

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 ENGROSSED SENATE
5 BILL NO. 10

By: Taylor of the Senate

6 and

7 **Lowe (Dick)** and Newton of
8 the House

9
10 An Act relating to motor vehicles; amending 47 O.S.
11 2011, Section 11-801, as last amended by Section 1,
12 Chapter 55, O.S.L. 2019 and Section 2, Chapter 237,
13 O.S.L. 2018 (47 O.S. Supp. 2020, Sections 11-801 and
11-801e), which relate to speeding violations;
removing certain expiration date; and declaring an
emergency.

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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 55, O.S.L. 2019 (47 O.S. Supp.
19 2020, 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;

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

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

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

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

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

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

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

5 C. The Commission is hereby authorized to prescribe maximum and
6 minimum speeds for all vehicles and any combinations of vehicles
7 using controlled-access highways. Such regulations shall become
8 effective after signs have been posted on these highways giving
9 notice thereof. Such regulations may apply to an entirely
10 controlled-access highway or to selected sections thereof as may be
11 designated by the Commission. A speed limit of seventy-five (75)
12 miles per hour may be set in locations comprising rural segments of
13 the interstate highway system by the Commission; provided, however,
14 that speed is determined to be safe and reasonable after a traffic
15 or engineering study has been completed by the Department. It shall
16 be a violation of this section to drive any vehicle at a faster rate
17 of speed than such prescribed maximum or at a slower rate of speed
18 than such prescribed minimum. However, all vehicles shall at all
19 times conform to the limits set forth in subsection A of this
20 section.

21 Copies of such regulations certified as in effect on any
22 particular date by the Secretary of the Commission shall be accepted
23 as evidence in any court in this state. Whenever changes have been
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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; provided, however, a speed limit of
6 eighty (80) miles per hour may be set in locations comprising the
7 turnpike system, as may be approved by the Authority. The
8 regulation pertaining to automobiles shall apply to all vehicles not
9 commonly classified as either trucks or buses. Such regulations
10 shall become effective only after approval by the Commissioner of
11 Public Safety, and after signs have been posted on the turnpike
12 giving notice thereof. Such regulations may apply to an entire
13 turnpike project or to selected sections thereof as may be
14 designated by the Oklahoma Turnpike Authority. It shall be a
15 violation of this section to drive a vehicle at a faster rate of
16 speed than such prescribed maximum speed or at a slower rate of
17 speed than such prescribed minimum speed. However, all vehicles
18 shall at all times conform to the requirements of subsection A of
19 this section.

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

23 E. The driver of every vehicle shall, consistent with the
24 requirements of subsection A of this section, drive at an

1 appropriate reduced speed when approaching and crossing an
2 intersection or railway grade crossing, when approaching and going
3 around a curve, when approaching a hillcrest, when driving upon any
4 narrow or winding roadway, and when special hazard exists with
5 respect to pedestrians or other traffic, or by reason of weather or
6 highway conditions. The Oklahoma Department of Transportation and
7 the Oklahoma Turnpike Authority may post, by changeable message sign
8 or other appropriate sign, a temporary reduced speed limit for
9 maintenance operations or when special hazards with respect to
10 pedestrians, other traffic, an accident, by reason of weather or
11 when other hazardous highway conditions exist.

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

16 a. the board of county commissioners may determine, by
17 resolution, a maximum speed limit which shall apply to
18 all county roads which are not otherwise posted for
19 speed,

20 b. the board of county commissioners shall provide public
21 notice of the speed limit on all nonposted roads by
22 publication in a newspaper of general circulation in
23 the county. The notice shall be published once weekly
24 for a period of four (4) continuous weeks, and

1 c. the board of county commissioners shall forward the
2 resolution to the Director of the Department and to
3 the Commissioner of Public Safety.

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

10 ENTERING _____ COUNTY
11 COUNTY ROAD SPEED LIMIT
12 _____ MPH
13 UNLESS POSTED OTHERWISE

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

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

19 1. ~~a. For an offense occurring on or after the effective~~
20 ~~date of this act and prior to November 1, 2022, one~~
21 One to ten miles per hour over the speed limit as
22 provided for in Section 11-801e of this title, ~~and~~

~~b. For an offense occurring on or after
November 1, 2022, 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

7. Thirty-six miles per hour or more over the
limit.....\$205.00

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

SECTION 2. AMENDATORY Section 2, Chapter 237, O.S.L.
2018 (47 O.S. Supp. 2020, Section 11-801e), is amended to read as follows:

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

8 1. The sum of Thirty-three Dollars and seventy-two cents
9 (\$33.72) for each offense of which the defendant is convicted,
10 irrespective of whether the sentence is deferred, shall cover
11 docketing of the case, filing of all papers, issuance of process,
12 warrants, order and other services to the date of judgment;

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

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

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

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

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

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

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

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

20 10. The sum of Four Dollars and fifty cents (\$4.50) shall be
21 assessed. Four Dollars and twenty-eight cents (\$4.28) of each fee
22 received pursuant to this paragraph shall be collected and sent to
23 the Oklahoma State Bureau of Investigation for deposit into the
24 Forensic Science Improvement Revolving Fund created by Section

1 150.35 of Title 74 of the Oklahoma Statutes. The balance shall be
2 retained by the municipal court clerk;

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

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

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

17 ~~B. Provisions of this section shall remain in effect until~~
18 ~~November 1, 2020.~~

19 SECTION 3. It being immediately necessary for the preservation
20 of the public peace, health or safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

23 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 03/30/2021 -
24 DO PASS, As Coauthored.