

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

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

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1814

By: McBride of the House

and

**Weaver** of the Senate

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10                                   COMMITTEE SUBSTITUTE

11                   An Act relating to motor vehicles; creating the  
12                   Automated Traffic Control Systems in Highway  
13                   Construction or Maintenance Zones Act; stating  
14                   purpose; authorizing the establishment of automated  
15                   traffic control systems by the Department of Public  
16                   Safety under certain conditions; requiring certain  
17                   evidentiary burden; defining terms; clarifying  
18                   penalty for certain traffic violations; requiring  
19                   certain information campaign prior to implementation;  
20                   requiring certain signage; limiting operation of  
21                   automated traffic control systems; limiting use of  
22                   photographs and other recorded images obtained by  
23                   automated traffic control systems; making certain  
24                   traffic violation convictions contingent on driver  
                 identification; requiring certain information be  
                 clearly visible on photographs and recorded images  
                 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

1 circumstances; providing criteria to qualify for  
2 citation dismissal; authorizing the promulgation of  
3 administrative rules; providing for codification; and  
4 providing an effective date.

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

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

10 This act shall be known and may be cited as the "Automated  
11 Traffic Control Systems in Highway Construction or Maintenance Zones  
12 Act".

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

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

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

22 A. The Department of Public Safety may establish automated  
23 traffic control systems in construction or maintenance zones  
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1 established by the Department of Transportation or the Oklahoma  
2 Turnpike Authority.

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

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

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

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

18 1. "Automated traffic control system" means a photographic  
19 device, radar device, laser device or other electrical or mechanical  
20 device or devices designed to record the speed of a vehicle and  
21 obtain a clear photograph or other recorded image of the vehicle and  
22 the vehicle's license plate while the driver is in violation of  
23 Section 11-806 of Title 47 of the Oklahoma Statutes. Photographs or  
24 other recorded images must display the time, date and location of

1 the violation. A law enforcement officer is not required to be  
2 present or witness the violation;

3 2. "Construction or maintenance zone" means an area where the  
4 Department of Transportation or the Oklahoma Turnpike Authority has  
5 determined that the preexisting established speed limit through a  
6 highway construction or maintenance project is greater than is  
7 reasonable or safe with respect to the conditions expected to exist  
8 in the area, and the Department or Authority has posted by  
9 changeable message or other appropriate sign a lower speed limit for  
10 the area; and

11 3. "Owner" means the person or entity to whom the vehicle is  
12 registered.

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

16 The penalty for a traffic violation recorded by an automated  
17 traffic control system shall be the same as otherwise provided by  
18 statute for the violation.

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

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

3 B. Signs indicating that speeds are enforced by automated  
4 traffic control systems shall be clearly posted in the areas where  
5 such systems are in use.

6 C. Operation of automated traffic control systems shall be  
7 limited to areas where road construction or maintenance is  
8 occurring.

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

14 E. A driver shall not be convicted of a traffic violation  
15 recorded by an automated traffic control system unless the driver is  
16 identified through photograph or other recorded images obtained by  
17 the system in relation to the violation.

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

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

3 B. Traffic violation citations authorized by the provisions of  
4 this act shall:

5 1. Be mailed or otherwise delivered to the registered owner of  
6 the vehicle associated with the violation within fourteen (14)  
7 business days of the alleged violation. If mailed, the citation  
8 shall be sent by certified mail with return receipt requested;

9 2. Include:

- 10 a. the name and address of the vehicle owner,
- 11 b. the license plate number of the vehicle,
- 12 c. the offense charged,
- 13 d. the time, date and location of the violation,
- 14 e. the applicable court date, and
- 15 f. notice that the basis of the citation is the  
16 photograph or recorded images from the automated  
17 traffic control system; and

18 3. Be accompanied by a written document listing the alleged  
19 violator's rights and obligations and an explanation of how the  
20 alleged violator may elect to pay the fine or challenge the issuance  
21 of the citation.

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

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

4       B. The owner of a vehicle shall not be held liable for a  
5 traffic violation recorded by an automated traffic control system if  
6 the driver of the vehicle at the time of the violation cannot be  
7 identified through the photograph or other recorded images obtained  
8 by the system in relation to the violation.

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

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

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

21       The Oklahoma Open Records Act shall not apply to data,  
22 photographs and other recorded images collected by an automated  
23 traffic control device operated pursuant to the provisions of the  
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1 Automated Traffic Control Systems in Highway Construction or  
2 Maintenance Zones Act.

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

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

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

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

17 B. A traffic violation citation dismissed with respect to a  
18 motor vehicle rental or leasing company in accordance with  
19 subsection A of this section may later be issued and delivered by  
20 mail or other means to the renter or lessee identified in the  
21 affidavit of nonliability.

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



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

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

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6 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated  
7 02/11/2021 - DO PASS, As Amended and Coauthored.  
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