

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. _____

COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 648, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Silk

Silk-JD-FS-Req#2090
3/11/2019 5:35 PM

(Floor Amendments Only) Date and Time Filed: _____

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 648

6 By: Silk

7 FLOOR SUBSTITUTE

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

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 237, O.S.L. 2018 (47 O.S. Supp.
19 2018, 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 Eighty (80) miles per hour in locations comprising rural
12 segments of the turnpike system, as may be designated by the
13 Transportation Commission. Provided, however, the Commission shall
14 determine prior to the designation of such segments that the public
15 safety will not be jeopardized;

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

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

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

22 ~~4.~~ 5. Twenty-five (25) miles per hour or a posted alternative
23 school zone speed limit through state schools located on the state-
24

1 owned land adjoining or outside the limits of a corporate city or
2 town where a state educational institution is established;

3 ~~5.~~ 6. Thirty-five (35) miles per hour on a highway in any state
4 park or wildlife refuge. Provided, however, that the provisions of
5 this paragraph shall not include the State Capitol park area, and no
6 person shall drive any vehicle at a rate of speed in excess of
7 fifty-five (55) miles per hour on any state or federal designated
8 highway within such areas; and

9 ~~6.~~ 7. For any vehicle or combination of vehicles with solid
10 rubber or metal tires, ten (10) miles per hour.

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

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

24

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

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

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

23 E. The driver of every vehicle shall, consistent with the
24 requirements of subsection A of this section, drive at an

1 appropriate reduced speed when approaching and crossing an
2 intersection or railway grade crossing, when approaching and going
3 around a curve, when approaching a hillcrest, when driving upon any
4 narrow or winding roadway, and when special hazard exists with
5 respect to pedestrians or other traffic, or by reason of weather or
6 highway conditions. The Oklahoma Department of Transportation and
7 the Oklahoma Turnpike Authority may post, by changeable message sign
8 or other appropriate sign, a temporary reduced speed limit for
9 maintenance operations or when special hazards with respect to
10 pedestrians, other traffic, an accident, by reason of weather or
11 when other hazardous highway conditions exist.

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

16 a. the board of county commissioners may determine, by
17 resolution, a maximum speed limit which shall apply to
18 all county roads which are not otherwise posted for
19 speed,

20 b. the board of county commissioners shall provide public
21 notice of the speed limit on all nonposted roads by
22 publication in a newspaper of general circulation in
23 the county. The notice shall be published once weekly
24 for a period of four (4) continuous weeks, and

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 2, 2018, and prior to November
21 1, 2022, one to ten miles per hour over the speed
22 limit as provided for in Section ~~2 of this act~~ 11-801e
23 of this title, and

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

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

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

23 SECTION 3. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3

4 57-1-2090 JD 3/11/2019 5:35:34 PM

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24