STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2632 By: Adair

AS INTRODUCED

An Act relating to public safety; amending 47 O.S. 1991, Section 11-801, which relates to speed limits; modifying maximum speed limits for vehicles in certain locations; deleting definitions; deleting exceptions; modifying type of signs to be used in certain locations; amending 47 O.S. 1991, Section 18-101, as last amended by Section 1, Chapter 316, O.S.L. 1995 (47 O.S. Supp. 1995, Section 18-101), which relates to records of traffic cases; deleting certain related speed convictions from reporting requirements; repealing 47 O.S. 1991, Section 11-801a, which relates to maximum speed limits; repealing 47 O.S. 1991, Section 11-801b, which relates to restrictions on cancellation of automobile insurance policies; repealing 47 O.S. 1991, Sections 11-801c, 11-801d and Section 30, Chapter 303, O.S.L. 1992 (47 O.S. 1995, Section 11-810), which relate to recording and assessing 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 11-801, 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~~ 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~~ turnpikes and interstate 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.~~ 2. Sixty (60) miles per hour in other locations;

3. 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.~~ 4. 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~~.~~;

~~8.~~ 5. 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.~~ 6. 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~~.~~; and

~~10.~~ 7. 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~~ 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.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 18-101, as last amended by Section 1, Chapter 316, O.S.L. 1995 (47 O.S. Supp. 1995, Section 18-101), is amended to read as follows:

Section 18-101. 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 the court or its traffic-violations bureau, and shall keep a record of every official action by the court or its traffic-violations bureau, 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 traffic complaint, citation or other legal form of traffic charge deposited with or presented to the court or traffic-violations bureau.

B. Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any law regulating the operation of vehicles on highways every magistrate of the court or clerk of the court of record, in which the conviction was had or bail was forfeited, shall prepare and immediately forward to the

Department of Public Safety an abstract of the record covering the case in which the person was convicted or forfeited bail, which shall be certified by the person required to prepare the abstract to be true and correct. A report shall not be made of any conviction:

1. Involving the illegal parking or standing of a vehicle; or

2. ~~Involving speeding if the speed limit is not exceeded by more than ten (10) miles per hour; or~~

~~3.~~ Rendered by a nonlawyer judge, unless, within a period not to exceed the preceding reporting period for Mandatory Continuing Legal Education, the judge has completed courses held for municipal judges which have been approved by the Oklahoma Bar Association Mandatory Legal Education Commission for at least twelve (12) hours of continuing legal education credit.

C. The abstract must be made upon a form furnished by the Department and shall include:

1. The name, address and driver license number, if any, of the person charged;

2. The registration number of the vehicle involved; and

3. The nature of the offense, the date of hearing, the plea, the judgment, or if bail was forfeited, the amount of the fine or forfeiture.

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

SECTION 3. REPEALER 47 O.S. 1991, Sections 11-801a, 11-801b, 11-801c, 11-801d and Section 30, Chapter 303, O.S.L. 1992 (47 O.S. Supp. 1995, Section 11-810), are 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.

45-2-7907 LAC