

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 3304

By: Wright of the House

and

Fields of the Senate

4
5
6
7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Section 11-801, as last amended by Section 1,
9 Chapter 276, O.S.L. 2016 (47 O.S. Supp. 2017, Section
10 11-801), which relates to maximum and minimum speed
11 limits; providing maximum fine and court costs for
12 certain violations; providing for proportional
13 reduction of costs; and providing an effective date.

14 AUTHOR: Add the following Senate Coauthor: Pittman

15 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

16 "An Act relating to crime and punishment; amending 57
17 O.S. 2011, Section 571, as amended by Section 1,
18 Chapter 397, O.S.L. 2015 (57 O.S. Supp. 2017, Section
19 571), which relates to definitions; modifying
inclusions; and providing an effective date.

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

21 SECTION 1. AMENDATORY 57 O.S. 2011, Section 571, as
22 amended by Section 1, Chapter 397, O.S.L. 2015 (57 O.S. Supp. 2017,
23 Section 571), is amended to read as follows:
24

1 Section 571. As used in the Oklahoma Statutes, unless another
2 definition is specified:

3 1. "Capacity" means the actual available bedspace as certified
4 by the State Board of Corrections subject to applicable federal and
5 state laws and the rules and regulations promulgated under such
6 laws; and

7 2. "Violent crime" means any of the following felony offenses
8 and any attempts to commit or conspiracy or solicitation to commit
9 the following crimes:

10 a. assault, battery, or assault and battery with a
11 dangerous or deadly weapon;

12 b. shooting with intent to kill, assault, battery, or
13 assault and battery with a deadly weapon or by other
14 means likely to produce death or great bodily harm, as
15 provided for in Section 652 of the Oklahoma Statutes;

16 c. aggravated assault and battery on a police officer,
17 sheriff, highway patrolman, or any other officer of
18 the law;

19 d. poisoning with intent to kill;

20 e. shooting with intent to kill;

21 f. assault with intent to kill;

22 g. assault with intent to commit a felony;

23 h. assaults while masked or disguised;

24 i. murder in the first degree;

- 1 j. murder in the second degree;
- 2 k. manslaughter in the first degree;
- 3 l. manslaughter in the second degree;
- 4 m. kidnapping;
- 5 n. burglary in the first degree;
- 6 o. burglary with explosives;
- 7 p. kidnapping for extortion;
- 8 q. maiming;
- 9 r. robbery;
- 10 s. robbery in the first degree;
- 11 t. robbery in the second degree;
- 12 u. armed robbery;
- 13 v. robbery by two (2) or more persons;
- 14 w. robbery with dangerous weapon or imitation firearm;
- 15 x. child abuse;
- 16 y. wiring any equipment, vehicle or structure with
- 17 explosives;
- 18 z. forcible sodomy;
- 19 aa. rape in the first degree;
- 20 bb. rape in the second degree;
- 21 cc. rape by instrumentation;
- 22 dd. lewd or indecent proposition or lewd or indecent act
- 23 with a child;
- 24

- 1 ee. use of a firearm or offensive weapon to commit or
2 attempt to commit a felony;
- 3 ff. pointing firearms;
- 4 gg. rioting;
- 5 hh. inciting to riot;
- 6 ii. arson in the first degree;
- 7 jj. injuring or burning public buildings;
- 8 kk. sabotage;
- 9 ll. criminal syndicalism;
- 10 mm. extortion;
- 11 nn. obtaining signature by extortion;
- 12 oo. seizure of a bus, discharging firearm or hurling
13 missile at bus;
- 14 pp. mistreatment of a mental patient;
- 15 qq. using a vehicle to facilitate the discharge of a
16 weapon pursuant to Section 652 of Title 21 of the
17 Oklahoma Statutes;
- 18 rr. bombing offenses as defined in Section 1767.1 of Title
19 21 of the Oklahoma Statutes;
- 20 ss. child pornography or aggravated child pornography as
21 defined in Section 1021.2, 1021.3, 1024.1 or 1040.12a
22 of Title 21 of the Oklahoma Statutes;
- 23 tt. child prostitution as defined in Section 1030 of Title
24 21 of the Oklahoma Statutes;

- 1 uu. abuse of a vulnerable adult as defined in Section 10-
2 103 of Title 43A of the Oklahoma Statutes who is a
3 resident of a nursing facility;
- 4 vv. aggravated trafficking as provided for in subsection C
5 of Section 2-415 of Title 63 of the Oklahoma Statutes;
- 6 ww. aggravated assault and battery upon any person
7 defending another person from assault and battery;
- 8 xx. human trafficking as provided for in Section 748 of
9 Title 21 of the Oklahoma Statutes; ~~or~~
- 10 yy. terrorism crimes as provided in Sections 1268 et seq.
11 of Title 21 of the Oklahoma Statutes; or
- 12 zz. using a vehicle to feloniously elude a peace officer,
13 as provided for in Section 540A of Title 21 of the
14 Oklahoma Statutes.

15 Such offenses shall constitute exceptions to nonviolent offenses
16 pursuant to Article VI, Section 10 of the Oklahoma Constitution.

17 SECTION 2. This act shall become effective November 1, 2018."
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7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Section 11-801, as last amended by Section 1,
9 Chapter 276, O.S.L. 2016 (47 O.S. Supp. 2017, Section
10 11-801), which relates to maximum and minimum speed
11 limits; providing maximum fine and court costs for
12 certain violations; providing for proportional
13 reduction of costs; and providing an effective date.

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

15 SECTION 3. AMENDATORY 47 O.S. 2011, Section 11-801, as
16 last amended by Section 1, Chapter 276, O.S.L. 2016 (47 O.S. Supp.
17 2017, 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.

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;

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

16 3. On any highway outside of a municipality in a properly
17 marked school zone, twenty-five (25) miles per hour, provided the
18 zone is marked with appropriate warning signs placed in accordance
19 with the latest edition of the Manual on Uniform Traffic Control
20 Devices. The Department of Transportation may determine on the
21 basis of an engineering and traffic investigation that a speed limit
22 higher than twenty-five (25) miles per hour may be reasonable and
23 safe under conditions as they exist upon a highway, and post an
24 alternative school zone speed limit. The Department shall mark such

1 school zones, or entrances and exits onto highways by buses or
2 students, so that the maximum speed provided by this section shall
3 be established therein. Exits and entrances to controlled-access
4 highways which are within such school zones shall be marked in the
5 same manner as other highways. The county commissioners shall mark
6 such school zones along the county roads so that the maximum speed
7 provided by this section shall be established therein. The signs
8 may be either permanent or temporary. The Department shall give
9 priority over all other signing projects to the foregoing duty to
10 mark school zones. The Department shall also provide other safety
11 devices for school zones which are needed in the opinion of the
12 Department;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 ENTERING _____ COUNTY
24 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. 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

1 conviction, by imprisonment for not more than six (6) months, or by
2 both such fine and imprisonment.

3 H. 1. The total fine and court costs for a violation described
4 by paragraph 1 of subsection G of this section shall be limited as
5 follows:

- 6 a. One to five miles per hour over the limit \$70.00
- 7 b. Six to ten miles per hour over the limit \$90.00

8 2. Any limitation in court costs required under the provisions
9 of this subsection shall be applied in equal proportion to all
10 categories of applicable court costs.

11 SECTION 4. This act shall become effective November 1, 2018.

12 Passed the House of Representatives the 12th day of March, 2018.

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15 Presiding Officer of the House
16 of Representatives

17 Passed the Senate the ___ day of _____, 2018.

18
19 Presiding Officer of the Senate