

AMENDED IN ASSEMBLY APRIL 25, 2011

AMENDED IN ASSEMBLY APRIL 5, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 539

Introduced by Assembly Member Williams
(Coauthor: Assembly Member Achadjian)

February 16, 2011

An act to add Section 1463.21 to the Penal Code, and 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 *that* 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 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. *The bill would also provide that a local authority that adopts an ordinance shall receive funds from a special account in the county treasury for use for specified purposes, including driver awareness educational programs. The money in the fund would come from the enhanced portion of the fine imposed for speeding in the specified school zone.*

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

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

- 1 SECTION 1. Section 1463.21 is added to the Penal Code, to
- 2 read:
- 3 1463.21. Notwithstanding Section 1463.001, out of the moneys
- 4 deposited with the county treasurer pursuant to Section 1463.001,
- 5 the enhanced portion of the fine imposed pursuant to Section
- 6 42000.2 of the Vehicle Code shall be deposited in a special account
- 7 in the county treasury which shall be used exclusively to pay for
- 8 the cost of education, engineering, or enforcement administered
- 9 by a local authority that adopted an ordinance or resolution
- 10 pursuant to Section 42000.2 of the Vehicle Code.
- 11 ~~SECTION 1.~~
- 12 SEC. 2. Section 42000.2 is added to the Vehicle Code, to read:
- 13 42000.2. (a) A local authority may adopt an ordinance or
- 14 resolution that doubles the base fine imposed on a person who is
- 15 convicted of speeding in a school zone, as defined in Section
- 16 40802, if the following conditions are met:
- 17 (1) Children are present at the time the offense was committed.
- 18 (2) A sign was erected in the zone that provides notification to
- 19 the driver of the doubled base fine zone.
- 20 (3) The highway on which the offense occurred is not one for
- 21 which the speed limit could have been reduced by the local
- 22 authority pursuant to subdivision (b) of Section 22358.4 because

1 the posted speed limit does not meet the condition specified in
2 subparagraph (B) of paragraph (2) of that subdivision.

3 (b) Doubling of the base fine, pursuant to this section, shall not
4 result in the increase in any associated and additional penalties,
5 fines, fees, or assessments as provided by law.

6 (c) *A local authority that adopts an ordinance or resolution*
7 *pursuant to this section shall receive funds from a special account*
8 *in the county treasury pursuant to Section 1463.21 of the Penal*
9 *Code. These funds shall be used for any of the following purposes:*

10 (1) *Educational programs meant to increase driver awareness*
11 *of the enhanced fine and the dangers associated with speeding in*
12 *school zones that are provided in a manner that recognizes the*
13 *different languages spoken within the community.*

14 (2) *Enforcement of the speed limit in a school zone.*

15 (3) *Engineering programs that enhance the safety of students*
16 *traveling to and from school on foot or bicycle.*