

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1203

By: Sykes of the Senate

and

Roberts (Dustin) of the
House

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 11-801, as last amended by Section 1, Chapter 276, O.S.L. 2016 (47 O.S. Supp. 2017, Section 11-801), which relates to fines and penalties; modifying certain fines and costs; prescribing certain fine and costs; prescribing distribution of assessed fees and costs; providing for codification; and providing a provisional effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 11-801, as last amended by Section 1, Chapter 276, O.S.L. 2016 (47 O.S. Supp. 2017, Section 11-801), is amended to read as follows:

Section 11-801. A. Any person driving a vehicle on a highway 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

1 traffic, surface and width of the highway and any other conditions
2 then existing. No person shall drive any vehicle upon a highway at
3 a speed greater than will permit the driver to bring it to a stop
4 within the assured clear distance ahead.

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

10 1. On a highway or part of a highway, unless otherwise
11 established in law, a speed established by the Department of
12 Transportation on the basis of engineering and traffic
13 investigations used to determine the speed that is reasonable and
14 safe under the conditions found to exist on the highway or part of
15 the highway;

16 2. For a school bus, fifty-five (55) miles per hour on paved
17 two-lane roads except on the state highway system, the interstate
18 highway system and the turnpike system where the maximum shall be
19 sixty-five (65) miles per hour;

20 3. 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
24 Devices. The Department of Transportation may determine on the

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

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

21 5. Thirty-five (35) miles per hour on a highway in any state
22 park or wildlife refuge. Provided, however, that the provisions of
23 this paragraph shall not include the State Capitol park area, and no
24 person shall drive any vehicle at a rate of speed in excess of

1 fifty-five (55) miles per hour on any state or federal designated
2 highway within such areas; and

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

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

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

18 Copies of such regulations certified as in effect on any
19 particular date by the Secretary of the Commission shall be accepted
20 as evidence in any court in this state. Whenever changes have been
21 made in speed zones, copies of such regulations shall be filed with
22 the Commissioner of Public Safety.

23 D. The Oklahoma Turnpike Authority is hereby authorized to
24 prescribe maximum and minimum speeds for trucks, buses and

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

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

16 E. The driver of every vehicle shall, consistent with the
17 requirements of subsection A of this section, drive at an
18 appropriate reduced speed when approaching and crossing an
19 intersection or railway grade crossing, when approaching and going
20 around a curve, when approaching a hillcrest, when driving upon any
21 narrow or winding roadway, and when special hazard exists with
22 respect to pedestrians or other traffic, or by reason of weather or
23 highway conditions. The Oklahoma Department of Transportation and
24 the Oklahoma Turnpike Authority may post, by changeable message sign

1 or other appropriate sign, a temporary reduced speed limit for
2 maintenance operations or when special hazards with respect to
3 pedestrians, other traffic, an accident, by reason of weather or
4 when other hazardous highway conditions exist.

5 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
24 any state highway enters a county and at all off-ramps where

1 interstate highways or turnpikes enter a county. The signs shall
2 read as follows:

3 ENTERING _____ COUNTY

4 COUNTY ROAD SPEED LIMIT

5 _____ MPH

6 UNLESS POSTED OTHERWISE

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

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

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13 a. For an offense occurring on or after the effective
14 date of this act and prior to November 1, 2022, one to
15 ten miles per hour over the speed limit as provided
16 for in Section 2 of this act, and

17 b. For an offense occurring on or after November 1, 2022,
18 one to ten miles per hour over the limit \$10.00

19 2. Eleven to fifteen miles per hour over the
20 limit..... \$20.00

21 3. Sixteen to twenty miles per hour over the
22 limit..... \$35.00

23 4. Twenty-one to twenty-five miles per hour over
24 the limit..... \$75.00

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

7 or by imprisonment for not more than ten (10) days; for a second
8 conviction within one (1) year after the first conviction, by
9 imprisonment for not more than twenty (20) days; and upon a third or
10 subsequent conviction within one (1) year after the first
11 conviction, by imprisonment for not more than six (6) months, or by
12 both such fine and imprisonment.

13 SECTION 2. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 11-801e of Title 47, unless
15 there is created a duplication in numbering, reads as follows:

16 A. Notwithstanding any other provision of law, any person
17 convicted of a speeding violation of one (1) to ten (10) miles per
18 hour over the limit, pursuant to subsection B or F of Section 11-801
19 of Title 47 of the Oklahoma Statutes, shall be punished by a fine of
20 Five Dollars (\$5.00) and costs and fees not to exceed Ninety-five
21 Dollars (\$95.00). The court clerk shall collect fine, costs and
22 fees to be directed as follows:

- 23 1. The sum of Thirty-three Dollars and seventy-two cents
24 (\$33.72) for each offense of which the defendant is convicted,

1 irrespective of whether the sentence is deferred, shall cover
2 docketing of the case, filing of all papers, issuance of process,
3 warrants, order and other services to the date of judgment;

4 2. The sum of Eight Dollars and eighty cents (\$8.80) shall be
5 assessed and credited to the District Attorneys Council Revolving
6 Fund to defray the cost of prosecution;

7 3. The sum of Eleven Dollars (\$11.00) shall be assessed and
8 credited to the Oklahoma Court Information System Revolving Fund
9 created pursuant to Section 1315 of Title 20 of the Oklahoma
10 Statutes;

11 4. The sum of Four Dollars and fifty cents (\$4.50) shall be
12 assessed and credited to the Sheriff's Service Fee Account in the
13 county in which the conviction occurred for the purpose of enhancing
14 existing or providing additional courthouse security;

15 5. The sum of One Dollar and thirty cents (\$1.30) shall be
16 assessed and credited to the Office of the Attorney General Victim
17 Services Unit;

18 6. The sum of One Dollar and thirty cents (\$1.30) shall be
19 assessed and credited to the Child Abuse Multidisciplinary Account;

20 7. The sum of Two Dollars and twenty-five cents (\$2.25) shall
21 be assessed and credited to the Sheriff's Service Fee Account of the
22 sheriff of the county in which the arrest was made;

1 8. The sum of Four Dollars and fifty cents (\$4.50) shall be
2 assessed and credited to the Council on Law Enforcement Education
3 and Training (CLEET) Fund;

4 9. The sum of Four Dollars and fifty cents (\$4.50) shall be
5 assessed. Four Dollars and ten cents (\$4.10) of each fee received
6 pursuant to this paragraph shall be credited to the A.F.I.S. Fund
7 created by Section 150.25 of Title 74 of the Oklahoma Statutes and
8 the balance deposited into the General Revenue Fund by the court
9 clerk. The payments shall be made to the appropriate fund by the
10 court clerk on a monthly basis as set forth by subsection I of
11 Section 1313.2 of Title 20 of the Oklahoma Statutes;

12 10. The sum of Four Dollars and fifty cents (\$4.50) shall be
13 assessed. Four Dollars and twenty-eight cents (\$4.28) of each fee
14 received pursuant to this paragraph shall be collected and sent to
15 the Oklahoma State Bureau of Investigation for deposit into the
16 Forensic Science Improvement Revolving Fund created by Section
17 150.35 of Title 74 of the Oklahoma Statutes. The balance shall be
18 retained by the municipal court clerk;

19 11. The sum of Nine Dollars (\$9.00) shall be assessed and
20 forwarded monthly in one check or draft to the Department of Public
21 Safety to be deposited in the Department of Public Safety Patrol
22 Vehicle Revolving Fund;

23 12. Pursuant to subsection C of Section 220 of Title 19 of the
24 Oklahoma Statutes, the court clerk shall assess an administrative

1 fee of ten percent (10%) on fees assessed in paragraphs 2, 4, 5, 6,
2 8, 9, 10 and 11 of this subsection and shall be deposited in the
3 Court Clerk's Revolving Fund;

4 13. Pursuant to subsection D of Section 220 of Title 19 of the
5 Oklahoma Statutes, the court clerk shall assess an administrative
6 fee of fifteen percent (15%) on fees assessed in paragraphs 2, 4, 5,
7 6, 8, 9, 10 and 11 of this subsection and shall be deposited in the
8 District Court Revolving Fund.

9 B. Provisions of this section shall remain in effect until
10 November 1, 2020.

11 SECTION 3. This act shall become effective in accordance with
12 the provisions of Section 58 of Article V of the Oklahoma
13 Constitution.

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