

3 Senate Bill No. 2036
4 As Amended

5 SENATE BILL NO. 2036 - By: SHURDEN of the Senate and SMITHSON of the
6 House.

7 [motor vehicles - maximum speed limits and fines -
8 effective date]

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

10 SECTION 1. AMENDATORY 47 O.S. 2001, Section 11-801, as
11 last amended by Section 4, Chapter 279, O.S.L. 2003 (47 O.S. Supp.
12 2005, Section 11-801), is amended to read as follows:

13 Section 11-801. A. Any person driving a vehicle on a highway
14 shall drive the same at a careful and prudent speed not greater than
15 nor less than is reasonable and proper, having due regard to the
16 traffic, surface and width of the highway and any other conditions
17 then existing. No person shall drive any vehicle upon a highway at
18 a speed greater than will permit the driver to bring it to a stop
19 within the assured clear distance ahead.

20 B. Except when a special hazard exists that requires lower
21 speed for compliance with subsection A of this section, the limits
22 specified by law or established as hereinafter authorized shall be
23 maximum lawful speeds, and no person shall drive a vehicle on a
24 highway at a speed in excess of the following maximum limits:

1 Devices. The Department of Transportation may determine on the
2 basis of an engineering and traffic investigation that a speed limit
3 higher than twenty-five (25) miles per hour may be reasonable and
4 safe under conditions as they exist upon a highway, and post an
5 alternative school zone speed limit. The Department shall mark such
6 school zones, or entrances and exits onto highways by buses or
7 students, so that the maximum speed provided by this section shall
8 be established therein. Exits and entrances to controlled-access
9 highways which are within such school zones shall be marked in the
10 same manner as other highways. The county commissioners shall mark
11 such school zones along the county roads so that the maximum speed
12 provided by this section shall be established therein. The signs
13 may be either permanent or temporary. The Department shall give
14 priority over all other signing projects to the foregoing duty to
15 mark school zones. The Department shall also provide other safety
16 devices for school zones which are needed in the opinion of the
17 Department;

18 6. Twenty-five (25) miles per hour or a posted alternative
19 school zone speed limit through state schools located on the state-
20 owned land adjoining or outside the limits of a corporate city or
21 town where a state educational institution is established;

22 7. Thirty-five (35) miles per hour on a highway in any state
23 park or wildlife refuge. Provided, however, that the provisions of

1 this paragraph shall not include the State Capitol park area, and no
2 person shall drive any vehicle at a rate of speed in excess of
3 fifty-five (55) miles per hour on any state or federal designated
4 highway within such areas; and

5 8. For any vehicle or combination of vehicles with solid rubber
6 or metal tires, ten (10) miles per hour.

7 The maximum speed limits set forth in this section may be
8 altered as authorized in Sections 11-802 and 11-803 of this title.

9 C. The Commission is hereby authorized to prescribe maximum and
10 minimum speeds for all vehicles and any combinations of vehicles
11 using controlled-access highways. Such regulations shall become
12 effective after signs have been posted on these highways giving
13 notice thereof. Such regulations may apply to an entirely
14 controlled-access highway or to selected sections thereof as may be
15 designated by the Commission. It shall be a violation of this
16 section to drive any vehicle at a faster rate of speed than such
17 prescribed maximum or at a slower rate of speed than such prescribed
18 minimum. However, all vehicles shall at all times conform to the
19 limits set forth in subsection A of this section.

20 Copies of such regulations certified as in effect on any
21 particular date by the Secretary of the Commission shall be accepted
22 as evidence in any court in this state. Whenever changes have been

1 made in speed zones, copies of such regulations shall be filed with
2 the Commissioner of Public Safety.

3 D. The driver of every vehicle shall, consistent with the
4 requirements of subsection A of this section, drive at an
5 appropriate reduced speed when approaching and crossing an
6 intersection or railway grade crossing, when approaching and going
7 around a curve, when approaching a hillcrest, when driving upon any
8 narrow or winding roadway, and when special hazard exists with
9 respect to pedestrians or other traffic, or by reason of weather or
10 highway conditions.

11 E. 1. No person shall drive a vehicle on a county road at a
12 speed in excess of fifty-five (55) miles per hour unless posted
13 otherwise by the board of county commissioners, as provided in
14 subparagraphs a through c of this paragraph, as follows:

15 a. the board of county commissioners may determine, by
16 resolution, a maximum speed limit which shall apply to
17 all county roads which are not otherwise posted for
18 speed,

19 b. the board of county commissioners shall provide public
20 notice of the speed limit on all nonposted roads by
21 publication in a newspaper of general circulation in
22 the county. The notice shall be published once weekly
23 for a period of four (4) continuous weeks, and

1 c. the board of county commissioners shall forward the
2 resolution to the Director of the Department and to
3 the Commissioner of Public Safety.

4 2. The Department shall post speed limit information, as
5 determined pursuant to the provisions of subparagraphs a through c
6 of paragraph 1 of this subsection, on the county line marker where
7 any state highway enters a county and at all off-ramps where
8 interstate highways or turnpikes enter a county. The signs shall
9 read as follows:

10 ENTERING _____ COUNTY
11 COUNTY ROAD SPEED LIMIT
12 _____ MPH
13 UNLESS POSTED OTHERWISE

14 The appropriate board of county commissioners shall reimburse
15 the Department the full cost of the signage required herein.

16 F. Any person convicted of a speeding violation pursuant to
17 subsection B or E of this section shall be punished by a fine as
18 follows:

- 19 1. One to ten miles per hour over the limit..... \$10.00
- 20 2. Eleven to fifteen miles per hour over the
21 limit..... \$20.00
- 22 3. Sixteen to twenty miles per hour over the
23 limit..... \$35.00

- 1 4. Twenty-one to twenty-five miles per hour over
- 2 the limit..... \$75.00
- 3 5. Twenty-six to thirty miles per hour over the
- 4 limit..... \$135.00
- 5 6. Thirty-one to thirty-five miles per hour over
- 6 the limit..... \$155.00
- 7 7. Thirty-six miles per hour or more over the
- 8 limit..... \$205.00

9 or by imprisonment for not more than ten (10) days; for a second
10 conviction within one (1) year after the first conviction, by
11 imprisonment for not more than twenty (20) days; and upon a third or
12 subsequent conviction within one (1) year after the first
13 conviction, by imprisonment for not more than six (6) months, or by
14 both such fine and imprisonment. Provided however that only a
15 warning citation shall be issued in the event the violation of the
16 speed limit is not in excess of five percent (5%) of the posted
17 speed limit.

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1 SECTION 2. This act shall become effective November 1, 2006.
2 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY AND HOMELAND
3 SECURITY, dated 2-13-06 - DO PASS, As Amended and Coauthored.