

1 ENGROSSED SENATE
2 BILL NO. 1203

By: Sykes of the Senate

3 and

4 Roberts (Dustin) of the
5 House

6
7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Section 11-801, as last amended by Section 1,
9 Chapter 276, O.S.L. 2016 (47 O.S. Supp. 2017, Section
10 11-801), which relates to fines and penalties;
11 modifying certain fines and costs; prescribing
12 certain fine and costs; prescribing distribution of
13 assessed fees and costs; providing for codification;
14 and providing a provisional effective date.

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

16 SECTION 1. AMENDATORY 47 O.S. 2011, Section 11-801, as
17 last amended by Section 1, Chapter 276, O.S.L. 2016 (47 O.S. Supp.
18 2017, Section 11-801), is amended to read as follows:

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

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

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

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

16 3. On any highway outside of a municipality in a properly
17 marked school zone, twenty-five (25) miles per hour, provided the
18 zone is marked with appropriate warning signs placed in accordance
19 with the latest edition of the Manual on Uniform Traffic Control
20 Devices. The Department of Transportation may determine on the
21 basis of an engineering and traffic investigation that a speed limit
22 higher than twenty-five (25) miles per hour may be reasonable and
23 safe under conditions as they exist upon a highway, and post an
24 alternative school zone speed limit. The Department shall mark such

1 school zones, or entrances and exits onto highways by buses or
2 students, so that the maximum speed provided by this section shall
3 be established therein. Exits and entrances to controlled-access
4 highways which are within such school zones shall be marked in the
5 same manner as other highways. The county commissioners shall mark
6 such school zones along the county roads so that the maximum speed
7 provided by this section shall be established therein. The signs
8 may be either permanent or temporary. The Department shall give
9 priority over all other signing projects to the foregoing duty to
10 mark school zones. The Department shall also provide other safety
11 devices for school zones which are needed in the opinion of the
12 Department;

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

17 5. Thirty-five (35) miles per hour on a highway in any state
18 park or wildlife refuge. Provided, however, that the provisions of
19 this paragraph shall not include the State Capitol park area, and no
20 person shall drive any vehicle at a rate of speed in excess of
21 fifty-five (55) miles per hour on any state or federal designated
22 highway within such areas; and

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

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

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

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

19 D. The Oklahoma Turnpike Authority is hereby authorized to
20 prescribe maximum and minimum speeds for trucks, buses and
21 automobiles using turnpikes. The regulation pertaining to
22 automobiles shall apply to all vehicles not commonly classified as
23 either trucks or buses. Such regulations shall become effective
24 only after approval by the Commissioner of Public Safety, and after

1 signs have been posted on the turnpike giving notice thereof. Such
2 regulations may apply to an entire turnpike project or to selected
3 sections thereof as may be designated by the Oklahoma Turnpike
4 Authority. It shall be a violation of this section to drive a
5 vehicle at a faster rate of speed than such prescribed maximum speed
6 or at a slower rate of speed than such prescribed minimum speed.
7 However, all vehicles shall at all times conform to the requirements
8 of subsection A of this section.

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

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

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

5 a. the board of county commissioners may determine, by
6 resolution, a maximum speed limit which shall apply to
7 all county roads which are not otherwise posted for
8 speed,

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

14 c. the board of county commissioners shall forward the
15 resolution to the Director of the Department and to
16 the Commissioner of Public Safety.

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

23 ENTERING _____ COUNTY

24 COUNTY ROAD SPEED LIMIT

_____ MPH

UNLESS POSTED OTHERWISE

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

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

1. a. for an offense occurring on or after the effective date of this act and prior to November 1, 2020, one to ten miles per hour over the speed limit as provided for in Section 2 of this act;

b. for an offense occurring on or after November 1, 2020,
~~One~~ one to ten miles per hour over the limit \$10.00

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

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

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

5. Twenty-six to thirty miles per hour over the limit..... \$135.00

6. Thirty-one to thirty-five miles per hour over 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 2. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 11-801e of Title 47, unless
11 there is created a duplication in numbering, reads as follows:

12 A. Notwithstanding any other provision of law, any person
13 convicted of a speeding violation of one to ten miles per hour over
14 the limit, pursuant to subsection B or F of Section 11-801 of this
15 title, shall be punished by a fine of Five Dollars (\$5.00) and costs
16 and fees not to exceed Ninety-Five Dollars (\$95.00). The court
17 clerk shall collect fine, costs and fees to be directed as follows:

18 1. The sum of Thirty-three Dollars and seventy-two cents
19 (\$33.72) for each offense of which the defendant is convicted,
20 irrespective of whether the sentence is deferred, which shall cover
21 docketing of the case, filing of all papers, issuance of process,
22 warrants, order and other services to the date of judgment;

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

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

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

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

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

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

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

23 9. The sum of Four Dollars and fifty cents (\$4.50) shall be
24 assessed. Four Dollars and ten cents (\$4.10) of each fee received

1 pursuant to this section shall be credited to the A.F.I.S. Fund
2 created by Section 150.25 of Title 74 of the Oklahoma Statutes and
3 the balance deposited into the General Revenue Fund by the court
4 clerk. The payments shall be made to the appropriate fund by the
5 court clerk on a monthly basis as set forth by subsection H of
6 Section 1313.2 of Title 20 of the Oklahoma Statutes;

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

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

18 12. Pursuant to paragraph C of Section 220 of Title 19 of the
19 Oklahoma Statutes, the court clerk shall assess an administrative
20 fee of ten percent (10%) on fees assessed in paragraphs 2, 4, 5, 6,
21 8, 9, 10 and 11 of this section and shall be deposited in the Court
22 Clerk's Revolving Fund;

23 13. Pursuant to paragraph D of Section 220 of Title 19 of the
24 Oklahoma Statutes, the court clerk shall assess an administrative

1 fee of fifteen percent (15%) on fees assessed in paragraphs 2, 4, 5,
2 6, 8, 9, 10 and 11 of this section and shall be deposited in the
3 District Court Revolving Fund.

4 B. Provisions of this section shall remain in effect until
5 November 1, 2020.

6 SECTION 3. This act shall become effective in accordance with
7 the provisions of Section 58 of Article V of the Oklahoma
8 Constitution.

9 Passed the Senate the 14th day of March, 2018.

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11 _____
12 Presiding Officer of the Senate

13 Passed the House of Representatives the ____ day of _____,
14 2018.

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16 _____
17 Presiding Officer of the House
18 of Representatives
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