

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1203

By: Sykes and Allen of the
Senate

and

Roberts (Dustin) of the
House

11 COMMITTEE SUBSTITUTE

12 An Act relating to motor vehicles; amending 47 O.S.
13 2011, Section 11-801, as last amended by Section 1,
14 Chapter 276, O.S.L. 2016 (47 O.S. Supp. 2017, Section
15 11-801), which relates to fines and penalties;
16 modifying certain fines and costs; prescribing
17 certain fine and costs; prescribing distribution of
18 assessed fees and costs; providing for codification;
19 and providing a provisional effective date.

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

20 SECTION 1. AMENDATORY 47 O.S. 2011, Section 11-801, as
21 last amended by Section 1, Chapter 276, O.S.L. 2016 (47 O.S. Supp.
22 2017, Section 11-801), is amended to read as follows:

23 Section 11-801. A. Any person driving a vehicle on a highway
24 shall drive the same at a careful and prudent speed not greater than

1 nor less than is reasonable and proper, having due regard to the
2 traffic, surface and width of the highway and any other conditions
3 then existing. No person shall drive any vehicle upon a highway at
4 a speed greater than will permit the driver to bring it to a stop
5 within the assured clear distance ahead.

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

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

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

21 3. On any highway outside of a municipality in a properly
22 marked school zone, twenty-five (25) miles per hour, provided the
23 zone is marked with appropriate warning signs placed in accordance
24 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 4. 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 5. Thirty-five (35) miles per hour on a highway in any state
23 park or wildlife refuge. Provided, however, that the provisions of
24 this paragraph shall not include the State Capitol park area, and no

1 person shall drive any vehicle at a rate of speed in excess of
2 fifty-five (55) miles per hour on any state or federal designated
3 highway within such areas; and

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

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

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

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

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

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

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

1 highway conditions. The Oklahoma Department of Transportation and
2 the Oklahoma Turnpike Authority may post, by changeable message sign
3 or other appropriate sign, a temporary reduced speed limit for
4 maintenance operations or when special hazards with respect to
5 pedestrians, other traffic, an accident, by reason of weather or
6 when other hazardous highway conditions exist.

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

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

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

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

23 2. The Department shall post speed limit information, as
24 determined pursuant to the provisions of subparagraphs a through c

1 of paragraph 1 of this subsection, on the county line marker where
2 any state highway enters a county and at all off-ramps where
3 interstate highways or turnpikes enter a county. The signs shall
4 read as follows:

5 ENTERING _____ COUNTY
6 COUNTY ROAD SPEED LIMIT
7 _____ MPH
8 UNLESS POSTED OTHERWISE

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

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

- 14 1. ~~One~~
- 15 a. For an offense occurring on or after the effective
16 date of this act and prior to November 1, 2022, one to
17 ten miles per hour over the speed limit as provided
18 for in Section 2 of this act, and
- 19 b. For an offense occurring on or after November 1, 2022,
20 one to ten miles per hour over the limit \$10.00
- 21 2. Eleven to fifteen miles per hour over the
22 limit..... \$20.00
- 23 3. Sixteen to twenty miles per hour over the
24 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.

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

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

1 1. The sum of Thirty-three Dollars and seventy-two cents
2 (\$33.72) for each offense of which the defendant is convicted,
3 irrespective of whether the sentence is deferred, shall cover
4 docketing of the case, filing of all papers, issuance of process,
5 warrants, order and other services to the date of judgment;

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

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

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

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

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

22 7. The sum of Two Dollars and twenty-five cents (\$2.25) shall
23 be assessed and credited to the Sheriff's Service Fee Account of the
24 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.

14
15 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04/12/2018 -
16 DO PASS, As Amended and Coauthored.