

AMENDED IN ASSEMBLY APRIL 7, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 827

Introduced by Assembly Member Thomson

February 27, 1997

An act to add Section 98 to the Streets and Highways Code, and to add Section 42012 to the Vehicle Code, relating to highways, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 827, as amended, Thomson. Highways: Safety Enhancement-Double Fine Zones.

(1) Existing law, until January 1, 1998, requires the Department of Transportation, in consultation with the Department of the California Highway Patrol, to develop specified pilot projects to designate and identify certain highway segments as 'Safety Enhancement-Double Fine Zones' and impose increased fines for traffic violations occurring within these zones.

This bill would require the departments to develop a pilot project similar to the one specified above for a designated portion of State Highway Route 12. Because the bill would create certain additional duties for local authorities, it would impose a state-mandated local program.

(2) 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.

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

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 98 is added to the Streets and
 2 Highways Code, to read:
 3 98. (a) The department, in consultation with the
 4 Department of the California Highway Patrol, shall
 5 develop a pilot project on Route 12 between the
 6 intersection with Walters Road in the City of Suisun and
 7 the intersection ~~with Route 5 of Lower Sacramento Road~~
 8 *in the City of Lodi*, designating that portion of the
 9 highway as a “Safety Enhancement-Double Fine Zone.”
 10 (b) (1) The department shall adopt rules and
 11 regulations prescribing uniform standards for warning
 12 signs to notify motorists that, pursuant to Section 42012 of
 13 the Vehicle Code, increased penalties apply for traffic
 14 violations that are committed within Safety
 15 Enhancement-Double Fine Zones. The rules and
 16 regulations adopted by the department shall include, but
 17 not be limited to, a requirement that Safety
 18 Enhancement-Double Fine Zones be identified with
 19 signs stating: “Special Driving Zone Begins Here” and
 20 “Special Driving Zone Ends Here.”
 21 (2) The department or local authorities, with respect
 22 to highways under their respective jurisdictions, shall
 23 place and maintain the warning signs specified in



1 paragraph (1) in the area designated under subdivision
2 (a).

3 (c) Designation of a highway as a Safety
4 Enhancement-Double Fine Zone does not increase the
5 civil liability of the state under Division 3.6 (commencing
6 with Section 810) of Title 1 of the Government Code or
7 any other provision of law relating to civil liability.

8 (d) The pilot project specified in subdivision (a) shall
9 not be elevated in priority for state funding purposes.

10 SEC. 2. Section 42012 is added to the Vehicle Code, to
11 read:

12 42012. (a) For any offense specified in subdivision
13 (b) that is committed by the driver of a vehicle within an
14 area that has been designated as a Safety
15 Enhancement-Double Fine Zone pursuant to subdivision
16 (a) of Section 98 of the Streets and Highways Code, the
17 fine, in a misdemeanor case, shall be double the amount
18 otherwise prescribed, and, in an infraction case, the fine
19 shall be one category higher than the penalty otherwise
20 prescribed by the uniform traffic penalty schedule
21 established pursuant to Section 40310.

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

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

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

28 (3) Section 23103, relating to reckless driving.

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

31 (5) Section 23109, relating to speed contests.

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

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

39 (8) Section 23220, relating to drinking while driving.



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

3 (10) Section 23222, relating to driving while possessing
4 an open alcoholic beverage container.

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

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

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

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

17 (c) This section applies only when traffic controls or
18 warning signs have been placed pursuant to Section 98 of
19 the Streets and Highways Code.

20 (d) Notwithstanding any other provision of law, the
21 enhanced fine imposed pursuant to this section shall be
22 based only on the base fine imposed for the underlying
23 offense and shall not include any other enhancements
24 imposed pursuant to law.

25 SEC. 3. Notwithstanding Section 17610 of the
26 Government Code, if the Commission on State Mandates
27 determines that this act contains costs mandated by the
28 state, reimbursement to local agencies and school
29 districts for those costs shall be made pursuant to Part 7
30 (commencing with Section 17500) of Division 4 of Title
31 2 of the Government Code. If the statewide cost of the
32 claim for reimbursement does not exceed one million
33 dollars (\$1,000,000), reimbursement shall be made from
34 the State Mandates Claims Fund.

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

39 SEC. 4. This act is an urgency statute necessary for the
40 immediate preservation of the public peace, health, or



1 safety within the meaning of Article IV of the
2 Constitution and shall go into immediate effect. The facts
3 constituting the necessity are:

4 In order to ensure, at the earliest possible time, that
5 public safety is protected by enhancing the fines on
6 sections of the highway that pose particularly hazardous
7 conditions for unsafe drivers, it is necessary that this act
8 take effect immediately.

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