

Cherokee Nation Code Annotated

Title 47: Motor Vehicles

Chapter 11: Rules of the Road

Article VIII. Speed Restrictions

§ 11-806. Special speed limitations

Cite as: 47 CNCA § 11-806

A. No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is sign posted as provided in this section.

B. Cherokee Nation, the Oklahoma Department of Transportation, and local authorities may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if they shall thereupon find that the structure cannot, with safety to itself, withstand vehicles driving at speeds otherwise permissible under Section 1-101 et seq. of this title, they shall determine and declare the maximum speed of vehicles which such structure can safely withstand, and may cause and permit suitable signs stating the maximum speed to be erected and maintained at a distance of one hundred (100) feet before each end of the structure.

C. Where any tribal, state, or federal highway or turnpike shall be under construction, maintenance, or repair or when a detour shall have been designated by reason of construction or repairs in progress and Cherokee Nation shall have determined a maximum safe, careful, and prudent speed shall have been determined on such highway or highway detour or by the Oklahoma Transportation Authority on the turnpike or turnpike detour during the period of such construction maintenance, or repairs and shall have plainly posted by changeable message or other appropriate sign at each terminus thereof and at not less than each half mile along the route thereof such determined maximum speed, no person shall drive any vehicle upon such portion of such highway or upon such highway or upon the portion of the turnpike or the turnpike detour at a speed in excess of the speed so determined and posted. Violation of the posted speed limit in the repair, maintenance, or construction zone shall result in the doubling of the appropriate fine. For purposes of this section, "repair, maintenance, or construction zone" means any location where repair, maintenance, or construction work is actually in progress and workers present.

D. The Cherokee Nation, Oklahoma Department of Transportation, the Oklahoma Turnpike Authority, and other local authorities may post, by changeable message sign or other

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

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

Historical Data

LA 2-91, eff. February 9, 1991. Amended LA 02-21, eff. January 11, 2021.