

## Assembly Bill No. 1886

### CHAPTER 590

An act to add and repeal Section 45452 of the Education Code, to add and repeal Section 1463.21 of the Penal Code, and to add and repeal Section 42011 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 15, 2002. Filed  
with Secretary of State September 16, 2002.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1886, Jackson. Vehicles: school zone fines.

Existing law, in the case of specified violations relating to rules of the road and driving under the influence, doubles the fine in the case of misdemeanors, and increases the fine, as specified, in the case of infractions, if the violation is committed by the driver of a vehicle within a highway construction or maintenance area during any time when traffic is regulated or restricted by the Department of Transportation or local authorities pursuant to existing law or is committed within a designated Safety Enhancement Double Fine Zone.

This bill would double or increase the fines as described above for a designated violation occurring in a specially posted school zone, as specified, in Alameda County, Santa Barbara County, Ventura County, or in any city in any of those counties where the program is adopted by a vote of the city council, or the county board of supervisors, as appropriate, and is established in collaboration with local school districts within those jurisdictions, if that county or city opts for the application of this law. This bill would require any city or county that adopts the program to promptly notify specified law enforcement agencies and would require the county treasurer to deposit the amount of the enhanced portion of the fine in a special account in the county treasury to be used exclusively to pay for the cost of school pedestrian-bicyclist safety programs administered as provided. The bill would also require the California Highway Patrol to report to the Legislature on or before July 1, 2006, on the effectiveness of the pedestrian-bicyclist safety programs and whether the added fines improved traffic and pedestrian safety within participating school zones. This bill would state findings and declarations of the Legislature explaining the use of a special statute in lieu of a statute of general applicability. The bill would repeal these provisions on January 1, 2007.

By increasing the duties of the county treasurer if a city opts into the program, this bill would impose a state-mandated local program.

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.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

SECTION 1. Section 45452 is added to the Education Code, to read:

45452. (a) The County of Alameda, the County of Santa Barbara, the County of Ventura, or any city within any of these counties, in collaboration with local school districts within those jurisdictions, may establish a school pedestrian-bicyclist safety program and receive funds from a special account in the county treasury established pursuant to Section 1463.21 of the Penal Code if those funds are used to fund programs that enhance the safety of students traveling to and from school on foot or by bicycle. Any funds obtained by a city or county from this source are to supplement any funds already expended by that agency for pedestrian or bicycle safety programs and may not be used to supplant any existing expenditures for those purposes.

(b) If a program is established pursuant to subdivision (a) and the services of a law enforcement agency are requested by the program administrator, those services shall be provided by the law enforcement agency having primary traffic investigative authority.

(c) This section shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends that date.

SEC. 2. Section 1463.21 is added to the Penal Code, to read:

1463.21. (a) Notwithstanding Section 1463.001, out of moneys deposited with the county treasurer pursuant to Section 1463.001, the enhanced portion of the fine imposed pursuant to Section 42011 of the Vehicle Code shall be deposited in a special account in the county treasury which shall be used exclusively to pay for the cost of school pedestrian-bicyclist safety programs administered in accordance with Section 45452 of the Education Code by a city or county that has adopted Section 42011 of the Vehicle Code.

(b) This section shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends that date.

SEC. 3. Section 42011 is added to the Vehicle Code, to read:

42011. (a) For any offense specified in subdivision (b) that is committed by the driver of a vehicle under either of the following



conditions, the fine in a misdemeanor case shall be double the base amount otherwise prescribed, not including any penalty assessments or other fees or additions, and in an infraction case, the fine shall be one category higher than the penalty otherwise prescribed by the uniform traffic penalty schedule established pursuant to Section 40310, not including any penalty assessments or other fees or additions:

(1) When passing a school building or the grounds thereof, if the building or grounds are contiguous to a highway and posted with a standard “SCHOOL” warning sign and an accompanying sign notifying motorists that increased penalties apply for traffic violations that are committed within that school zone, and children are going to or leaving the school either during school hours or during the noon recess period.

(2) When passing any school grounds that are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children, and the highway is posted with a standard “SCHOOL” warning sign and an accompanying sign notifying motorists that increased penalties apply for traffic violations that are committed within that school zone.

(b) A violation of any of the following provisions is an offense that is subject to subdivision (a):

(1) Article 3 (commencing with Section 21450) of Chapter 2 of Division 11, relating to obedience to traffic devices.

(2) Chapter 3 (commencing with Section 21650) of Division 11, relating to driving, overtaking, and passing.

(3) Chapter 4 (commencing with Section 21800) of Division 11, relating to yielding the right-of-way.

(4) Chapter 6 (commencing with Section 22100) of Division 11, relating to turning and stopping and turn signals.

(5) Chapter 7 (commencing with Section 22348) of Division 11, relating to speed limits.

(6) Chapter 8 (commencing with Section 22450) of Division 11, relating to special traffic stops.

(7) Section 23103, relating to reckless driving.

(8) Section 23104, relating to reckless driving which results in bodily injury to another.

(9) Section 23109, relating to speed contests.

(10) Section 23152, relating to driving under the influence of alcohol or a controlled substance, or a violation of Section 23103, as specified in Section 23103.5, relating to alcohol-related reckless driving.

(11) Section 23153, relating to driving under the influence of alcohol or a controlled substance, which results in bodily injury to another.

(12) Section 23220, relating to drinking while driving.



(13) Section 23221, relating to drinking in a motor vehicle while on the highway.

(14) Section 23222, relating to driving while possessing marijuana or an open alcoholic beverage container.

(15) Section 23223, relating to being in a vehicle on the highway while possessing an open alcoholic beverage container.

(16) Section 23224, relating to being a driver or passenger under the age of 21 years possessing an open alcoholic beverage container.

(17) Section 23225, relating to being the owner or driver of a vehicle in which there is an open alcoholic beverage container.

(18) Section 23226, relating to being a passenger in a vehicle in which there is an open alcoholic beverage container.

(c) (1) This section applies only in Alameda County, Santa Barbara County, Ventura County, or in a city in any of these counties, and only if that jurisdiction has adopted this section by a vote of the city council or county board of supervisors, as appropriate.

(2) The increased fines authorized by subdivision (a) may only be imposed and collected once per offense or notwithstanding the fact that the offense occurred within more than one jurisdiction all of which have adopted this section. Furthermore, no increased fine shall be imposed if an increased fine is imposed under Section 42009 or 42010 because the offense occurred within a highway construction or maintenance area or safety enhancement area.

(d) Any city or county that adopts this section shall promptly notify the California Highway Patrol and the law enforcement agency having the primary traffic investigative authority of that fact.

(e) This section shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends that date.

SEC. 4. The California Highway Patrol, using existing department resources, shall report to the Legislature on or before July 1, 2006, on the effectiveness of the school pedestrian-bicyclist safety programs and whether the added fines improved traffic and pedestrian safety within the participating school zones.

SEC. 5. The Legislature finds and declares that, because of unique circumstances applicable only to Alameda County Santa Barbara County, and Ventura County, and because of the need to test this model in a pilot program, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution. Therefore, this special statute is necessary.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will



be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

