

Senate Bill No. 848

CHAPTER 20

An act to amend Section 22349 of, and to add and repeal Section 22349.5 of, the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 29, 1996. Filed with
Secretary of State March 29, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

SB 848, Kopp. Vehicles: speed limits.

(1) Existing law prescribes a maximum vehicular highway speed limit of 65 miles per hour.

This bill would establish a maximum speed limit of 55 miles per hour upon 2-lane, undivided highways, as described, would set forth a statement of legislative intent regarding the placement of signs on these highways, and for a limited time, would establish a 55 miles-per-hour speed limit upon certain other multilane highways, unless a greater speed limit has been posted pursuant to an engineering and traffic survey.

(2) This bill would set forth legislative findings regarding an extended period of time for the Department of Transportation and local agencies to conduct engineering and traffic surveys and, to the extent that funds are available, would require the Department of Motor Vehicles to inform drivers of changes in maximum speed limits.

(3) Because local authorities would be required, pursuant to existing law, to perform certain duties with respect to the changes in those speed limits, the bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(5) This bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 22349 of the Vehicle Code, as added by Section 23 of Chapter 766 of the Statutes of 1995, is amended to read:

22349. (a) Except as provided in Section 22356, no person shall drive a vehicle upon a highway at a speed greater than 65 miles per hour.

(b) Notwithstanding any other provision of law, no person shall drive a vehicle upon a two-lane, undivided highway at a speed greater than 55 miles per hour unless that highway, or portion thereof, has been posted for a higher speed by the Department of Transportation or appropriate local agency upon the basis of an engineering and traffic survey. For purposes of this subdivision, a two-lane, undivided highway is a highway with not more than two through lanes and does not include passing lanes.

(c) It is the intent of the Legislature that there be reasonable signing on affected two-lane, undivided highways described in subdivision (b) in continuing the 55 miles-per-hour speed limit, including placing signs at county boundaries to the extent possible, and at other appropriate locations.

SEC. 2. Section 22349.5 is added to the Vehicle Code, to read:

22349.5. (a) Notwithstanding any other provision of law, no person shall drive a vehicle upon a multilane highway with more than two lanes, excluding any freeway, at a speed greater than 55 miles per hour unless that highway has been posted for a different speed by the Department of Transportation or appropriate local agency on the basis of an engineering and traffic survey.

(b) It is the intent of the Legislature in enacting this section that the Department of Transportation and local agencies be provided an extend period of time to conduct engineering and traffic surveys on multilane highways, other than freeways, as a means of determining the appropriate maximum speed limit for those highways, and that there be a limited moratorium on the otherwise specified increase in the maximum speed limit from 55 miles per hour to 65 miles per hour on those highways. It also is the Legislature's intent, during the extended traffic survey period and speed limit moratorium, that there be signing on affected local highways relative to a continued 55 miles-per-hour maximum speed limit, including the placement of signs at county boundaries, to the extent possible, and at other appropriate locations.

(c) This section shall remain in effect only until January 1, 1997, and as of that date is repealed, unless a later enacted statute that is enacted on or before January 1, 1997, deletes or extends that date.

SEC. 3. To the extent that funds are available for the purposes set forth in this section, the Department of Motor Vehicles shall provide suitable notification to drivers at the time of driver's license and vehicle registration issuance and renewal relative to the changes in



maximum speed limits established pursuant to this act and Chapter 766 of the Statutes of 1995.

SEC. 4. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order that the Department of Transportation and local agencies may be provided timely extensions to conduct engineering and traffic surveys and to clarify the speed limits on certain multilane highways at the earliest possible time, it is necessary that this act take effect immediately.

