

ENROLLED HOUSE  
BILL NO. 1639

By: Roggow and Roan of the  
House

and

Crutchfield of the Senate

An Act relating to motor vehicles; 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; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 11-806, 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 2. 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;

3. Emergency vehicle operators at the request of the Department of Public Safety; or ~~to agents, servants,~~

4. 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.

~~(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 fined 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.

SECTION 3. This act shall become effective November 1, 2001.

Passed the House of Representatives the 1st day of May, 2001.

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Presiding Officer of the House of  
Representatives

Passed the Senate the 18th day of April, 2001.

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Presiding Officer of the Senate