

AMENDED IN SENATE JUNE 10, 1997  
AMENDED IN ASSEMBLY MAY 1, 1997  
AMENDED IN ASSEMBLY APRIL 7, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 827**

**Introduced by Assembly Member Thomson**

February 27, 1997

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~~An act to add and repeal Section 98 of the Streets and Highways Code, and to add and repeal Section 42012 of the Vehicle Code, relating to~~ *An act to amend Section 97 of, and to add and repeal Section 98 of, the Streets and Highways Code, and to amend Sections 42001 and 42010 of, and to add and repeal Section 42012 of, 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 *extend the date specified above to January 1, 2000, and would impose a specified fine for infractions enhanced as specified.*

*The 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 and would require the Department of Transportation to report to the Legislature on or before January 1, 1999, regarding the effectiveness of the program. The bill would provide for the repeal of the program on January 1, 2000. 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: <sup>2</sup>/<sub>3</sub>. 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 97 of the Streets and Highways*  
 2 *Code is amended to read:*  
 3 97. (a) The department, in consultation with the  
 4 Department of the California Highway Patrol, shall  
 5 develop five pilot projects, three in northern California  
 6 and two in southern California. The portions of the  
 7 highways involved in the projects shall be designated and  
 8 identified as “Safety Enhancement-Double Fine Zones”  
 9 and shall be in the following locations:



1 (1) On Route 37, between the intersection with Route  
2 121 and the intersection with Route 29.

3 (2) On Route 4, between the intersection with the  
4 Cummings Skyway and the intersection with Route 80.

5 (3) On Route 74, between the intersection with Route  
6 5 and the intersection with the Riverside-Orange County  
7 line.

8 (4) On Route 46, between the intersection with Route  
9 101 and the junction with Route 41.

10 (5) On the Golden Gate Bridge.

11 (b) (1) The department shall adopt rules and  
12 regulations prescribing uniform standards for warning  
13 signs to notify motorists that, pursuant to Section 42010 of  
14 the Vehicle Code, increased penalties apply for traffic  
15 violations that are committed within Safety  
16 Enhancement-Double Fine Zones. The rules and  
17 regulations adopted by the department shall include, but  
18 not be limited to, a requirement that Safety  
19 Enhancement-Double Fine Zones be identified with  
20 signs stating: "Special Driving Zone Begins Here" and  
21 "Special Driving Zone Ends Here."

22 (2) The department or local authorities, with respect  
23 to highways under their respective jurisdictions, shall  
24 place and maintain the warning signs specified in  
25 paragraph (1) in areas ~~that have been~~ designated  
26 ~~pursuant to~~ *under* subdivision (a).

27 (3) The department shall report to the Legislature on  
28 January 1, 1998, on the results of these pilot projects,  
29 including a determination of whether the projects were  
30 successful. In its report, the department shall provide a  
31 detailed analysis on the impact of the pilot projects on  
32 highway safety, including, but not limited to, the number  
33 of accidents, traffic injuries, and fatalities in the project  
34 areas. A determination that the projects were successful  
35 shall be based upon a showing that a statistically  
36 significant decrease in the number of accidents, traffic  
37 injuries, and fatalities has occurred in the project areas.

38 (c) Designation of a highway as a Safety  
39 Enhancement-Double Fine Zone does not increase the  
40 civil liability of the state under Division 3.6 (commencing



1 with Section 810) of Title 1 of the Government Code or  
2 any other provision of law relating to civil liability.

3 (d) The pilot projects specified in subdivision (a) shall  
4 not be elevated in priority for state funding purposes.

5 (e) This section shall remain in effect only until  
6 January 1, ~~1998~~ 2000, and as of that date is repealed, unless  
7 a later enacted statute, that is enacted on or before  
8 January 1, ~~1998~~ 2000, deletes or extends that date.

9 *SEC. 2.* Section 98 is added to the Streets and  
10 Highways Code, to read:

11 98. (a) The department, in consultation with the  
12 Department of the California Highway Patrol, shall  
13 develop a pilot project on Route 12 between the  
14 intersection with Walters Road in the City of Suisun and  
15 the intersection of Lower Sacramento Road in the City of  
16 Lodi, designating that portion of the highway as a “Safety  
17 Enhancement-Double Fine Zone.”

18 (b) (1) The department shall adopt rules and  
19 regulations prescribing uniform standards for warning  
20 signs to notify motorists that, pursuant to Section 42012 of  
21 the Vehicle Code, increased penalties apply for traffic  
22 violations that are committed within Safety  
23 Enhancement-Double Fine Zones. The rules and  
24 regulations adopted by the department shall include, but  
25 not be limited to, a requirement that Safety  
26 Enhancement-Double Fine Zones be identified with  
27 signs stating: “Special Driving Zone Begins Here” and  
28 “Special Driving Zone Ends Here.”

29 (2) The department or local authorities, with respect  
30 to highways under their respective jurisdictions, shall  
31 place and maintain the warning signs specified in  
32 paragraph (1) in the area designated under subdivision  
33 (a).

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

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



1 (e) The department shall, on or before January 1, 1999,  
2 report to the Legislature on its experience involving the  
3 effectiveness of the pilot program required under  
4 subdivision (a), including the department's  
5 recommendations with respect to its continuation,  
6 expansion, or discontinuance.

7 (f) This section shall remain in effect only until  
8 January 1, 2000, and as of that date is repealed, unless a  
9 later enacted statute, which is enacted before January 1,  
10 2000, deletes or extends that date.

11 ~~SEC. 2.—~~

12 *SEC. 3. Section 42001 of the Vehicle Code is amended*  
13 *to read:*

14 42001. (a) Except as provided in Section 42000.5,  
15 42001.1, 42001.2, 42001.3, 42001.5, 42001.7, 42001.8, 42001.9,  
16 *42001.10*, 42001.11, ~~or 42001.12~~, *or 42001.14*, or subdivision  
17 (b) or (c) of this section, or Article 2 (commencing with  
18 Section 42030), every person convicted of an infraction  
19 for a violation of this code or of any local ordinance  
20 adopted pursuant to this code shall be punished as follows:

21 (1) By a fine not exceeding one hundred dollars  
22 (\$100).

23 (2) For a second infraction occurring within one year  
24 of a prior infraction which resulted in a conviction, *by* a  
25 fine not exceeding two hundred dollars (\$200).

26 (3) For a third or any subsequent infraction occurring  
27 within one year of two or more prior infractions which  
28 resulted in convictions, *by* a fine not exceeding two  
29 hundred fifty dollars (\$250).

30 (4) *For an infraction enhanced under Section 42010 or*  
31 *42012, by a fine not exceeding two hundred dollars*  
32 *(\$200).*

33 (b) Every person convicted of a misdemeanor  
34 violation of Section 2800, 2801, or 2803, insofar as they  
35 affect failure to stop and submit to inspection of  
36 equipment or for an unsafe condition endangering any  
37 person, shall be punished as follows:

38 (1) By a fine not exceeding fifty dollars (\$50) or *by*  
39 imprisonment in the county jail not exceeding five days.



1 (2) For a second conviction within a period of one  
2 year, *by* a fine not exceeding one hundred dollars (\$100)  
3 or *by* imprisonment in the county jail not exceeding 10  
4 days, or *by* both that fine and imprisonment.

5 (3) For a third or any subsequent conviction within a  
6 period of one year, *by* a fine not exceeding five hundred  
7 dollars (\$500) or *by* imprisonment in the county jail not  
8 exceeding six months, or *by* both that fine and  
9 imprisonment.

10 (c) A pedestrian convicted of an infraction for a  
11 violation of this code or any local ordinance adopted  
12 pursuant to this code shall be punished by a fine not  
13 exceeding fifty dollars (\$50).

14 (d) Notwithstanding any other provision of law, any  
15 local public entity that employs peace officers, as  
16 designated under Chapter 4.5 (commencing with Section  
17 830) of Title 3 of Part 2 of the Penal Code, the California  
18 State University, and the University of California may, by  
19 ordinance or resolution, establish a schedule of fines  
20 applicable to infractions committed by bicyclists within  
21 its jurisdiction. Any fine, including all penalty assessments  
22 and court costs, established pursuant to this subdivision  
23 shall not exceed the maximum fine, including penalty  
24 assessment and court costs, otherwise authorized by this  
25 code for that violation. If a bicycle fine schedule is  
26 adopted, it shall be used by the courts having jurisdiction  
27 over the area within which the ordinance or resolution is  
28 applicable instead of the fines, including penalty  
29 assessments and court costs, otherwise applicable under  
30 this code.

31 *SEC. 4. Section 42010 of the Vehicle Code is amended*  
32 *to read:*

33 42010. (a) For any offense specified in subdivision  
34 (b) that is committed by the driver of a vehicle within an  
35 area that has been designated as a Safety  
36 Enhancement-Double Fine Zone pursuant to subdivision  
37 (a) of Section 97 of the Streets and Highways Code, the  
38 fine, in a misdemeanor case, shall be double the amount  
39 otherwise prescribed, and, in an infraction case, the fine  
40 shall be one category higher than the penalty otherwise



1 prescribed by the uniform traffic penalty schedule  
2 established pursuant to Section 40310.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (c) This section applies only when traffic controls or  
38 warning signs have been placed pursuant to Section 97 of  
39 the Streets and Highways Code.



1 (d) Notwithstanding any other provision of law, the  
 2 enhanced fine imposed pursuant to this section shall be  
 3 based only on the base fine imposed for the underlying  
 4 offense and shall not include any other enhancements  
 5 imposed pursuant to law.

6 (e) This section shall remain in effect only until  
 7 January 1, ~~1998~~ 2000, and as of that date is repealed, unless  
 8 a later enacted statute, that is enacted on or before  
 9 January 1, ~~1998~~ 2000, deletes or extends that date.

10 *SEC. 5.* 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 (e) This section shall remain in effect only until  
26 January 1, 2000, and as of that date is repealed, unless a  
27 later enacted statute, which is enacted before January 1,  
28 2000, deletes or extends that date.

29 ~~SEC. 3.—~~

30 *SEC. 6.* Notwithstanding Section 17610 of the  
31 Government Code, if the Commission on State Mandates  
32 determines that this act contains costs mandated by the  
33 state, reimbursement to local agencies and school  
34 districts for those costs shall be made pursuant to Part 7  
35 (commencing with Section 17500) of Division 4 of Title  
36 2 of the Government Code. If the statewide cost of the  
37 claim for reimbursement does not exceed one million  
38 dollars (\$1,000,000), reimbursement shall be made from  
39 the State Mandates Claims Fund.



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

5 ~~SEC. 4.—~~

6 *SEC. 7.* This act is an urgency statute necessary for the  
7 immediate preservation of the public peace, health, or  
8 safety within the meaning of Article IV of the  
9 Constitution and shall go into immediate effect. The facts  
10 constituting the necessity are:

11 In order to ensure, at the earliest possible time, that  
12 public safety is protected by enhancing the fines on  
13 sections of the highway that pose particularly hazardous  
14 conditions for unsafe drivers, it is necessary that this act  
15 take effect immediately.

