

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 685

By: Leftwich of the Senate

and

Adair of the House

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S.

1991, Sections 11-801 and 11-803, which relate to maximum speed limits and when local authorities may alter speed limits; setting maximum and minimum speed limits for interstate highways and four-lane divided highways comprising the turnpike system; modifying speed limits for truck-tractor combination vehicles; modifying speed limits for pickup trucks; restricting authority to alter speed limits on interstate highways within corporate limits; setting maximum speed limits for county roads; modifying gender reference; modifying name of certain entity; modifying statutory reference; 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 person 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.~~

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, provided however, the minimum speed limit on interstate highways shall not be less than fifty (50) miles per hour.

3. Seventy-five (75) miles per hour in such other locations which are four-lane divided highways comprising the interstate and turnpike system, provided however, the minimum speed limit on four-lane divided highways comprising the turnpike system shall not be less than fifty-five (55) miles per hour.

~~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~~ is prescribed in this subsection.

5. No person shall drive a pickup truck at a greater speed than is prescribed in this 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 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. 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 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 Cabinet Secretary of ~~the Oklahoma State Highway Commission~~ Transportation 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 a special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions.

E. No person shall drive a vehicle on a county road at a speed in excess of the following maximum limits:

1. Fifty-five (55) miles per hour on hard-surfaced county roads which meet county road standards established and approved by the Association of County Commissioners and the Department of Transportation; and

2. Forty-five (45) miles per hour on all other county roads.

The county road speed limits established in this subsection shall be in effect unless posted otherwise by the board of county commissioners.

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

SECTION 4. 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.

45-2-2386

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