

AMENDED IN SENATE APRIL 29, 1996

**SENATE BILL**

**No. 2006**

**Introduced by Senator Haynes**

February 23, 1996

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An act to amend Section 40802 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 2006, as amended, Haynes. Vehicles: speed traps: definition.

Existing law defines a "speed trap" as a particular section of a highway with a prima facie speed limit provided by the Vehicle Code or by local ordinance, which speed limit is not justified by an engineering and traffic survey conducted within 5 years prior to the date of the alleged violation, and where enforcement involves the use of radar or other electronic devices which measure the speed of moving objects. Existing law makes that definition inapplicable to local streets and roads, as defined by the latest functional usage and federal-aid system maps submitted to the Federal Highway Administration. *When those maps have not been submitted, existing law defines a local street or road, for the purposes of the speed trap definition, as a street or road that primarily provides access to abutting residential property, has a roadway width of not more than 40 feet, is not more than 1/2 mile of uninterrupted length, and is not more than one traffic lane in each direction.*

This bill would, ~~instead, make the definition specified above inapplicable to all streets and roads that are not shown as~~

~~arterials or collectors on the maps specified above~~  
*additionally, make the definition of local street or road specified above applicable when the street or road is not shown on the functional usage and federal-aid system maps specified above.*

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 40802 of the Vehicle Code, as  
 2 amended by Section 1 of Chapter 315 of the Statutes of  
 3 1995, is amended to read:

4 40802. A “speed trap” is either of the following:

5 (a) A particular section of a highway measured as to  
 6 distance and with boundaries marked, designated, or  
 7 otherwise determined in order that the speed of a vehicle  
 8 may be calculated by securing the time it takes the  
 9 vehicle to travel the known distance.

10 (b) A particular section of a highway with a prima  
 11 facie speed limit provided by this code or by local  
 12 ordinance pursuant to paragraph (1) of subdivision (b)  
 13 of Section 22352, or established pursuant to Section 22354,  
 14 22357, 22358, or 22358.3, which speed limit is not justified  
 15 by an engineering and traffic survey conducted within  
 16 five years prior to the date of the alleged violation, and  
 17 where enforcement involves the use of radar or other  
 18 electronic devices which measure the speed of moving  
 19 objects.

20 (c) Subdivision (b) does not apply to the following:

21 (1) Local streets and roads, as defined in subdivision

22 (d).

23 (2) Chase Avenue in the City of El Cajon.

24 (d) For purposes of this section, local streets and roads  
 25 ~~means all streets and roads that are not shown as arterials~~  
 26 ~~or collectors on~~ *shall be defined by* the latest functional  
 27 usage and federal-aid system maps as submitted to the  
 28 Federal Highway Administration. When these maps have  
 29 not been submitted, or when the street or road is not  
 30 shown on the maps, the following definition applies: A



1 local street or road primarily provides access to abutting  
2 residential property and shall meet the following three  
3 conditions:

4 (1) Roadway width of not more than 40 feet.

5 (2) Not more than one-half mile of uninterrupted  
6 length. Interruptions shall include official traffic control  
7 devices as defined in Section 445.

8 (3) Not more than one traffic lane in each direction.

9 (e) This section shall remain in effect only until  
10 January 1, 1999, and as of that date is repealed, unless a  
11 later enacted statute, that is enacted on or before January  
12 1, 1999, deletes or extends that date.

13 SEC. 2. Section 40802 of the Vehicle Code, as added  
14 by Section 2 of Chapter 315 of the Statutes of 1995, is  
15 amended to read:

16 40802. A "speed trap" is either of the following:

17 (a) A particular section of a highway measured as to  
18 distance and with boundaries marked, designated, or  
19 otherwise determined in order that the speed of a vehicle  
20 may be calculated by securing the time it takes the  
21 vehicle to travel the known distance.

22 (b) A particular section of a highway with a prima  
23 facie speed limit provided by this code or by local  
24 ordinance pursuant to paragraph (1) of subdivision (b)  
25 of Section 22352, or established pursuant to Section 22354,  
26 22357, 22358, or 22358.3, which speed limit is not justified  
27 by an engineering and traffic survey conducted within  
28 five years prior to the date of the alleged violation, and  
29 where enforcement involves the use of radar or other  
30 electronic devices which measure the speed of moving  
31 objects. This subdivision does not apply to local streets  
32 and roads.

33 For purposes of this section, local streets and roads  
34 ~~means all streets and roads that are not shown as arterials~~  
35 ~~or collectors on~~ *shall be defined by* the latest functional  
36 usage and federal-aid system maps as submitted to the  
37 Federal Highway Administration. When these maps have  
38 not been submitted, or when the street or road is not  
39 shown on the maps, the following definition applies: A  
40 local street or road primarily provides access to abutting



1 residential property and shall meet the following three  
2 conditions:

3 (1) Roadway width of not more than 40 feet.

4 (2) Not more than one-half mile of uninterrupted  
5 length. Interruptions shall include official traffic control  
6 devices as defined in Section 445.

7 (3) Not more than one traffic lane in each direction.

8 (c) This section shall become operative on January 1,  
9 1999.

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