

1 **SENATE FLOOR VERSION**

2 March 26, 2019

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 1071

6 By: Pae, Manger and Hill of the
7 House

8 and

9 Montgomery of the Senate

10 **[motor vehicles - speed restrictions - highway speed**
11 **limits - effective date]**

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

13 SECTION 1. AMENDATORY 47 O.S. 2011, Section 11-801, as
14 last amended by Section 1, Chapter 237, O.S.L. 2018 (47 O.S. Supp.
15 2018, Section 11-801), is amended to read as follows:

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

23 B. Except when a special hazard exists that requires lower
24 speed for compliance with subsection A of this section, the limits

1 specified by law or established as hereinafter authorized shall be
2 maximum lawful speeds, and no person shall drive a vehicle on a
3 highway at a speed in excess of the following maximum limits:

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

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

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

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

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

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

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

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

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

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

22 D. The Oklahoma Turnpike Authority is hereby authorized to
23 prescribe maximum and minimum speeds for trucks, buses and
24 automobiles using turnpikes; provided, however, a speed limit of

1 eighty (80) miles per hour may be set in locations comprising the
2 turnpike system, as may be approved by the Authority. The
3 regulation pertaining to automobiles shall apply to all vehicles not
4 commonly classified as either trucks or buses. Such regulations
5 shall become effective only after approval by the Commissioner of
6 Public Safety, and after signs have been posted on the turnpike
7 giving notice thereof. Such regulations may apply to an entire
8 turnpike project or to selected sections thereof as may be
9 designated by the Oklahoma Turnpike Authority. It shall be a
10 violation of this section to drive a vehicle at a faster rate of
11 speed than such prescribed maximum speed or at a slower rate of
12 speed than such prescribed minimum speed. However, all vehicles
13 shall at all times conform to the requirements of subsection A of
14 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. a. For an offense occurring on or after the effective
15 date of this act and prior to November 1, 2022, one to
16 ten miles per hour over the speed limit as provided
17 for in Section ~~2~~ 11-801e of this ~~act~~ title, and
18 b. For an offense occurring on or after
19 November 1, 2022, one to ten miles per
20 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. This act shall become effective November 1, 2019.

16 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION
17 March 26, 2019 - DO PASS AS AMENDED
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