

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1071

By: Pae of the House

and

Montgomery of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to motor vehicles; amending 47 O.S.
12 2011, Section 11-801, as last amended by Section 1,
13 Chapter 237, O.S.L. 2018 (47 O.S. Supp. 2018, Section
14 11-801), which relates to speed restrictions;
15 increasing certain highway speed limits; and
16 providing an effective date.

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

18 SECTION 1. AMENDATORY 47 O.S. 2011, Section 11-801, as
19 last amended by Section 1, Chapter 237, O.S.L. 2018 (47 O.S. Supp.
20 2018, Section 11-801), is amended to read as follows:

21 Section 11-801. A. Any person driving a vehicle on a highway
22 shall drive the same at a careful and prudent speed not greater than
23 nor less than is reasonable and proper, having due regard to the
24 traffic, surface and width of the highway and any other conditions
 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. A speed limit of seventy-five (75)
12 miles per hour shall be set in locations comprising rural segments
13 of the interstate highway system, in such areas designated by the
14 Commission. It shall be a violation of this section to drive any
15 vehicle at a faster rate of speed than such prescribed maximum or at
16 a slower rate of speed than such prescribed minimum. However, all
17 vehicles shall at all times conform to the limits set forth in
18 subsection A of this section.

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

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1 D. The Oklahoma Turnpike Authority is hereby authorized to
2 prescribe maximum and minimum speeds for trucks, buses and
3 automobiles using turnpikes; provided, however, a speed limit of
4 eighty (80) miles per hour may be set in locations comprising the
5 turnpike system, as may be approved by the Authority. The
6 regulation pertaining to automobiles shall apply to all vehicles not
7 commonly classified as either trucks or buses. Such regulations
8 shall become effective only after approval by the Commissioner of
9 Public Safety, and after signs have been posted on the turnpike
10 giving notice thereof. Such regulations may apply to an entire
11 turnpike project or to selected sections thereof as may be
12 designated by the Oklahoma Turnpike Authority. It shall be a
13 violation of this section to drive a vehicle at a faster rate of
14 speed than such prescribed maximum speed or at a slower rate of
15 speed than such prescribed minimum speed. However, all vehicles
16 shall at all times conform to the requirements of subsection A of
17 this section.

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

21 E. The driver of every vehicle shall, consistent with the
22 requirements of subsection A of this section, drive at an
23 appropriate reduced speed when approaching and crossing an
24 intersection or railway grade crossing, when approaching and going

1 around a curve, when approaching a hillcrest, when driving upon any
2 narrow or winding roadway, and when special hazard exists with
3 respect to pedestrians or other traffic, or by reason of weather or
4 highway conditions. The Oklahoma Department of Transportation and
5 the Oklahoma Turnpike Authority may post, by changeable message sign
6 or other appropriate sign, a temporary reduced speed limit for
7 maintenance operations or when special hazards with respect to
8 pedestrians, other traffic, an accident, by reason of weather or
9 when other hazardous highway conditions exist.

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

14 a. the board of county commissioners may determine, by
15 resolution, a maximum speed limit which shall apply to
16 all county roads which are not otherwise posted for
17 speed,

18 b. the board of county commissioners shall provide public
19 notice of the speed limit on all nonposted roads by
20 publication in a newspaper of general circulation in
21 the county. The notice shall be published once weekly
22 for a period of four (4) continuous weeks, and
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1 c. the board of county commissioners shall forward the
2 resolution to the Director of the Department and to
3 the Commissioner of Public Safety.

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

10 ENTERING _____ COUNTY
11 COUNTY ROAD SPEED LIMIT
12 _____ MPH
13 UNLESS POSTED OTHERWISE

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

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

19 1. a. For an offense occurring on or after the effective
20 date of this act and prior to November 1, 2022, one to
21 ten miles per hour over the speed limit as provided
22 for in Section ~~2~~ 11-801e of this ~~act~~ title, and
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- 1 b. For an offense occurring on or after
- 2 November 1, 2022, one to ten miles per
- 3 hour over the limit.....\$10.00
- 4 2. Eleven to fifteen miles per hour over the
- 5 limit.....\$20.00
- 6 3. Sixteen to twenty miles per hour over the
- 7 limit.....\$35.00
- 8 4. Twenty-one to twenty-five miles per hour over
- 9 the limit.....\$75.00
- 10 5. Twenty-six to thirty miles per hour over the
- 11 limit.....\$135.00
- 12 6. Thirty-one to thirty-five miles per hour over
- 13 the limit.....\$155.00
- 14 7. Thirty-six miles per hour or more over the
- 15 limit.....\$205.00

16 or by imprisonment for not more than ten (10) days; for a second
 17 conviction within one (1) year after the first conviction, by
 18 imprisonment for not more than twenty (20) days; and upon a third or
 19 subsequent conviction within one (1) year after the first
 20 conviction, by imprisonment for not more than six (6) months, or by
 21 both such fine and imprisonment.

22 SECTION 2. This act shall become effective November 1, 2019.

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 24 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/28/2019 -
 DO PASS, As Amended and Coauthored.