

1 **SENATE FLOOR VERSION**

2 February 21, 2017

3 **AS AMENDED**

4 SENATE BILL NO. 612

5 By: Silk

6 [speed limits - maximum and minimum limits -
7 effective date]
8

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

10 SECTION 1. AMENDATORY 47 O.S. 2011, Section 11-801, as
11 last amended by Section 1, Chapter 276, O.S.L. 2016 (47 O.S. Supp.
12 2016, Section 11-801), is amended to read as follows:

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

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

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

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

11 3. On any highway outside of a municipality in a properly
12 marked school zone, twenty-five (25) miles per hour, provided the
13 zone is marked with appropriate warning signs placed in accordance
14 with the latest edition of the Manual on Uniform Traffic Control
15 Devices. The Department of Transportation may determine on the
16 basis of an engineering and traffic investigation that a speed limit
17 higher than twenty-five (25) miles per hour may be reasonable and
18 safe under conditions as they exist upon a highway, and post an
19 alternative school zone speed limit. The Department shall mark such
20 school zones, or entrances and exits onto highways by buses or
21 students, so that the maximum speed provided by this section shall
22 be established therein. Exits and entrances to controlled-access
23 highways which are within such school zones shall be marked in the
24 same manner as other highways. The county commissioners shall mark

1 such school zones along the county roads so that the maximum speed
2 provided by this section shall be established therein. The signs
3 may be either permanent or temporary. The Department shall give
4 priority over all other signing projects to the foregoing duty to
5 mark school zones. The Department shall also provide other safety
6 devices for school zones which are needed in the opinion of the
7 Department;

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

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

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

20 The maximum speed limits set forth in this section may be
21 altered as authorized in Sections 11-802 and 11-803 of this title.
22 The maximum speed limit may also be altered by a county commissioner
23 when requested by residents within a county to reduce the speed of a
24 section of highway. The commissioner shall prepare a request to

1 submit to that transportation district requesting such reduction.
2 Such request shall contain at least two percent (2%) of the
3 registered voters of that county.

4 C. The Commission is hereby authorized to prescribe maximum and
5 minimum speeds for all vehicles and any combinations of vehicles
6 using controlled-access highways. Such regulations shall become
7 effective after signs have been posted on these highways giving
8 notice thereof. Such regulations may apply to an entirely
9 controlled-access highway or to selected sections thereof as may be
10 designated by the Commission. It shall be a violation of this
11 section to drive any vehicle at a faster rate of speed than such
12 prescribed maximum or at a slower rate of speed than such prescribed
13 minimum. However, all vehicles shall at all times conform to the
14 limits set forth in subsection A of this section.

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

20 D. The Oklahoma Turnpike Authority is hereby authorized to
21 prescribe maximum and minimum speeds for trucks, buses and
22 automobiles using turnpikes. The regulation pertaining to
23 automobiles shall apply to all vehicles not commonly classified as
24 either trucks or buses. Such regulations shall become effective

1 only after approval by the Commissioner of Public Safety, and after
2 signs have been posted on the turnpike giving notice thereof. Such
3 regulations may apply to an entire turnpike project or to selected
4 sections thereof as may be designated by the Oklahoma Turnpike
5 Authority. It shall be a violation of this section to drive a
6 vehicle at a faster rate of speed than such prescribed maximum speed
7 or at a slower rate of speed than such prescribed minimum speed.
8 However, all vehicles shall at all times conform to the requirements
9 of subsection A of this section.

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

13 E. The driver of every vehicle shall, consistent with the
14 requirements of subsection A of this section, drive at an
15 appropriate reduced speed when approaching and crossing an
16 intersection or railway grade crossing, when approaching and going
17 around a curve, when approaching a hillcrest, when driving upon any
18 narrow or winding roadway, and when special hazard exists with
19 respect to pedestrians or other traffic, or by reason of weather or
20 highway conditions. The Oklahoma Department of Transportation and
21 the Oklahoma Turnpike Authority may post, by changeable message sign
22 or other appropriate sign, a temporary reduced speed limit for
23 maintenance operations or when special hazards with respect to
24

1 pedestrians, other traffic, an accident, by reason of weather or
2 when other hazardous highway conditions exist.

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

7 a. the board of county commissioners may determine, by
8 resolution, a maximum speed limit which shall apply to
9 all county roads which are not otherwise posted for
10 speed,

11 b. the board of county commissioners shall provide public
12 notice of the speed limit on all nonposted roads by
13 publication in a newspaper of general circulation in
14 the county. The notice shall be published once weekly
15 for a period of four (4) continuous weeks, and

16 c. the board of county commissioners shall forward the
17 resolution to the Director of the Department and to
18 the Commissioner of Public Safety.

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

1 ENTERING _____ COUNTY

2 COUNTY ROAD SPEED LIMIT

3 _____ MPH

4 UNLESS POSTED OTHERWISE

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

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

- 10 1. One to ten miles per hour over the limit..... \$10.00
- 11 2. Eleven to fifteen miles per hour over the
12 limit..... \$20.00
- 13 3. Sixteen to twenty miles per hour over the
14 limit..... \$35.00
- 15 4. Twenty-one to twenty-five miles per hour over
16 the limit..... \$75.00
- 17 5. Twenty-six to thirty miles per hour over the
18 limit..... \$135.00
- 19 6. Thirty-one to thirty-five miles per hour over
20 the limit..... \$155.00
- 21 7. Thirty-six miles per hour or more over the
22 limit..... \$205.00

23 or by imprisonment for not more than ten (10) days; for a second
24 conviction within one (1) year after the first conviction, by

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

5 SECTION 2. This act shall become effective November 1, 2017.

6 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION
7 February 21, 2017 - DO PASS AS AMENDED
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