

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)
3RD CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 685

By: Leftwich of the Senate

and

Adair and Kouba of the
House

3RD CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 11-801, 11-803, and 11-401, which relate to maximum speed limits, when local authorities may alter speed limits, and vehicles approaching or entering intersection; setting maximum speed limits for turnpike and interstate highway systems; 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 to yield right-of-way; modifying gender reference; modifying name of certain entity; modifying statutory reference; 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 the turnpike system;

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,~~ 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.~~;~~

~~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;

~~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; 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, and
- 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 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.

~~(b)~~ B. When two vehicles enter or approach an intersection from different highways at approximately the same time, except 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. REPEALER 47 O.S. 1991, Section 11-801a is hereby repealed.

SECTION 5. 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.

45-2-2902

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