

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1639

By: Roggow

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 11-106, as last amended by Section 1, Chapter 189, O.S.L. 1999 (47 O.S. Supp. 2000, Section 11-106), which relates to authorized emergency vehicles; authorizing Department of Public Safety officer to operate vehicles in certain manner; amending 47 O.S. 1991, Section 11-806, as amended by Section 1, Chapter 127, O.S.L. 1996 (47 O.S. Supp. 2000, Section 11-806), which relates to special speed limitations; adding certain road provisions regarding construction zones; amending 47 O.S. 1991, Section 11-1401, as amended by Section 1, Chapter 303, O.S.L. 1993 (47 O.S. Supp. 2000, Section 11-1401), which relates to unlawful acts on turnpikes; authorizing certain vehicles to cross medians; modifying punishments for violations on turnpikes; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 11-106, as last amended by Section 1, Chapter 189, O.S.L. 1999 (47 O.S. Supp. 2000, Section 11-106), is amended to read as follows:

Section 11-106. A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privilege set forth in this section, but subject to the conditions herein stated.

B. The driver of an authorized emergency vehicle may:

1. Park, or stand, irrespective of the provisions of this chapter;

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the maximum speed limits so long as speeding does not endanger life or property; and

4. Disregard regulations governing direction of movement or turning in specified directions.

C. 1. The exemptions herein granted to the driver of an authorized emergency vehicle shall apply only when such ~~vehicle~~ driver is properly and lawfully making use of an audible signal or of flashing red or blue lights or a combination of flashing red and blue lights meeting the requirements of Section 12-218 of this title, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red or blue light visible from in front of the vehicle.

2. In addition, the exemptions in paragraphs 3 and 4 of Subsection B shall be granted to a commissioned officer of the Department of Public Safety operating a vehicle without use of an audible signal and flashing lights while engaged in the detection of the possible commission of a moving traffic offense by a suspected violator.

3. This subsection shall not be construed as requiring a peace officer operating a police vehicle properly and lawfully in response to a crime in progress to use audible signals.

D. The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of reckless disregard for the safety of others.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 11-806, as amended by Section 1, Chapter 127, O.S.L. 1996 (47 O.S. Supp. 2000, Section 11-806), is amended to read as follows:

Section 11-806. A. No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to the bridge or structure, when the structure is signposted as provided in this section.

B. The Oklahoma Department of Transportation and local authorities may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if they shall thereupon find that the structure cannot, with safety to itself, withstand vehicles driving at speeds otherwise permissible under this act, they shall determine and declare the maximum speed of vehicles which the structure can safely withstand, and may cause and permit suitable signs stating the maximum speed to be erected and maintained at a distance of one hundred feet before each end of the structure.

C. Where any state or federal highway or turnpike shall be under construction, maintenance, or repair or when a detour shall have been designated by reason of construction, maintenance, or repairs in progress and ~~the Oklahoma Department of Transportation shall have determined~~ a maximum safe, careful, and prudent speed shall have been determined by the Oklahoma Department of Transportation on the highway or highway detour or by the Oklahoma Transportation Authority on the turnpike or turnpike detour during the period of the construction, maintenance, or repairs and shall have plainly posted at each terminus thereof and at not less than each half mile along the route thereof the determined maximum speed, no person shall drive any vehicle upon the portion of the highway or the highway detour or upon the portion of the turnpike or the turnpike detour at a speed in excess of the speed so determined and posted. Violation of the posted speed limit in the repair, maintenance, or construction zone shall result in the doubling of the appropriate fine. For purposes of this section, "repair,

maintenance, or construction zone" means any location where repair, maintenance, or construction work is actually in progress and workers present.

D. Upon the trial of any person charged with a violation of this section, proof of the determination of the maximum speed by the Department of Transportation or by the Oklahoma Transportation Authority and the existence of the signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety as provided in subsections B and C of this section.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 11-1401, as amended by Section 1, Chapter 303, O.S.L. 1993 (47 O.S. Supp. 2000, Section 11-1401), is amended to read as follows:

Section 11-1401. ~~(a)~~ A. It shall be unlawful for any person to enter that part of a turnpike enclosed by fence except in a vehicle at authorized entrances.

~~(b)~~ B. It shall be unlawful for the driver of any vehicle to fail to pay the toll as prescribed by the ~~Turnpike~~ Oklahoma Transportation Authority.

~~(c)~~ C. It shall be unlawful for any person to cross a turnpike except at grade separations provided for cross traffic or through drainage structures under the turnpike.

~~(d)~~ D. It shall be unlawful for any person to travel a turnpike on foot except to leave or service a disabled vehicle, or for any person to hitchhike on a turnpike.

~~(e)~~ E. It shall be unlawful for any person to tear down, damage or remove any turnpike fence.

~~(f)~~ F. Subsections ~~(a)~~ A through ~~(e)~~ E of this section shall not apply to ~~officers~~;

1. Officers, employees, agents or contractors of the ~~Turnpike~~ Oklahoma Transportation Authority in performance of their duties;

2. Commissioned officers of the Department of Public Safety or other law enforcement or emergency personnel in performance of their official duties; or ~~to agents, servants,~~

3. Agents, employees or contractors of public utilities while actually engaged in work in furtherance of construction, maintenance or repair of such public utilities located on, above or below a turnpike.

~~(g)~~ G. It shall be unlawful to drive, operate or ride any bicycle or other man-powered vehicle or means of transportation on a turnpike, and the Oklahoma Transportation Authority may prohibit any light mechanically-powered vehicle from entering the turnpike, or any other vehicle which it determines would be injurious to the turnpike surfacing or a traffic hazard.

~~(h)~~ H. Any person driving a vehicle on a turnpike 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 turnpike and any other conditions then existing, and no person shall drive any vehicle upon a turnpike at a speed greater than will permit ~~him~~ that person to bring it to a stop within the assured clear distance ahead.

~~(i)~~ I. The ~~Turnpike~~ Oklahoma Transportation Authority is hereby authorized to prescribe maximum and minimum speeds for trucks, buses and automobiles using turnpikes. The regulation pertaining to automobiles shall apply to all vehicles not commonly classified as either trucks or buses. Such regulations shall become effective ~~only after approval by the Commissioner of Public Safety, and~~ after signs have been posted on the turnpike giving notice thereof. Such regulations may apply to an entire turnpike project or to selected sections thereof as may be designated by the ~~Turnpike~~ Oklahoma Transportation Authority. It shall be a violation of this section to drive a vehicle at a faster rate of speed than such prescribed maximum speed or at a slower rate of speed than such prescribed

minimum speed. However, all vehicles shall at all times conform to the requirements of subsection ~~(h)~~ H of this section. Copies of such regulations, certified as in effect on any particular date by the Secretary of the ~~Turnpike~~ Oklahoma Transportation Authority, shall be accepted in evidence in any court in this state. Whenever changes have been made in speed zones, copies of such regulations shall be filed with the Commissioner of Public Safety.

~~(j)~~ J. It shall be unlawful for any vehicle, except ~~police cars, ambulances, vehicles:~~

1. Authorized emergency vehicles;

2. Vehicles owned by the ~~Turnpike~~ Oklahoma Transportation Authority, its agents or contractors, ~~and vehicles;~~

3. Vehicles owned by public utilities, their agents, ~~servants,~~ employees or contractors, while actually engaged in construction, maintenance or repair of such public utilities, ~~;~~ and

4. Wrecker vehicles while performing services at the request of the Department of Public Safety,

to cross the center dividing strip of a turnpike, or to travel on any lane of a turnpike in a direction contrary to the direction of traffic on such lane.

~~(k)~~ K. All vehicles traveling on a turnpike shall comply at all times with signs placed on the turnpike regulating traffic thereon.

~~(l)~~ L. No vehicle shall move from one lane to another unless the way is clear to do so and upon proper signaling.

~~(m)~~ M. Any person guilty of violating any provisions of this section shall be guilty of a misdemeanor and upon conviction shall be ~~fin~~ed in a sum of not less than Ten Dollars (\$10.00) and not more than Two Hundred Dollars (\$200.00) or shall be sentenced to serve a term of not less than five (5) days nor more than thirty (30) days in jail, or by both such fine and imprisonment punished as provided in Section 17-101 of this title.

SECTION 4. This act shall become effective November 1, 2001.

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