

An Act

ENROLLED SENATE
BILL NO. 10

By: Taylor of the Senate

and

Lowe (Dick) and Newton of
the House

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 11-801, as last amended by Section 1, Chapter 55, O.S.L. 2019 and Section 2, Chapter 237, O.S.L. 2018 (47 O.S. Supp. 2020, Sections 11-801 and 11-801e), which relate to speeding violations; removing certain expiration date; and declaring an emergency.

SUBJECT: Motor vehicle speeding violations

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

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

Section 11-801. A. Any person driving a vehicle on a highway shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the highway and any other conditions 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.

B. Except when a special hazard exists that requires lower speed for compliance with subsection A of this section, the limits specified by law or established as hereinafter authorized shall be

maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of the following maximum limits:

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

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

3. On any highway outside of a municipality in a properly marked school zone, twenty-five (25) miles per hour, provided the zone is marked with appropriate warning signs placed in accordance with the latest edition of the Manual on Uniform Traffic Control Devices. The Department of Transportation may determine on the basis of an engineering and traffic investigation that a speed limit higher than twenty-five (25) miles per hour may be reasonable and safe under conditions as they exist upon a highway, and post an alternative school zone speed limit. The Department shall mark such school zones, or entrances and exits onto highways by buses or students, so that the maximum speed provided by this section shall be established therein. Exits and entrances to controlled-access highways which are within such school zones shall be marked in the same manner as other highways. The county commissioners shall mark such school zones along the county roads so that the maximum speed provided by this section shall be established therein. The signs may be either permanent or temporary. The Department shall give priority over all other signing projects to the foregoing duty to mark school zones. The Department shall also provide other safety devices for school zones which are needed in the opinion of the Department;

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

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

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

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

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

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

D. The Oklahoma Turnpike Authority is hereby authorized to prescribe maximum and minimum speeds for trucks, buses and automobiles using turnpikes; provided, however, a speed limit of eighty (80) miles per hour may be set in locations comprising the turnpike system, as may be approved by the Authority. The regulation pertaining to automobiles shall apply to all vehicles not

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

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

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

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

- a. the board of county commissioners may determine, by resolution, a maximum speed limit which shall apply to all county roads which are not otherwise posted for speed,
- b. the board of county commissioners shall provide public notice of the speed limit on all nonposted roads by

publication in a newspaper of general circulation in the county. The notice shall be published once weekly for a period of four (4) continuous weeks, and

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

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

ENTERING _____ COUNTY
COUNTY ROAD SPEED LIMIT
_____ MPH
UNLESS POSTED OTHERWISE

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

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

- 1. ~~a. For an offense occurring on or after the effective date of this act and prior to November 1, 2022, one~~ One to ten miles per hour over the speed limit as provided for in Section 11-801e of this 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 Section 2, Chapter 237, O.S.L. 2018 (47 O.S. Supp. 2020, Section 11-801e), is amended to read as follows:

Section 11-801e. ~~A.~~ Notwithstanding any other provision of law, any person convicted of a speeding violation of one (1) to ten (10) miles per hour over the limit, pursuant to subsection B or F of Section 11-801 of Title 47 of the Oklahoma Statutes, shall be punished by a fine of Five Dollars (\$5.00) and costs and fees not to exceed Ninety-five Dollars (\$95.00). The court clerk shall collect fine, costs and fees to be directed as follows:

- 1. The sum of Thirty-three Dollars and seventy-two cents (\$33.72) for each offense of which the defendant is convicted, irrespective of whether the sentence is deferred, shall cover docketing of the case, filing of all papers, issuance of process, warrants, order and other services to the date of judgment;

2. The sum of Eight Dollars and eighty cents (\$8.80) shall be assessed and credited to the District Attorneys Council Revolving Fund to defray the cost of prosecution;

3. The sum of Eleven Dollars (\$11.00) shall be assessed and credited to the Oklahoma Court Information System Revolving Fund created pursuant to Section 1315 of Title 20 of the Oklahoma Statutes;

4. The sum of Four Dollars and fifty cents (\$4.50) shall be assessed and credited to the Sheriff's Service Fee Account in the county in which the conviction occurred for the purpose of enhancing existing or providing additional courthouse security;

5. The sum of One Dollar and thirty cents (\$1.30) shall be assessed and credited to the Office of the Attorney General Victim Services Unit;

6. The sum of One Dollar and thirty cents (\$1.30) shall be assessed and credited to the Child Abuse Multidisciplinary Account;

7. The sum of Two Dollars and twenty-five cents (\$2.25) shall be assessed and credited to the Sheriff's Service Fee Account of the sheriff of the county in which the arrest was made;

8. The sum of Four Dollars and fifty cents (\$4.50) shall be assessed and credited to the Council on Law Enforcement Education and Training (CLEET) Fund;

9. The sum of Four Dollars and fifty cents (\$4.50) shall be assessed. Four Dollars and ten cents (\$4.10) of each fee received pursuant to this paragraph shall be credited to the A.F.I.S. Fund created by Section 150.25 of Title 74 of the Oklahoma Statutes and the balance deposited into the General Revenue Fund by the court clerk. The payments shall be made to the appropriate fund by the court clerk on a monthly basis as set forth by subsection I of Section 1313.2 of Title 20 of the Oklahoma Statutes;

10. The sum of Four Dollars and fifty cents (\$4.50) shall be assessed. Four Dollars and twenty-eight cents (\$4.28) of each fee received pursuant to this paragraph shall be collected and sent to the Oklahoma State Bureau of Investigation for deposit into the

Forensic Science Improvement Revolving Fund created by Section 150.35 of Title 74 of the Oklahoma Statutes. The balance shall be retained by the municipal court clerk;

11. The sum of Nine Dollars (\$9.00) shall be assessed and forwarded monthly in one check or draft to the Department of Public Safety to be deposited in the Department of Public Safety Patrol Vehicle Revolving Fund;

12. Pursuant to subsection C of Section 220 of Title 19 of the Oklahoma Statutes, the court clerk shall assess an administrative fee of ten percent (10%) on fees assessed in paragraphs 2, 4, 5, 6, 8, 9, 10 and 11 of this subsection which shall be deposited in the Court Clerk's Revolving Fund;

13. Pursuant to subsection D of Section 220 of Title 19 of the Oklahoma Statutes, the court clerk shall assess an administrative fee of fifteen percent (15%) on fees assessed in paragraphs 2, 4, 5, 6, 8, 9, 10 and 11 of this subsection and shall be deposited in the District Court Revolving Fund.

~~B. Provisions of this section shall remain in effect until November 1, 2020.~~

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

Passed the Senate the 1st day of March, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the 12th day of April, 2021.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____