

1 STATE OF OKLAHOMA

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

3 SENATE BILL 226

By: Hicks

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Section 11-801, as last amended by Section 1,
9 Chapter 55, O.S.L. 2019 (47 O.S. Supp. 2020, Section
10 11-801), which relates to maximum and minimum speed
11 limits; modifying certain limits; allowing certain
12 modifications; amending 47 O.S. 2011, Section 11-803,
13 which relates to local authorities altering limits;
14 modifying certain limit; and providing an effective
15 date.

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

17 SECTION 1. AMENDATORY 47 O.S. 2011, Section 11-801, as
18 last amended by Section 1, Chapter 55, O.S.L. 2019 (47 O.S. Supp.
19 2020, Section 11-801), is amended to read as follows:

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

1 B. Except when a special hazard exists that requires lower
2 speed for compliance with subsection A of this section, the limits
3 specified by law or established as hereinafter authorized shall be
4 maximum lawful speeds, and no person shall drive a vehicle on a
5 highway at a speed in excess of the following maximum limits:

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

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

16 3. On any highway outside of a municipality in a properly
17 marked school zone, ~~twenty-five (25)~~ twenty (20) miles per hour,
18 provided the zone is marked with appropriate warning signs placed in
19 accordance with the latest edition of the Manual on Uniform Traffic
20 Control Devices. The Department of Transportation may determine on
21 the basis of an engineering and traffic investigation that a speed
22 limit either higher or lower than ~~twenty-five (25)~~ twenty (20) miles
23 per hour may be reasonable and safe under conditions as they exist
24 upon a highway, and post an alternative school zone speed limit.

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

13 4. ~~Twenty-five (25)~~ Twenty (20) miles per hour or a posted
14 alternative school zone speed limit through state schools located on
15 the state-owned land adjoining or outside the limits of a corporate
16 city or town where a state educational institution is established;

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

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

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

3 C. The Commission is hereby authorized to prescribe maximum and
4 minimum speeds for all vehicles and any combinations of vehicles
5 using controlled-access highways. Such regulations shall become
6 effective after signs have been posted on these highways giving
7 notice thereof. Such regulations may apply to an entirely
8 controlled-access highway or to selected sections thereof as may be
9 designated by the Commission. A speed limit of seventy-five (75)
10 miles per hour may be set in locations comprising rural segments of
11 the interstate highway system by the Commission; provided, however,
12 that speed is determined to be safe and reasonable after a traffic
13 or engineering study has been completed by the Department. It shall
14 be a violation of this section to drive any vehicle at a faster rate
15 of speed than such prescribed maximum or at a slower rate of speed
16 than such prescribed minimum. However, all vehicles shall at all
17 times conform to the limits set forth in subsection A of this
18 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.

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~~ August 1, 2018, and prior to November
21 1, 2022, one to ten miles per hour over the speed
22 limit as provided for in Section 11-801e of this
23 title, and

- b. For an offense occurring on or after
November 1, 2022, one to ten miles per
hour over the limit.....\$10.00
- 2. Eleven to fifteen miles per hour over the
limit.....\$20.00
- 3. Sixteen to twenty miles per hour over the
limit.....\$35.00
- 4. Twenty-one to twenty-five miles per hour over
the limit.....\$75.00
- 5. Twenty-six to thirty miles per hour over the
limit.....\$135.00
- 6. Thirty-one to thirty-five miles per hour over
the limit.....\$155.00
- 7. Thirty-six miles per hour or more over the
limit.....\$205.00

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

SECTION 2. AMENDATORY 47 O.S. 2011, Section 11-803, is amended to read as follows:

1 Section 11-803. A. Whenever local authorities in their
2 respective jurisdictions determine on the basis of an engineering
3 and traffic investigation that the maximum speed permitted under
4 this article is greater or less than is reasonable and safe under
5 the conditions found to exist upon a highway or part of a highway,
6 the local authority may determine and declare a reasonable and safe
7 maximum limit thereon which:

8 1. Decreases the limit at intersections; or

9 2. Increases the limit within an urban district, but not to
10 more than sixty-five (65) miles per hour; or

11 3. Decreases the limit outside an urban district, but not to
12 less than ~~thirty (30)~~ twenty (20) miles per hour.

13 B. Local authorities in their respective jurisdictions shall
14 determine by an engineering and traffic investigation the proper
15 maximum speed for all arterial streets and shall declare a
16 reasonable and safe maximum limit thereon which may be greater or
17 less than the maximum speed permitted under Section 1-101 et seq. of
18 this title for an urban district.

19 C. Any altered limit established as hereinabove authorized
20 shall be effective at all times or during hours of darkness or at
21 other times as may be determined when appropriate signs giving
22 notice thereof are erected upon such street or highway.

23 D. As to streets and highways within the corporate limits which
24 have been constructed or reconstructed with state or federal funds,

1 local authorities shall have joint authority with the Transportation
2 Commission to establish or alter speed limits; provided, however,
3 the speed limit on an interstate highway within such corporate
4 limits shall not be decreased to less than sixty (60) miles per
5 hour; and provided further, that no local authority shall impose
6 speed limits on any such street or highway substantially lower than
7 those justified by the highway design, capacity, and traffic volume
8 as determined by engineering studies.

9 E. Not more than six such alterations as hereinabove authorized
10 shall be made per mile along a street or highway except in the case
11 of reduced limits at intersections, and the difference between
12 adjacent limits shall not be more than ten (10) miles per hour.

13 SECTION 3. This act shall become effective November 1, 2021.

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