

EHB 2215

THE STATE SENATE  
Monday, April 7, 2008

ENGROSSED

House Bill No. 2215

ENGROSSED HOUSE BILL NO. 2215 - By: Murphey of the House and Johnson (Constance) of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 11-101, which relates to the operation of vehicles on highways; clarifying statutory reference; applying certain highway traffic provisions to turnpikes; amending 47 O.S. 2001, Section 11-801, as amended by Section 4, Chapter 279, O.S.L. 2003 (47 O.S. Supp. 2007, Section 11-801), which relates to speed restrictions; authorizing Oklahoma Turnpike Authority to prescribe speeds for certain vehicles using turnpikes; requiring regulations be approved by Commissioner of Public Safety; prohibiting certain acts; allowing copies of regulations be accepted as evidence; amending 47 O.S. 2001, Section 11-1401, which relates to unlawful acts on turnpikes; making certain acts unlawful; deleting certain prohibited acts; deleting authority to prescribe speed limitations for certain vehicles on turnpikes; deleting guidelines for certain regulations; deleting certain penalties; adding statutory reference; repealing 47 O.S. 2001, Section 11-1405, which relates to the general law of regulating traffic on turnpikes; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 11-101, is amended to read as follows:

Section 11-101. The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon the highways except:

1           1. Where a different place is specifically referred to in a  
2 given section.

3           2. The provisions of Chapter 10 of this title and Article IX  
4 of this chapter shall apply upon highways, turnpikes and public  
5 parking lots throughout the state.

6           3. Unless otherwise provided for by law, the general  
7 provisions of this title regulating traffic on public highways shall  
8 apply on turnpikes.

9           SECTION 2.           AMENDATORY           47 O.S. 2001, Section 11-801, as  
10 amended by Section 4, Chapter 279, O.S.L. 2003 (47 O.S. Supp. 2007,  
11 Section 11-801), is amended to read as follows:

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

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

- 1        1. Seventy-five (75) miles per hour in locations comprising:
- 2            a. the turnpike system, and
- 3            b. rural segments of the interstate highway system, as
- 4                    may be designated by the Transportation Commission.
- 5                    Provided, however, the Commission shall determine
- 6                    prior to the designation of such segments that the
- 7                    public safety will not be jeopardized;
- 8        2. Seventy (70) miles per hour in locations which are:
- 9            a. four-lane divided highways including, but not limited
- 10                    to, the interstate highway system, and
- 11            b. super two-lane highways. As used in this section, a
- 12                    super two-lane highway shall mean any two-lane highway
- 13                    with designated passing lanes, and consisting of paved
- 14                    shoulders not less than eight (8) feet in width;
- 15        3. Sixty-five (65) miles per hour in other locations;
- 16        4. For a school bus, fifty-five (55) miles per hour on paved
- 17 two-lane highways except on multilane divided highways, turnpikes,
- 18 and interstate highways where the maximum shall be sixty-five (65)
- 19 miles per hour;
- 20        5. On any highway outside of a municipality in a properly
- 21 marked school zone, twenty-five (25) miles per hour, provided the
- 22 zone is marked with appropriate warning signs placed in accordance
- 23 with the latest edition of the Manual on Uniform Traffic Control

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 Oklahoma Turnpike Authority is hereby authorized to  
4 prescribe maximum and minimum speeds for trucks, buses and  
5 automobiles using turnpikes. The regulation pertaining to  
6 automobiles shall apply to all vehicles not commonly classified as  
7 either trucks or buses. Such regulations shall become effective  
8 only after approval by the Commissioner of Public Safety, and after  
9 signs have been posted on the turnpike giving notice thereof. Such  
10 regulations may apply to an entire turnpike project or to selected  
11 sections thereof as may be designated by the Oklahoma Turnpike  
12 Authority. It shall be a violation of this section to drive a  
13 vehicle at a faster rate of speed than such prescribed maximum speed  
14 or at a slower rate of speed than such prescribed minimum speed.  
15 However, all vehicles shall at all times conform to the requirements  
16 of subsection A of this section.

17 Copies of such regulations, certified as in effect on any  
18 particular date by the Secretary of the Oklahoma Turnpike Authority,  
19 shall be accepted in evidence in any court in this state.

20 E. The driver of every vehicle shall, consistent with the  
21 requirements of subsection A of this section, drive at an  
22 appropriate reduced speed when approaching and crossing an  
23 intersection or railway grade crossing, when approaching and going

1 around a curve, when approaching a hillcrest, when driving upon any  
2 narrow or winding roadway, and when special hazard exists with  
3 respect to pedestrians or other traffic, or by reason of weather or  
4 highway conditions.

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

9 a. the board of county commissioners may determine, by  
10 resolution, a maximum speed limit which shall apply to  
11 all county roads which are not otherwise posted for  
12 speed,

13 b. the board of county commissioners shall provide public  
14 notice of the speed limit on all nonposted roads by  
15 publication in a newspaper of general circulation in  
16 the county. The notice shall be published once weekly  
17 for a period of four (4) continuous weeks, and

18 c. the board of county commissioners shall forward the  
19 resolution to the Director of the Department and to  
20 the Commissioner of Public Safety.

21 2. The Department shall post speed limit information, as  
22 determined pursuant to the provisions of subparagraphs a through c  
23 of paragraph 1 of this subsection, on the county line marker where

1 any state highway enters a county and at all off-ramps where  
2 interstate highways or turnpikes enter a county. The signs shall  
3 read as follows:

4 ENTERING \_\_\_\_\_ COUNTY

5 COUNTY ROAD SPEED LIMIT

6 \_\_\_\_\_ MPH

7 UNLESS POSTED OTHERWISE

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

10 ~~F.~~ G. Any person convicted of a speeding violation pursuant to  
11 subsection B or ~~E~~ F of this section shall be punished by a fine as  
12 follows:

- 13 1. One to ten miles per hour over the limit..... \$10.00  
14 2. Eleven to fifteen miles per hour over the  
15 limit..... \$20.00  
16 3. Sixteen to twenty miles per hour over the  
17 limit..... \$35.00  
18 4. Twenty-one to twenty-five miles per hour over  
19 the limit..... \$75.00  
20 5. Twenty-six to thirty miles per hour over the  
21 limit..... \$135.00  
22 6. Thirty-one to thirty-five miles per hour over  
23 the limit..... \$155.00

1           7. Thirty-six miles per hour or more over the  
2           limit..... \$205.00  
3 or by imprisonment for not more than ten (10) days; for a second  
4 conviction within one (1) year after the first conviction, by  
5 imprisonment for not more than twenty (20) days; and upon a third or  
6 subsequent conviction within one (1) year after the first  
7 conviction, by imprisonment for not more than six (6) months, or by  
8 both such fine and imprisonment.

9           SECTION 3.           AMENDATORY           47 O.S. 2001, Section 11-1401, is  
10 amended to read as follows:

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

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

17           C. It shall be unlawful for any person to cross a turnpike  
18 except at grade separations provided for cross traffic or through  
19 drainage structures under the turnpike.

20           D. It shall be unlawful for any person to travel a turnpike on  
21 foot except to leave or service a disabled vehicle, or for any  
22 person to hitchhike on a turnpike.

1 E. It shall be unlawful for any person to tear down, damage or  
2 remove any turnpike fence.

3 F. It shall be unlawful to drive, operate or ride any bicycle  
4 or other man-powered vehicle or means of transportation on a  
5 turnpike. The Oklahoma Turnpike Authority may prohibit any light,  
6 mechanically-powered vehicle from entering the turnpike, or any  
7 other vehicle it determines would be injurious to the turnpike  
8 surfacing or would be a traffic hazard.

9 G. Subsections A through ~~E~~ F of this section shall not apply  
10 to:

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

13 2. Commissioned officers of the Department of Public Safety;

14 3. Emergency vehicle operators at the request of the Department  
15 of Public Safety; or

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

20 ~~G. It shall be unlawful to drive, operate or ride any bicycle~~  
21 ~~or other man-powered vehicle or means of transportation on a~~  
22 ~~turnpike, and the Oklahoma Transportation Authority may prohibit any~~  
23 ~~light mechanically-powered vehicle from entering the turnpike, or~~

1 ~~any other vehicle which it determines would be injurious to the~~  
2 ~~turnpike surfacing or a traffic hazard.~~

3 ~~H. Any person driving a vehicle on a turnpike shall drive the~~  
4 ~~same at a speed not greater than nor less than is reasonable and~~  
5 ~~proper, having due regard to the traffic, surface and width of the~~  
6 ~~turnpike and any other conditions then existing, and no person shall~~  
7 ~~drive any vehicle upon a turnpike at a speed greater than will~~  
8 ~~permit that person to bring it to a stop within the assured clear~~  
9 ~~distance ahead.~~

10 ~~I. The Oklahoma Transportation Authority is hereby authorized~~  
11 ~~to prescribe maximum and minimum speeds for trucks, buses and~~  
12 ~~automobiles using turnpikes. The regulation pertaining to~~  
13 ~~automobiles shall apply to all vehicles not commonly classified as~~  
14 ~~either trucks or buses. Such regulations shall become effective~~  
15 ~~only after approval by the Commissioner of Public Safety, and after~~  
16 ~~signs have been posted on the turnpike giving notice thereof. Such~~  
17 ~~regulations may apply to an entire turnpike project or to selected~~  
18 ~~sections thereof as may be designated by the Oklahoma Transportation~~  
19 ~~Authority. It shall be a violation of this section to drive a~~  
20 ~~vehicle at a faster rate of speed than such prescribed maximum speed~~  
21 ~~or at a slower rate of speed than such prescribed minimum speed.~~  
22 ~~However, all vehicles shall at all times conform to the requirements~~  
23 ~~of subsection H of this section. Copies of such regulations,~~

1 ~~certified as in effect on any particular date by the Secretary of~~  
2 ~~the Oklahoma Transportation Authority, shall be accepted in evidence~~  
3 ~~in any court in this state.~~

4 ~~J. H.~~ It shall be unlawful for any vehicle, except:

5 1. Authorized emergency vehicles;

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

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

11 4. Wrecker vehicles while performing services at the request of  
12 the Department of Public Safety,  
13 to cross the center dividing strip of a turnpike, or to travel on  
14 any lane of a turnpike in a direction contrary to the direction of  
15 traffic on such lane.

16 ~~K. I.~~ All vehicles traveling on a turnpike shall comply at all  
17 times with signs placed on the turnpike regulating traffic thereon.

18 ~~L. J.~~ No vehicle shall move from one lane to another unless the  
19 way is clear to do so and upon proper signaling.

20 ~~M. K.~~ Any person guilty of violating any provisions of this  
21 section shall be guilty of a misdemeanor and upon conviction shall  
22 be ~~fin~~ed in a sum of not less than Ten Dollars (\$10.00) and not more  
23 than Two Hundred Dollars (\$200.00) or shall be sentenced to serve a

1 ~~term of not less than five (5) days nor more than thirty (30) days~~  
2 ~~in jail, or by both such fine and imprisonment~~ punished as provided  
3 in Section 17-101 of this title.

4 SECTION 4. REPEALER 47 O.S. 2001, Section 11-1405, is  
5 hereby repealed.

6 SECTION 5. This act shall become effective November 1, 2008.

7 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,  
8 dated 4-1-08 - DO PASS.