

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 HOUSE BILL 3395

 By: Williams of the House

5 and

6 Smalley of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to motor vehicles; amending 47 O.S.
11 2011, Section 11-801, as last amended by Section 1,
12 Chapter 276, O.S.L. 2016 (47 O.S. Supp. 2017, Section
13 11-801), which relates to maximum and minimum speed
14 limits; establishing maximum speed limit; and
15 providing an effective date.

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

17 SECTION 1. AMENDATORY 47 O.S. 2011, Section 11-801, as
18 last amended by Section 1, Chapter 276, O.S.L. 2016 (47 O.S. Supp.
19 2017, Section 11-801), is amended to read as follows:

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

1 a speed greater than will permit the driver to bring it to a stop
2 within the assured clear distance ahead.

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

8 1. On a highway or part of a highway, unless otherwise
9 established in law, a speed established by the Department of
10 Transportation on the basis of engineering and traffic
11 investigations used to determine the speed that is reasonable and
12 safe under the conditions found to exist on the highway or part of
13 the highway, provided that such speed shall not exceed eighty-five
14 (85) miles per hour;

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

19 3. On any highway outside of a municipality in a properly
20 marked school zone, twenty-five (25) miles per hour, provided the
21 zone is marked with appropriate warning signs placed in accordance
22 with the latest edition of the Manual on Uniform Traffic Control
23 Devices. The Department of Transportation may determine on the
24 basis of an engineering and traffic investigation that a speed limit

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

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

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

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:

- | | | |
|----|--|----------|
| 12 | 1. One to ten miles per hour over the limit..... | \$10.00 |
| 13 | 2. Eleven to fifteen miles per hour over the | |
| 14 | limit..... | \$20.00 |
| 15 | 3. Sixteen to twenty miles per hour over the | |
| 16 | limit..... | \$35.00 |
| 17 | 4. Twenty-one to twenty-five miles per hour over | |
| 18 | the limit..... | \$75.00 |
| 19 | 5. Twenty-six to thirty miles per hour over the | |
| 20 | limit..... | \$135.00 |
| 21 | 6. Thirty-one to thirty-five miles per hour over | |
| 22 | the limit..... | \$155.00 |
| 23 | 7. Thirty-six miles per hour or more over the | |
| 24 | limit..... | \$205.00 |

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

7 SECTION 2. This act shall become effective November 1, 2018.

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9 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 03/01/2018 -
10 DO PASS, As Coauthored.
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