

1 **SENATE FLOOR VERSION**

2 February 19, 2019

3 SENATE BILL NO. 648

By: Silk

4
5
6 An Act relating to highways; amending 47 O.S. 2011,
7 Section 11-801, as last amended by Section 1, Chapter
8 237, O.S.L. 2018 (47 O.S. Supp. 2018, Section 11-
9 801), which relates to speed limits; modifying
10 maximum speed limits for the turnpike and interstate
11 highway systems; updating statutory references;
12 providing an effective date; and declaring an
13 emergency.

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

15 SECTION 1. AMENDATORY 47 O.S. 2011, Section 11-801, as
16 last amended by Section 1, Chapter 237, O.S.L. 2018 (47 O.S. Supp.
17 2018, Section 11-801), is amended to read as follows:

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

B. Except when a special hazard exists that requires lower
speed for compliance with subsection A of this section, the limits

1 specified by law or established as hereinafter authorized shall be
2 maximum lawful speeds, and no person shall drive a vehicle on a
3 highway at a speed in excess of the following maximum limits:

4 1. ~~On a highway or part of a highway, unless otherwise~~
5 ~~established in law, a speed established by the Department of~~
6 ~~Transportation on the basis of engineering and traffic~~
7 ~~investigations used to determine the speed that is reasonable and~~
8 ~~safe under the conditions found to exist on the highway or part of~~
9 ~~the highway~~ Eighty (80) miles per hour in locations comprising the
10 turnpike system;

11 2. Seventy-five (75) miles per hour in locations comprising
12 rural segments of the interstate highway system, as may be
13 designated by the Transportation Commission. Provided, however, the
14 Commission shall determine prior to the designation of such segments
15 that the public safety will not be jeopardized;

16 3. For a school bus, fifty-five (55) miles per hour on paved
17 two-lane roads except on the state highway system, the interstate
18 highway system and the turnpike system where the maximum shall be
19 sixty-five (65) miles per hour;

20 ~~3.~~ 4. On any highway outside of a municipality in a properly
21 marked school zone, twenty-five (25) miles per hour, provided the
22 zone is marked with appropriate warning signs placed in accordance
23 with the latest edition of the Manual on Uniform Traffic Control
24 Devices. The Department of Transportation may determine on the

1 basis of an engineering and traffic investigation that a speed limit
2 higher than twenty-five (25) miles per hour may be reasonable and
3 safe under conditions as they exist upon a highway, and post an
4 alternative school zone speed limit. The Department shall mark such
5 school zones, or entrances and exits onto highways by buses or
6 students, so that the maximum speed provided by this section shall
7 be established therein. Exits and entrances to controlled-access
8 highways which are within such school zones shall be marked in the
9 same manner as other highways. The county commissioners shall mark
10 such school zones along the county roads so that the maximum speed
11 provided by this section shall be established therein. The signs
12 may be either permanent or temporary. The Department shall give
13 priority over all other signing projects to the foregoing duty to
14 mark school zones. The Department shall also provide other safety
15 devices for school zones which are needed in the opinion of the
16 Department;

17 ~~4.~~ 5. Twenty-five (25) miles per hour or a posted alternative
18 school zone speed limit through state schools located on the state-
19 owned land adjoining or outside the limits of a corporate city or
20 town where a state educational institution is established;

21 ~~5.~~ 6. Thirty-five (35) miles per hour on a highway in any state
22 park or wildlife refuge. Provided, however, that the provisions of
23 this paragraph shall not include the State Capitol park area, and no
24 person shall drive any vehicle at a rate of speed in excess of

1 fifty-five (55) miles per hour on any state or federal designated
2 highway within such areas; and

3 ~~6.~~ 7. For any vehicle or combination of vehicles with solid
4 rubber or metal tires, ten (10) miles per hour.

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

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

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

23 D. The Oklahoma Turnpike Authority is hereby authorized to
24 prescribe maximum and minimum speeds for trucks, buses and

1 automobiles using turnpikes. The regulation pertaining to
2 automobiles shall apply to all vehicles not commonly classified as
3 either trucks or buses. Such regulations shall become effective
4 only after approval by the Commissioner of Public Safety, and after
5 signs have been posted on the turnpike giving notice thereof. Such
6 regulations may apply to an entire turnpike project or to selected
7 sections thereof as may be designated by the Oklahoma Turnpike
8 Authority. It shall be a violation of this section to drive a
9 vehicle at a faster rate of speed than such prescribed maximum speed
10 or at a slower rate of speed than such prescribed minimum speed.
11 However, all vehicles shall at all times conform to the requirements
12 of subsection A of this section.

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

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

1 or other appropriate sign, a temporary reduced speed limit for
2 maintenance operations or when special hazards with respect to
3 pedestrians, other traffic, an accident, by reason of weather or
4 when other hazardous highway conditions exist.

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

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

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

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

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

1 interstate highways or turnpikes enter a county. The signs shall
2 read as follows:

3 ENTERING _____ COUNTY
4 COUNTY ROAD SPEED LIMIT
5 _____ MPH
6 UNLESS POSTED OTHERWISE

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

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

- 12 1. a. For an offense occurring on or after ~~the effective~~
13 ~~date of this act~~ August 2, 2018, and prior to November
14 1, 2022, one to ten miles per hour over the speed
15 limit as provided for in Section ~~2 of this act~~ 11-801e
16 of this title, and
- 17 b. For an offense occurring on or after
18 November 1, 2022, one to ten miles per
19 hour over the limit.....\$10.00
- 20 2. Eleven to fifteen miles per hour over the
21 limit.....\$20.00
- 22 3. Sixteen to twenty miles per hour over the
23 limit.....\$35.00

- 1 4. Twenty-one to twenty-five miles per hour over
2 the limit.....\$75.00
3 5. Twenty-six to thirty miles per hour over the
4 limit.....\$135.00
5 6. Thirty-one to thirty-five miles per hour over
6 the limit.....\$155.00
7 7. Thirty-six miles per hour or more over the
8 limit.....\$205.00

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

15 SECTION 2. This act shall become effective July 1, 2019.

16 SECTION 3. It being immediately necessary for the preservation
17 of the public peace, health or safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

20 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION
21 February 19, 2019 - DO PASS
22
23
24