

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 322

By: Stanislawski

4
5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Sections 11-801 and 11-806, which relate to
9 speed limitations; authorizing temporary reduced
speed limit by certain signs; providing an effective
date; and declaring an emergency.

10
11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 47 O.S. 2011, Section 11-801, is
14 amended to read as follows:

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

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

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

3 1. Seventy-five (75) miles per hour in locations comprising:

4 a. the turnpike system, and

5 b. rural segments of the interstate highway system, as
6 may be designated by the Transportation Commission.

7 Provided, however, the Commission shall determine
8 prior to the designation of such segments that the
9 public safety will not be jeopardized;

10 2. Seventy (70) miles per hour in locations which are:

11 a. four-lane divided highways including, but not limited
12 to, the interstate highway system, and

13 b. super two-lane highways. As used in this section, a
14 super two-lane highway shall mean any two-lane highway
15 with designated passing lanes, and consisting of paved
16 shoulders not less than eight (8) feet in width;

17 3. Sixty-five (65) miles per hour in other locations;

18 4. For a school bus, fifty-five (55) miles per hour on paved
19 two-lane highways except on multilane divided highways, turnpikes,
20 and interstate highways where the maximum shall be sixty-five (65)
21 miles per hour;

22 5. On any highway outside of a municipality in a properly
23 marked school zone, twenty-five (25) miles per hour, provided the
24 zone is marked with appropriate warning signs placed in accordance

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

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

23 7. Thirty-five (35) miles per hour on a highway in any state
24 park or wildlife refuge. Provided, however, that the provisions of

1 this paragraph shall not include the State Capitol park area, and no
2 person shall drive any vehicle at a rate of speed in excess of
3 fifty-five (55) miles per hour on any state or federal designated
4 highway within such areas; and

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

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

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

20 Copies of such regulations certified as in effect on any
21 particular date by the Secretary of the Commission shall be accepted
22 as evidence in any court in this state. Whenever changes have been
23 made in speed zones, copies of such regulations shall be filed with
24 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. The regulation pertaining to
4 automobiles shall apply to all vehicles not commonly classified as
5 either trucks or buses. Such regulations shall become effective
6 only after approval by the Commissioner of Public Safety, and after
7 signs have been posted on the turnpike giving notice thereof. Such
8 regulations may apply to an entire turnpike project or to selected
9 sections thereof as may be designated by the Oklahoma Turnpike
10 Authority. It shall be a violation of this section to drive a
11 vehicle at a faster rate of speed than such prescribed maximum speed
12 or at a slower rate of speed than such prescribed minimum speed.
13 However, all vehicles shall at all times conform to the requirements
14 of subsection A of this section.

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

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

1 highway conditions. The Oklahoma Department of Transportation and
2 the Oklahoma Turnpike Authority may post, by changeable message sign
3 or other appropriate sign, a temporary reduced speed limit for
4 maintenance operations or when special hazards with respect to
5 pedestrians, other traffic, an accident, by reason of weather or
6 when other hazardous highway conditions exist.

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

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

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

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

23 2. The Department shall post speed limit information, as
24 determined pursuant to the provisions of subparagraphs a through c

1 of paragraph 1 of this subsection, on the county line marker where
2 any state highway enters a county and at all off-ramps where
3 interstate highways or turnpikes enter a county. The signs shall
4 read as follows:

5 ENTERING _____ COUNTY
6 COUNTY ROAD SPEED LIMIT
7 _____ MPH
8 UNLESS POSTED OTHERWISE

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

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

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

1 7. Thirty-six miles per hour or more over the
2 limit..... \$205.00
3 or by imprisonment for not more than ten (10) days; for a second
4 conviction within one (1) year after the first conviction, by
5 imprisonment for not more than twenty (20) days; and upon a third or
6 subsequent conviction within one (1) year after the first
7 conviction, by imprisonment for not more than six (6) months, or by
8 both such fine and imprisonment.

9 SECTION 2. AMENDATORY 47 O.S. 2011, Section 11-806, is
10 amended to read as follows:

11 Section 11-806. A. No person shall drive a vehicle over any
12 bridge or other elevated structure constituting a part of a highway
13 at a speed which is greater than the maximum speed which can be
14 maintained with safety to the bridge or structure, when the
15 structure is signposted as provided in this section.

16 B. The Oklahoma Department of Transportation and local
17 authorities may conduct an investigation of any bridge or other
18 elevated structure constituting a part of a highway, and if they
19 shall thereupon find that the structure cannot, with safety to
20 itself, withstand vehicles driving at speeds otherwise permissible
21 under ~~this act~~ Section 1-101 et seq. of this title, they shall
22 determine and declare the maximum speed of vehicles which the
23 structure can safely withstand, and may cause and permit suitable
24

1 signs stating the maximum speed to be erected and maintained at a
2 distance of one hundred feet before each end of the structure.

3 C. Where any state or federal highway or turnpike shall be
4 under construction, maintenance, or repair or when a detour shall
5 have been designated by reason of construction, maintenance, or
6 repairs in progress and a maximum safe, careful, and prudent speed
7 shall have been determined by the Oklahoma Department of
8 Transportation on the highway or highway detour or by the Oklahoma
9 Transportation Authority on the turnpike or turnpike detour during
10 the period of the construction, maintenance, or repairs and shall
11 have plainly posted by changeable message or other appropriate sign
12 at each terminus thereof and at not less than each half mile along
13 the route thereof the determined maximum speed, no person shall
14 drive any vehicle upon the portion of the highway or the highway
15 detour or upon the portion of the turnpike or the turnpike detour at
16 a speed in excess of the speed so determined and posted. Violation
17 of the posted speed limit in the repair, maintenance, or
18 construction zone shall result in the doubling of the appropriate
19 fine. For purposes of this section, "repair, maintenance, or
20 construction zone" means any location where repair, maintenance, or
21 construction work is actually in progress and workers present.

22 D. The Oklahoma Department of Transportation and the Oklahoma
23 Turnpike Authority may post, by changeable message sign or other
24 appropriate sign, a temporary reduced speed limit for special

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

3 E. Upon the trial of any person charged with a violation of
4 this section, proof of the determination of the maximum speed by the
5 Department of Transportation or by the Oklahoma Transportation
6 Authority and the existence of the signs shall constitute conclusive
7 evidence of the maximum speed which can be maintained with safety as
8 provided in subsections B ~~and~~, C and D of this section.

9 SECTION 3. This act shall become effective July 1, 2015.

10 SECTION 4. It being immediately necessary for the preservation
11 of the public peace, health and safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

14
15 55-1-369 JD 1/21/2015 11:31:41 AM

16
17
18
19
20
21
22
23
24