

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1814

6 By: McBride

7 COMMITTEE SUBSTITUTE

8 An Act relating to motor vehicles; creating the  
9 Automated Traffic Control Systems in Highway  
10 Construction or Maintenance Zones Act; stating  
11 purpose; authorizing the establishment of automated  
12 traffic control systems by the Department of Public  
13 Safety under certain conditions; requiring certain  
14 evidentiary burden; defining terms; clarifying  
15 penalty for certain traffic violations; requiring  
16 certain information campaign prior to implementation;  
17 requiring certain signage; limiting operation of  
18 automated traffic control systems; limiting use of  
19 photographs and other recorded images obtained by  
20 automated traffic control systems; making certain  
21 traffic violation convictions contingent on driver  
22 identification; requiring certain information be  
23 clearly visible on photographs and recorded images  
24 generated by the automated traffic control systems;  
authorizing certain delivery methods for certain  
traffic violation citations; requiring certain  
information be clearly visible on certain traffic  
violation citations; authorizing certain methods or  
response to citations; limiting liability of vehicle  
owner in certain circumstances; providing that  
certain photographs and images be admissible in  
certain proceedings; providing exception; providing  
exemption to the Oklahoma Open Records Act; requiring  
certain citations be dismissed in certain  
circumstances; providing criteria to qualify for  
citation dismissal; authorizing the promulgation of  
administrative rules; providing for codification; and  
providing an effective date.

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

2 SECTION 1. NEW LAW A new section of law to be codified  
3 in the Oklahoma Statutes as Section 11-1501 of Title 47, unless  
4 there is created a duplication in numbering, reads as follows:

5 This act shall be known and may be cited as the "Automated  
6 Traffic Control Systems in Highway Construction or Maintenance Zones  
7 Act".

8 SECTION 2. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 11-1502 of Title 47, unless  
10 there is created a duplication in numbering, reads as follows:

11 The purpose of the Automated Traffic Control Systems in Highway  
12 Construction or Maintenance Zones Act is to increase safety in  
13 highway construction or maintenance zones.

14 SECTION 3. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 11-1503 of Title 47, unless  
16 there is created a duplication in numbering, reads as follows:

17 A. The Department of Public Safety may establish automated  
18 traffic control systems in construction or maintenance zones  
19 established by the Department of Transportation or the Oklahoma  
20 Turnpike Authority.

21 B. Automated traffic control systems shall operate only during  
22 periods when workers are present in the construction or maintenance  
23 zone where the system is located.

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1 C. When prosecutions are based upon evidence obtained through  
2 an automated traffic control system established under the provisions  
3 of the Automated Traffic Control Systems in Highway Construction on  
4 Maintenance Zones Act, the State of Oklahoma shall prove that one or  
5 more workers were present in the construction or maintenance zone at  
6 the time the violation, which is the subject of the prosecution,  
7 occurred.

8 SECTION 4. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 11-1504 of Title 47, unless  
10 there is created a duplication in numbering, reads as follows:

11 For purposes of the Automated Traffic Control Systems in Highway  
12 Construction or Maintenance Zones Act:

13 1. "Automated traffic control system" means a photographic  
14 device, radar device, laser device or other electrical or mechanical  
15 device or devices designed to record the speed of a vehicle and  
16 obtain a clear photograph or other recorded image of the vehicle and  
17 the vehicle's license plate while the driver is in violation of  
18 Section 11-806 of Title 47 of the Oklahoma Statutes. Photographs or  
19 other recorded images must display the time, date and location of  
20 the violation. A law enforcement officer is not required to be  
21 present or witness the violation;

22 2. "Construction or maintenance zone" means an area where the  
23 Department of Transportation or the Oklahoma Turnpike Authority has  
24 determined that the preexisting established speed limit through a

1 highway construction or maintenance project is greater than is  
2 reasonable or safe with respect to the conditions expected to exist  
3 in the area, and the Department or Authority has posted by  
4 changeable message or other appropriate sign a lower speed limit for  
5 the area; and

6 3. "Owner" means the person or entity to whom the vehicle is  
7 registered.

8 SECTION 5. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 11-1505 of Title 47, unless  
10 there is created a duplication in numbering, reads as follows:

11 The penalty for a traffic violation recorded by an automated  
12 traffic control system shall be the same as otherwise provided by  
13 statute for the violation.

14 SECTION 6. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 11-1506 of Title 47, unless  
16 there is created a duplication in numbering, reads as follows:

17 A. Prior to utilizing automated traffic control systems, the  
18 Department of Public Safety shall conduct a public information  
19 campaign to inform drivers about the use of such systems in highway  
20 construction or maintenance zones.

21 B. Signs indicating that speeds are enforced by automated  
22 traffic control systems shall be clearly posted in the areas where  
23 such systems are in use.

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1 C. Operation of automated traffic control systems shall be  
2 limited to areas where road construction or maintenance is  
3 occurring.

4 D. Photographs or other recorded images obtained by automated  
5 traffic control systems shall only be used as evidence in relation  
6 to the violation of Section 11-806 of Title 47 of the Oklahoma  
7 Statutes for which the photograph or other recorded images were  
8 taken.

9 E. A driver shall not be convicted of a traffic violation  
10 recorded by an automated traffic control system unless the driver is  
11 identified through photograph or other recorded images obtained by  
12 the system in relation to the violation.

13 SECTION 7. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 11-1507 of Title 47, unless  
15 there is created a duplication in numbering, reads as follows:

16 A. The vehicle, vehicle operator, vehicle license plate, speed,  
17 date, time and location must be clearly visible on the photograph or  
18 other recorded images serving as the basis of a traffic violation  
19 citation authorized by the provisions of the Automated Traffic  
20 Control Systems in Highway Construction or Maintenance Zones Act.

21 B. Traffic violation citations authorized by the provisions of  
22 this act shall:

23 1. Be mailed or otherwise delivered to the registered owner of  
24 the vehicle associated with the violation within fourteen (14)

1 business days of the alleged violation. If mailed, the citation  
2 shall be sent by certified mail with return receipt requested;

3 2. Include:

- 4 a. the name and address of the vehicle owner,
- 5 b. the license plate number of the vehicle,
- 6 c. the offense charged,
- 7 d. the time, date and location of the violation,
- 8 e. the applicable court date, and
- 9 f. notice that the basis of the citation is the  
10 photograph or recorded images from the automated  
11 traffic control system; and

12 3. Be accompanied by a written document listing the alleged  
13 violator's rights and obligations and an explanation of how the  
14 alleged violator may elect to pay the fine or challenge the issuance  
15 of the citation.

16 SECTION 8. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 11-1508 of Title 47, unless  
18 there is created a duplication in numbering, reads as follows:

19 A. An individual issued a citation under the provisions of this  
20 act may respond to the citation in person or by any other method  
21 allowed by law.

22 B. The owner of a vehicle shall not be held liable for a  
23 traffic violation recorded by an automated traffic control system if  
24 the driver of the vehicle at the time of the violation cannot be

1 identified through the photograph or other recorded images obtained  
2 by the system in relation to the violation.

3 SECTION 9. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 11-1509 of Title 47, unless  
5 there is created a duplication in numbering, reads as follows:

6 Except as provided in Section 11 of this act, all photographs  
7 and other recorded images evidencing a violation of Section 11-806  
8 of Title 47 of the Oklahoma Statutes are admissible in proceedings  
9 resulting from the issuance of a traffic violation citation  
10 authorized by the Automated Traffic Control Systems in Highway  
11 Construction or Maintenance Zones Act.

12 SECTION 10. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 11-1510 of Title 47, unless  
14 there is created a duplication in numbering, reads as follows:

15 The Oklahoma Open Records Act shall not apply to data,  
16 photographs and other recorded images collected by an automated  
17 traffic control device operated pursuant to the provisions of the  
18 Automated Traffic Control Systems in Highway Construction or  
19 Maintenance Zones Act.

20 SECTION 11. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 11-1511 of Title 47, unless  
22 there is created a duplication in numbering, reads as follows:

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1 A. A traffic violation citation issued under the provisions of  
2 this act to a vehicle rental or leasing company shall be dismissed  
3 with respect to the rental or leasing company if:

4 1. The company responds to the traffic violation citation by  
5 submitting, within thirty (30) days of the mailing of the citation,  
6 an affidavit or nonliability stating that, at the time of the  
7 alleged speeding or other traffic violation, the vehicle was in the  
8 custody and control of a renter or lessee under the terms of a  
9 rental agreement or lease; and

10 2. The company provides the driver license number, name and  
11 address of the renter or lessee.

12 B. A traffic violation citation dismissed with respect to a  
13 motor vehicle rental or leasing company in accordance with  
14 subsection A of this section may later be issued and delivered by  
15 mail or other means to the renter or lessee identified in the  
16 affidavit of nonliability.

17 SECTION 12. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 11-1512 of Title 47, unless  
19 there is created a duplication in numbering, reads as follows:

20 The Department of Public Safety shall promulgate rules as  
21 necessary to implement the provisions of the Automated Traffic  
22 Control Systems in Highway Construction or Maintenance Zones Act.

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SECTION 13. This act shall become effective November 1, 2021.

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