250.00), or shall be sentenced to serve a term of not less than five (5) days nor more than thirty (30) days in jail, or shall be subject to both such fine and imprisonment.

SECTION 3. AMENDATORY Section 30, Chapter 303, O.S.L. 1992 (47 O.S. Supp. 1993, Section 11-810), is amended to read as follows:

Section 11-810. The Oklahoma Department of Public Safety shall not record or assess points for convictions provided for in paragraph 1 of subsection A of Section 153 of Title 28 of the Oklahoma Statutes on any licensee's traffic record as maintained by said Department; provided, however, if such conviction is the result of a violation for exceeding the posted speed limit in a school zone, then the Department shall record and assess points for the conviction on the traffic record of the offender.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 18-101, is amended to read as follows:

Section 18-101. ~~(a)~~ A. Every magistrate or judge of a court shall keep or cause to be kept a record of every traffic complaint, traffic citation or other legal form of traffic charge deposited with or presented to said court or its traffic-violations bureau, and shall keep a record of every official action by said court or its traffic-violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal and the amount of fine or forfeiture resulting from every said traffic complaint or citation deposited with or presented to said court or traffic-violations bureau.

~~(b)~~ B. Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this act or other law regulating the operation of vehicles on highways every said magistrate of the court or clerk of the court of record, in which such conviction was had or bail was forfeited shall prepare and immediately forward to the Department an abstract of the record of said court covering the case in which said person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct. A report need not be made of any conviction involving the illegal parking or standing of a vehicle. A magistrate of a municipal court shall not make such a report of a conviction involving speeding if the speed limit is not exceeded by more than ten (10) miles per hour; provided, however, if such conviction is the result of a violation for exceeding the posted speed limit in a school zone, then the magistrate shall make a report of the conviction to the Department.

~~(c)~~ C. Said abstract must be made upon a form furnished by the Department and shall include the name and address of the party charged, the number, if any, of his operator's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the

judgment, or whether bail forfeited and the amount of the fine or forfeiture as the case may be.

~~(d)~~ D. Every court of record shall also forward a like report to the Department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

~~(e)~~ E. The failure, refusal or neglect of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be ground for removal therefrom.

SECTION 5. REPEALER 47 O.S. 1991, Sections 11-801c and 11-801d, are hereby repealed.

SECTION 6. 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.

44-2-9397

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