

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 1814

By: McBride

AS INTRODUCED

An Act relating to motor vehicles; creating the Automated Traffic Control Systems in Highway Construction or Maintenance Zones Act; stating purpose; authorizing the establishment of automated traffic control systems by the Department of Public Safety under certain conditions; requiring certain evidentiary burden; defining terms; clarifying penalty for certain traffic violations; requiring certain information campaign prior to implementation; requiring certain signage; limiting operation of automated traffic control systems; limiting use of photographs and other recorded images obtained by automated traffic control systems; making certain 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 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,
17 the vehicle operator and the vehicle's license plate while the
18 driver is in violation of Section 11-806 of Title 47 of the Oklahoma
19 Statutes. Photographs or other recorded images must display the
20 time, date and location of the violation. A law enforcement officer
21 is not required to be 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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1 SECTION 13. This act shall become effective November 1, 2021.

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