

1                           **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2   STATE OF OKLAHOMA

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

4 HOUSE BILL 3304

  By: Wright of the House

5   and

6   Fields 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  
                  limits; providing maximum fine and court costs for  
                  certain violations; providing for proportional  
                  reduction of costs; and providing an effective date.

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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 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;

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. It shall be a violation of this  
12 section to drive any vehicle at a faster rate of speed than such  
13 prescribed maximum or at a slower rate of speed than such prescribed  
14 minimum. However, all vehicles shall at all times conform to the  
15 limits set forth in subsection A of this section.

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

21       D. The Oklahoma Turnpike Authority is hereby authorized to  
22 prescribe maximum and minimum speeds for trucks, buses and  
23 automobiles using turnpikes. The regulation pertaining to  
24 automobiles shall apply to all vehicles not commonly classified as

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

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

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

1 pedestrians, other traffic, an accident, by reason of weather or  
2 when other hazardous highway conditions exist.

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

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

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

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

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

1 ENTERING \_\_\_\_\_ COUNTY

2 COUNTY ROAD SPEED LIMIT

3 \_\_\_\_\_ MPH

4 UNLESS POSTED OTHERWISE

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

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

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

23 or by imprisonment for not more than ten (10) days; for a second  
24 conviction within one (1) year after the first conviction, by

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

5 H. 1. The total fine and court costs for a violation described  
6 by paragraph 1 of subsection G of this section shall be limited as  
7 follows:

- 8       a. One to five miles per hour over the limit       \$70.00  
9       b. Six to ten miles per hour over the limit       \$90.00

10       2. Any limitation in court costs required under the provisions  
11 of this subsection shall be applied in equal proportion to all  
12 categories of applicable court costs.

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

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

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