

House Bill No. 1215

HOUSE BILL NO. 1215 -- By LEIST of the House and SHURDEN of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 11-801b, which relates to cancellation of automobile insurance; specifying type of speeding offense that may not be used as basis for cancellation; amending 47 O.S. 1991, Section 11-803, as amended by Section 2, Chapter 324, O.S.L. 1996 (47 O.S. Supp. 1998, Section 11-803), which relates to alteration of speed limits by local authorities; authorizing Transportation Commission to declare action void upon certain findings; requiring subsequent action to have approval; amending 47 O.S. 1991, Section 18-101, as last amended by Section 3, Chapter 201, O.S.L. 1997 (47 O.S. Supp. 1998, Section 18-101), which relates to reports of traffic offense convictions to Department of Public Safety; eliminating certain exceptions; repealing 47 O.S. 1991, Sections 11-801c and 11-801d, which relate to point restrictions on speeding violations; and providing an effective date.

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

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

Section 11-801b. No insurer shall, directly or indirectly, use traffic tickets or convictions for traffic offenses as a basis for cancellation of automobile insurance policies or increasing insurance premium rates for automobile insurance policies where such ticket or conviction is for ~~exceeding speeding~~ if the speed limit ~~specified in this act, but not exceeding the speed limit previously in force where the violation occurred~~ is not exceeded by more than ten (10) miles per hour; nor shall any insurer in any way penalize or adversely affect any insured for any such violation or conviction.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 11-803, as amended by Section 2, Chapter 324, O.S.L. 1996 (47 O.S. Supp. 1998, Section 11-803), is amended to read as follows:

Section 11-803. 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; or

3. Decreases the limit outside an urban district, but not to less than thirty (30) miles per hour.

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 title for an urban district.

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. 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 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. The Transportation Commission shall declare void any action setting a speed limit if it finds that the action is not primarily designed to expedite traffic flow, but is primarily designed to produce revenue for the local authority that took the action. If an action setting a speed limit is declared void, the local authority shall be required to have any future proposed action setting a speed limit approved by the Transportation Commission before such action shall become effective.

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 18-101, as last amended by Section 3, Chapter 201, O.S.L. 1997 (47 O.S. Supp. 1998, 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 six (6) hours of continuing legal education credit or attendance of at least one (1) day of a state judicial conference, and the Department of Public Safety receives verification of such attendance, from the judge. In the case of attendance of a continuing legal education course, verification may be made by a statement of attendance signed by the course registration personnel. In the case of verification of attendance of a state judicial conference, a statement of attendance signed by the Administrative Director of the Courts or a designee shall be sufficient verification.

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 and date 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 4. REPEALER 47 O.S. 1991, Sections 11-801c and 11-801d, are hereby repealed.

SECTION 5. This act shall become effective November 1, 1999.

COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 2-9-99 -- DO PASS, As Coauthored.