

EHB 1639

THE STATE SENATE
Tuesday, April 3, 2001

ENGROSSED

House Bill No. 1639

As Amended

ENGROSSED 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 11-106, 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

1 set forth in this section, but subject to the conditions herein
2 stated.

3 B. The driver of an authorized emergency vehicle may:

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

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

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

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

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

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

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

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

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

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

1 C. Where any state or federal highway or turnpike shall be
2 under construction, maintenance, or repair or when a detour shall
3 have been designated by reason of construction, maintenance, or
4 repairs in progress and ~~the Oklahoma Department of Transportation~~
5 ~~shall have determined~~ a maximum safe, careful, and prudent speed
6 shall have been determined by the Oklahoma Department of
7 Transportation on the highway or highway detour or by the Oklahoma
8 Transportation Authority on the turnpike or turnpike detour during
9 the period of the construction, maintenance, or repairs and shall
10 have plainly posted at each terminus thereof and at not less than
11 each half mile along the route thereof the determined maximum speed,
12 no person shall drive any vehicle upon the portion of the highway or
13 the highway detour or upon the portion of the turnpike or the
14 turnpike detour at a speed in excess of the speed so determined and
15 posted. Violation of the posted speed limit in the repair,
16 maintenance, or construction zone shall result in the doubling of
17 the appropriate fine. For purposes of this section, "repair,
18 maintenance, or construction zone" means any location where repair,
19 maintenance, or construction work is actually in progress and
20 workers present.

21 D. Upon the trial of any person charged with a violation of
22 this section, proof of the determination of the maximum speed by the
23 Department of Transportation or by the Oklahoma Transportation

1 Authority and the existence of the signs shall constitute conclusive
2 evidence of the maximum speed which can be maintained with safety as
3 provided in subsections B and C of this section.

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

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

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

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

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

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

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

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

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

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

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

16 ~~(h)~~ H. Any person driving a vehicle on a turnpike shall drive
17 the same at a ~~careful and prudent~~ speed not greater than nor less
18 than is reasonable and proper, having due regard to the traffic,
19 surface and width of the turnpike and any other conditions then
20 existing, and no person shall drive any vehicle upon a turnpike at a
21 speed greater than will permit ~~him~~ that person to bring it to a stop
22 within the assured clear distance ahead.

1 ~~(i)~~ I. The ~~Turnpike~~ Oklahoma Transportation Authority is hereby
2 authorized to prescribe maximum and minimum speeds for trucks, buses
3 and automobiles using turnpikes. The regulation pertaining to
4 automobiles shall apply to all vehicles not commonly classified as
5 either trucks or buses. Such regulations shall become effective
6 ~~only after approval by the Commissioner of Public Safety, and after~~
7 signs have been posted on the turnpike giving notice thereof. Such
8 regulations may apply to an entire turnpike project or to selected
9 sections thereof as may be designated by the ~~Turnpike~~ Oklahoma
10 Transportation Authority. It shall be a violation of this section
11 to drive a vehicle at a faster rate of speed than such prescribed
12 maximum speed or at a slower rate of speed than such prescribed
13 minimum speed. However, all vehicles shall at all times conform to
14 the requirements of subsection ~~(h)~~ H of this section. Copies of
15 such regulations, certified as in effect on any particular date by
16 the Secretary of the ~~Turnpike~~ Oklahoma Transportation Authority,
17 shall be accepted in evidence in any court in this state. Whenever
18 changes have been made in speed zones, copies of such regulations
19 shall be filed with the Commissioner of Public Safety.

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

22 1. Authorized emergency vehicles;

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

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

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

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

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

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

15 ~~(m)~~ M. Any person guilty of violating any provisions of this
16 section shall be guilty of a misdemeanor and upon conviction shall
17 be **fin**ed in a sum of not less than Ten Dollars (\$10.00) and not more
18 **than Two Hundred Dollars (\$200.00) Fifty Dollars (\$50.00)** or shall
19 **be sentenced to serve a term of not less than five (5) days nor more**
20 **than thirty (30) days in jail, or by both such fine and**
21 **imprisonment.**

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

23 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 3-27-01 - DO
24 PASS, As Amended.