

AMENDED IN ASSEMBLY APRIL 5, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 539

Introduced by Assembly Member Williams

February 16, 2011

An act to add Section 42000.2 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 539, as amended, Williams. Vehicles: speeding: school zones: penalties.

Existing law establishes the prima facie speed limit on various roadways, including a 25 miles per hour speed limit when approaching or passing a school building or grounds, contiguous to a highway and posted with a standard "SCHOOL" warning sign, while children are going to or leaving the school. Existing law authorizes a local authority to lower the speed limit in a school zone in certain circumstances including when a local authority determines upon the basis of an engineering and traffic survey the prima facie speed limit of 25 miles per hour is more than is reasonable or safe. A violation of the Vehicle Code is an infraction unless stated otherwise. Existing law establishes a penalty structure for a person convicted of an infraction that requires a fine of not more than \$100 or \$250 depending on the number of violations within a specified time period.

~~This bill would instead require a person who violates a speed limit law in a school zone to be punished with a base fine of \$150 for a person who exceeds the speed limit by one to 15 miles per hour, a base fine of \$200 for a person who exceeds the speed limit by 16 to 25 miles per hour, and a base fine of \$250 for a person who exceeds the speed limit~~

by 26 miles per hour or more. The bill would require a person convicted of a 2nd speeding violation in a school zone, within 3 years of the first violation, to be punished with a \$100 penalty in addition to penalties described above. The bill would require the Department of Motor Vehicles to suspend the driver's license of anyone who is convicted of 3 or more speeding violations in a school zone within 3 years of 2 or more violations.

This bill would authorize a local authority to adopt an ordinance or resolution that doubles a base fine imposed upon a person who is convicted of speeding in a school zone if certain conditions are met, including the condition that the street on which the speeding offense occurred is not one where the speed could have been reduced because the maximum posted prima facie speed limit is greater than 30 miles per hour, as provided. The bill would provide that the doubling of the base fine shall not result in the increase in any associated and additional penalties, fines, fees, or assessments, as provided by law.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 42000.2 is added to the Vehicle Code, to
 2 read:
 3 42000.2. (a) A local authority may adopt an ordinance or
 4 resolution that doubles the base fine imposed on a person who is
 5 convicted of speeding in a school zone, as defined in Section 40802,
 6 if the following conditions are met:
 7 (1) Children are present at the time the offense was committed.
 8 (2) A sign was erected in the zone that provides notification to
 9 the driver of the doubled base fine zone.
 10 (3) The highway on which the offense occurred is not one for
 11 which the speed limit could have been reduced by the local
 12 authority pursuant subdivision (b) of Section 22358.4 because the
 13 posted speed limit does not meet the condition specified in
 14 subparagraph (B) of paragraph (2) of that subdivision.
 15 (b) Doubling of the base fine, pursuant to this section, shall not
 16 result in the increase in any associated and additional penalties,
 17 fines, fees, or assessments as provided by law.
 18 SECTION 1. ~~Section 42000.2 is added to the Vehicle Code,~~
 19 ~~to read:~~

1 ~~42000.2.— (a) Notwithstanding Section 42001, a person who~~
2 ~~violates the speed limit law, pursuant to subparagraph (B) of~~
3 ~~paragraph (2) of subdivision (a) of Section 22352, or violates a~~
4 ~~lower speed limit established by a local authority, pursuant to~~
5 ~~Section 22358.4, in a school zone, as defined in Section 40802,~~
6 ~~shall be punished as follows:~~
7 ~~(1) For a person speeding one to 15 miles over the speed limit,~~
8 ~~a base fine of one hundred fifty dollars (\$150).~~
9 ~~(2) For a person speeding 16 to 25 miles over the speed limit,~~
10 ~~a base fine of two hundred dollars (\$200).~~
11 ~~(3) For a person speeding 26 miles or more over the speed limit,~~
12 ~~a base fine of two hundred fifty dollars (\$250).~~
13 ~~(b) (1) If a person is convicted of a second violation of speeding~~
14 ~~in a school zone within three years of the first violation, the person~~
15 ~~shall be punished by a one-hundred-dollar (\$100) penalty in~~
16 ~~addition to the penalties described in subdivision (a).~~
17 ~~(2) If a person is convicted of a third or subsequent violation of~~
18 ~~speeding in a school zone within three years of two or more~~
19 ~~separate violations, the department shall suspend the person's~~
20 ~~driver's license for a period of six months.~~
21 ~~(c) A person punished pursuant to this section shall receive one~~
22 ~~violation point on his or her driving record pursuant to subdivision~~
23 ~~(f) of Section 12810.~~
24 ~~(d) A court shall not reduce the penalties described in this~~
25 ~~section.~~