

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)
5TH CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 685

By: Leftwich of the Senate

and

Adair and Kouba of the
House

5TH CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 11-801, 11-803, 11-401, 2-117, and Section 1, Chapter 122, O.S.L. 1995 (47 O.S. Supp. 1995, Section 14-118.1), which relate to maximum speed limits, when local authorities may alter speed limits, vehicles approaching or entering intersection, powers and duties of the Department of Public Safety and multistate oversize and overweight permits; setting maximum speed limits for turnpike and interstate highway systems; authorizing Transportation Commission to make certain designation; requiring certain determination; setting maximum speed limit for super two-lane highways; providing definition; deleting certain term; setting maximum speed limits for other highways; modifying speed limits for truck-tractor combination vehicles; modifying speed limits for pickup trucks; setting maximum speed limits for county roads; authorizing board of county commissioners to alter certain speed limits; providing for certain procedure; requiring public notice; requiring Department of Transportation to post certain signs; providing for reimbursement; restricting authority to alter speed limits on interstate highways within corporate limits; requiring driver approaching intersection of county road designated as a thoroughfare to yield right-of-way; providing certain boundary for maintenance of county roads; providing exception; providing for special law enforcement authority on certain additional highways in this state; providing reference for certain determination; authorizing Department of Transportation to enter into certain agreements for issuance of certain permits; requiring the Commissioner of Public Safety to adopt certain rules and issue certain multistate permits; modifying gender references; modifying name of certain entity; modifying statutory references; clarifying language; modifying outline format; repealing 47 O.S. 1991, Section 11-801a, which relates to maximum speed limits; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 11-801, is amended to read as follows:

Section 11-801. ~~(a)~~ 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~~ the driver to bring it to a stop within the assured clear distance ahead.

~~(b)~~ B. Except when a special hazard exists that requires lower speed for compliance with ~~paragraph (a)~~ 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.~~ Seventy-five (75) miles per hour in locations comprising:

- a. the turnpike system, and
- b. rural segments of the interstate highway system, as may be designated by the Transportation Commission. Provided, however, the Commission shall determine prior to the designation of such segments that the public safety will not be jeopardized;

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:

- a. four-lane divided highways including, but not limited to, the interstate highway system, and
- b. super two-lane highways. As used in this section, a super two-lane highway shall mean any two-lane highway with designated passing lanes, and consisting of paved shoulders not less than eight (8) feet in width.

~~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. 3. Sixty-five (65) miles per hour in other locations;~~

~~4. 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. 5. 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 appropriate warning 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 in accordance with the latest edition of the Manual on Uniform Traffic Control Devices. 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 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 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-i

~~8.~~ 6. 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-i

~~9.~~ 7. 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~~ section shall not ~~apply to~~ include the State Capitol park area, and no person shall drive any vehicle at a rate of speed in excess of forty-five (45) miles per hour on any state or federal designated highway within such areas-i and

~~10.~~ 8. 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 of this title.

~~(c)~~ 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)~~ 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~~ 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)~~ D. The driver of every vehicle shall, consistent with the requirements of ~~paragraph (a)~~ 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 hillcrest, 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.

E. 1. No person shall drive a vehicle on a county road at a speed in excess of fifty-five (55) miles per hour unless posted otherwise by the board of county commissioners, as provided in subparagraphs a through c of this paragraph, as follows:

- a. the board of county commissioners may determine, by resolution, a maximum speed limit which shall apply to all county roads which are not otherwise posted for speed,
- b. the board of county commissioners shall provide public notice of the speed limit on all nonposted roads by publication in a newspaper of general circulation in the county. The notice shall be published once weekly for a period of four (4) continuous weeks, and

c. the board of county commissioners shall forward the resolution to the Director of the Department of Transportation and to the Commissioner of Public Safety.

2. The Department of Transportation shall post speed limit information, as determined pursuant to the provisions of subparagraphs a through c of paragraph 1 of this subsection, on the county line marker where any state highway enters a county and at all off-ramps where interstate highways or turnpikes enter a county. The signs read as follows:

ENTERING _____ COUNTY
COUNTY ROAD SPEED LIMIT
_____ MPH
UNLESS POSTED OTHERWISE

The appropriate board of county commissioners shall reimburse the Department of Transportation the full cost of the signage required herein.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 11-803, is amended to read as follows:

Section 11-803. ~~(a)~~ A. Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under this article is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:

1. Decreases the limit at intersections; or
2. Increases the limit within an urban district, but not to more than sixty-five (65) miles per hour ~~during daytime or fifty-five (55) miles per hour during nighttime;~~ or
3. Decreases the limit outside an urban district, but not to less than thirty (30) miles per hour.

~~(b)~~ B. Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or

less than the maximum speed permitted under Section 1-101 et seq. of this ~~act~~ title for an urban district.

~~(c)~~ C. Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

~~(d)~~ D. As to streets and highways within the corporate limits which have been constructed or reconstructed with state or federal funds, local authorities shall have joint authority with the ~~State Highway Transportation~~ Commission to establish or alter speed limits; provided, however, the speed limit on an interstate highway within such corporate limits shall not be decreased to less than sixty (60) miles per hour; and provided further, that no local authority shall impose speed limits on any such street or highway substantially lower than those justified by the highway design, capacity, and traffic volume as determined by engineering studies.

~~(e)~~ E. Not more than six such alterations as hereinabove authorized shall be made per mile along a street or highway except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than ten (10) miles per hour.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 11-401, is amended to read as follows:

Section 11-401. ~~(a)~~ A. The driver of a vehicle on a county road approaching an intersection with a state or federal highway shall stop and yield the right-of-way to a vehicle which has entered the intersection or which is so close thereto as to constitute an immediate hazard. The driver of a vehicle on a private drive or any road not maintained by the county or state approaching an intersection with a county road designated as a thoroughfare, as established by resolution of the Board of County Commissioners, shall stop and yield the right-of-way to a vehicle which has entered the intersection or which is so close to the intersection as to constitute an immediate hazard. Provided,

however, the maintenance of county roads by the county, to include signing, shall not extend beyond the point which the county retains sole easement, unless otherwise provided by agreement pursuant to the provisions of the Interlocal Cooperation Act, Section 1001 et seq. of Title 74 of the Oklahoma Statutes.

~~(b)~~ B. When two vehicles enter or approach an intersection from different highways at approximately the same time, except as provided in (a) above subsection A of this section, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

~~(c)~~ C. The right-of-way rules declared in ~~paragraphs (a)~~ subsections A and (b) B of this section are modified at through highways and otherwise as hereinafter stated in this chapter.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 2-117, is amended to read as follows:

Section 2-117. The Commissioner and each officer of the Department of Public Safety as ~~he~~ shall ~~designate~~ be designated and all members of the Oklahoma Highway Patrol Division shall have the ~~power~~ following powers and duties:

1. Of peace officers for the purpose of enforcing the provisions of the Uniform Vehicle Code and any other law regulating the operation of vehicles or the use of the highways, including the Motor Carriers Act of this state or any other laws of this state by the direction of the Governor.

2. The officers and members of the Oklahoma Highway Patrol Division are hereby declared to be peace officers of the State of Oklahoma and shall be so deemed and taken in all courts having jurisdiction of offenses against the laws of the state. The members of the Oklahoma Highway Patrol Division shall have the powers now or hereafter vested by law in peace officers except the serving or execution of civil process. The members of the Oklahoma Highway Patrol Division shall have authority to arrest without writ, rule, order or process any person detected by them in the act of violating any law of the state. When a member of the Oklahoma Highway Patrol Division is in pursuit of a violator or suspected violator and is unable to arrest such violator or

suspected violator within the limits of the district or territory over which the jurisdiction of such member of the Oklahoma Highway Patrol Division extends, ~~he~~ the officer shall be and is hereby authorized to continue in pursuit of such violator or suspected violator into whatever part of the state may be reasonably necessary to effect the apprehension and arrest of the same, and to arrest such violator or suspected violator wherever he or she may be overtaken, and to assist in the location of stolen property, including livestock and poultry or the carcasses thereof, and to make any inspection necessary of any truck, trailer or contents thereof in connection therewith.

The powers and duties conferred on the members and officers of the Oklahoma Highway Patrol Division shall not limit the powers and duties of sheriffs or other peace officers of the state or any political subdivision of the state; provided, however, that the Oklahoma Highway Patrol Division shall have primary law enforcement authority respecting traffic-related offenses upon the National System of Interstate and Defense Highways, and may have special law enforcement authority on those portions of the federal-aid primary highways and the state highway system which are located on the outskirts and are within the boundaries of any municipality, and designated by the Commissioner of Public Safety for such special law enforcement authority. The outskirts of a municipality may be determined by reference to the following factors:

- a. low land use density,
- b. absence of any school or residential subdivision requiring direct ingress or egress from the highway,
- c. low volume of traffic on the highway, and
- d. a scarcity of retail or commercial business abutting the highway.

The Commissioner may designate any portion of the National System of Interstate and Defense Highways, and those portions of the federal-aid primary highways and the state highway system which are located on the outskirts and are within the boundaries of any municipality, as hereinbefore defined for special

traffic-related enforcement by the Oklahoma Highway Patrol Division and issue a written notice to any other law enforcement agency affected thereby. Upon receipt of such notice, the affected law enforcement agency shall not regulate traffic nor enforce traffic-related statutes or ordinances upon such designated portion of the National System of Interstate and Defense Highways or such designated portions of the federal-aid primary highways and the state highway system without prior coordination and written approval of the Commissioner. ~~This~~ Nothing in this section shall ~~not~~ limit a member of the Oklahoma Highway Patrol Division from requesting assistance from any other law enforcement agency nor limit officers of such agency from rendering the requested assistance. The officer and the law enforcement agency responding to the request of the member of the Oklahoma Highway Patrol Division or sheriff's department shall have the same rights and immunities as are possessed by the Oklahoma Highway Patrol Division.

3. At all times to direct all traffic in conformance with law and, in the event of a fire, or other emergency, or to expedite traffic, or to insure safety, to direct traffic as conditions may require, notwithstanding the provisions of law. A member of the Oklahoma Highway Patrol Division shall have the authority, and it shall be ~~his~~ the member's duty, to require satisfactory proof of ownership of the contents of any motor vehicle as defined in ~~this act~~ Section 2-101 et seq. of this title, including livestock, poultry or the carcasses thereof. In the event that the proof of ownership is not satisfactory, it shall be the duty of a member of the Oklahoma Highway Patrol Division to take the motor vehicle, driver and the contents of the motor vehicle into custody and deliver same to the sheriff of the county wherein the cargo, motor vehicle and driver are taken into custody.

4. When on duty, upon reasonable belief that any vehicle is being operated in violation of any provisions of the Uniform Vehicle Code, or any other law regulating the operation of vehicles, to require the driver thereof to stop and exhibit his or her driver's license and the registration card issued for the

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vehicle and submit to an inspection of such vehicle, the registration plates and registration card thereon or to any inspection and test of the equipment of such vehicle.

5. To inspect any vehicle of a type required to be registered hereunder in any public garage or repair shop or in any place where such vehicles are held for sale or wrecking, for the purpose of locating stolen vehicles and investigating the title and registration thereof.

6. To serve all warrants relating to the enforcement of the laws regulating the operation of vehicles or the use of the highways and bench warrants issued for nonpayment of fines and costs for moving traffic violations.

7. To investigate traffic accidents and secure testimony of witnesses or of persons involved.

8. To investigate reported thefts of motor vehicles, trailers and semitrailers.

9. To stop and inspect any motor vehicle or trailer for such mechanical tests as may be prescribed by the Commissioner to determine the vehicle's roadability. Any vehicle which may be found to be unsafe for use on the highways may be ordered removed from said highway until such alterations or repairs have been made that will render said vehicle serviceable for use on the highway. To stop and inspect the contents of all motor vehicles to ascertain whether or not the provisions of all general laws are being observed.

10. It shall be the duty of the Oklahoma Highway Patrol Division to enforce the laws of the state relating to the registration and licensing of motor vehicles; to enforce the laws relating to the operation and use of vehicles on the highway; to enforce and prevent, on the roads of the state highway system, the violation of the laws relating to the size, weight, and speed of commercial motor vehicles and all laws designed for the protection of the highway pavements and structures on such highways; to investigate and report to the Corporation Commission and the Oklahoma Tax Commission violation of their rules and regulations and the laws governing the transportation of persons and property

by motor transportation companies and all other motor carriers for hire; to investigate and report violations of all laws relating to the collection of excise taxes on motor vehicle fuels; and regulate the movement of traffic on the roads of the state highway system. It shall be the duty of the Oklahoma Highway Patrol Division, whenever possible, to determine persons causing or responsible for the breaking, damaging, or destruction of any improved surfaced roadway, structure, sign, marker, guardrail, or any other appurtenance constructed or maintained by the Department of Transportation, and to arrest persons responsible therefor and to bring them before the proper officials for prosecution. It shall be the duty of the Oklahoma Highway Patrol Division to investigate and report all motor vehicle accidents on the state highway system outside of incorporated municipalities.

Whenever any person is arrested by a ~~patrolman~~ patrol officer for a traffic violation the provisions of Sections 16-101 through 16-114 of this title shall apply.

11. No state official shall have any power, right, or authority to command, order, or direct any member of the Oklahoma Highway Patrol Division to perform any duty or service contrary to the provisions of the Uniform Vehicle Code.

SECTION 5. AMENDATORY Section 1, Chapter 122, O.S.L. 1995 (47 O.S. Supp. 1995, Section 14-118.1), is amended to read as follows:

Section 14-118.1 The Department of Transportation ~~Commission~~ is authorized to enter into agreements with governmental entities outside this state for the issuance of regional and national oversize and overweight permits for single-trip nondivisible loads ~~and shall adopt such rules as are necessary to implement the agreements.~~ The Commissioner of Public Safety shall adopt rules necessary to implement the agreements and shall issue multi-state permits for single-trip nondivisible loads in accordance with rules adopted by the Transportation Commission the terms of the agreements and shall receive and remit permit fees from a Department of Public Safety special account in accordance with the agreements and state law.

SECTION 6. REPEALER 47 O.S. 1991, Section 11-801a is hereby repealed.

SECTION 7. 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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