

AMENDED IN SENATE AUGUST 28, 2000

AMENDED IN SENATE JUNE 6, 2000

AMENDED IN SENATE JULY 14, 1999

AMENDED IN ASSEMBLY MAY 28, 1999

AMENDED IN ASSEMBLY APRIL 6, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 280

**Introduced by Assembly Member Zettel
(Principal coauthor: Assembly Member Correa)**

February 4, 1999

An act to amend ~~Section 22352~~ *Sections 22352 and 40802* of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 280, as amended, Zettel. Vehicles: speed limits.

Under existing law, the prima facie vehicle speed limit is 25 miles-per-hour under certain circumstances, including when passing a school building or the grounds thereof, if the school grounds are contiguous to a highway and a standard school warning sign is posted.

This bill would provide that the above described 25 mile-per-hour speed limit with respect to school grounds is applicable when approaching or passing ~~within 500 feet of~~ the school grounds.

To the extent this change in the definition of a crime would expand the class of persons subject to the prohibition, this bill would impose a state-mandated local program.

Existing law relating to speed traps defines “school zone” as that area of road contiguous to a school building or the grounds thereof and on which is posted a standard “SCHOOL” warning sign, while children are going to or leaving the school either during school hours or during the noon recess period.

This bill would instead define school zone for this purpose as that area of road approaching or passing a school building or the grounds thereof that is contiguous to a highway and on which is posted a standard “SCHOOL” warning sign, while children are going to or leaving the school either during school hours or during the noon recess period. The bill would also provide that “school zone” for those purposes includes the area approaching or 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 if that highway is posted with a standard “SCHOOL” warning sign.

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.

Vote: majority. 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 22352 of the Vehicle Code, as
2 amended by Section 1 of Chapter 421 of the Statutes of
3 1997, is amended to read:

4 22352. (a) The prima facie limits are as follows and
5 shall be applicable unless changed as authorized in this
6 code and, if so changed, only when signs have been
7 erected giving notice thereof:

8 (1) Fifteen miles per hour:



1 (A) When traversing a railway grade crossing, if
2 during the last 100 feet of the approach to the crossing the
3 driver does not have a clear and unobstructed view of the
4 crossing and of any traffic on the railway for a distance of
5 400 feet in both directions along the railway. This
6 subdivision does not apply in the case of any railway grade
7 crossing where a human flagman is on duty or a clearly
8 visible electrical or mechanical railway crossing signal
9 device is installed but does not then indicate the
10 immediate approach of a railway train or car.

11 (B) When traversing any intersection of highways if
12 during the last 100 feet of the driver's approach to the
13 intersection the driver does not have a clear and
14 unobstructed view of the intersection and of any traffic
15 upon all of the highways entering the intersection for a
16 distance of 100 feet along all those highways, except at an
17 intersection protected by stop signs or yield right-of-way
18 signs or controlled by official traffic control signals.

19 (C) On any alley.

20 (2) Twenty-five miles per hour:

21 (A) On any highway other than a state highway, in any
22 business or residence district unless a different speed is
23 determined by local authority under procedures set forth
24 in this code.

25 (B) When *approaching or* passing a school building or
26 ~~within 500 feet of~~ the grounds thereof, contiguous to a
27 highway and posted with a standard "SCHOOL" warning
28 sign, while children are going to or leaving the school
29 either during school hours or during the noon recess
30 period. The prima facie limit shall also apply when
31 approaching ~~within 500 feet of~~ or passing any school
32 grounds which are not separated from the highway by a
33 fence, gate or other physical barrier while the grounds
34 are in use by children and the highway is posted with a
35 standard "SCHOOL" warning sign. *For purposes of this*
36 *subparagraph, standard "SCHOOL" warning signs may*
37 *be placed at any distance up to 500 feet away from school*
38 *grounds.*

39 (C) When passing a senior center or other facility
40 primarily used by senior citizens, contiguous to a street



1 other than a state highway and posted with a standard
 2 “SENIOR” warning sign. A local authority is not required
 3 to erect any sign pursuant to this paragraph until
 4 donations from private sources covering those costs are
 5 received and the local agency makes a determination that
 6 the proposed signing should be implemented. A local
 7 authority may, however, utilize any other funds available
 8 to it to pay for the erection of those signs.

9 (3) Thirty-five miles per hour on any highway, other
 10 than a state highway, in any moderate density residential
 11 district, as defined in subdivision (b) of Section 22352.1,
 12 when posted with a sign giving notice of that speed limit,
 13 unless a different speed is determined by local authority
 14 under procedures set forth in this code.

15 (b) This section shall remain in effect only until March
 16 1, 2001, and as of that date is repealed, unless a later
 17 enacted statute, that is enacted on or before March 1,
 18 2001, deletes or extends that date.

19 SEC. 2. Section 22352 of the Vehicle Code, as added
 20 by Section 2 of Chapter 421 of the statutes of 1997, is
 21 amended to read:

22 22352. (a) The prima facie limits are as follows and
 23 shall be applicable unless changed as authorized in this
 24 code and, if so changed, only when signs have been
 25 erected giving notice thereof:

26 (1) Fifteen miles per hour:

27 (A) When traversing a railway grade crossing, if
 28 during the last 100 feet of the approach to the crossing the
 29 driver does not have a clear and unobstructed view of the
 30 crossing and of any traffic on the railway for a distance of
 31 400 feet in both directions along the railway. This
 32 subdivision does not apply in the case of any railway grade
 33 crossing where a human flagman is on duty or a clearly
 34 visible electrical or mechanical railway crossing signal
 35 device is installed but does not then indicate the
 36 immediate approach of a railway train or car.

37 (B) When traversing any intersection of highways if
 38 during the last 100 feet of the driver’s approach to the
 39 intersection the driver does not have a clear and
 40 unobstructed view of the intersection and of any traffic



1 upon all of the highways entering the intersection for a
2 distance of 100 feet along all those highways, except at an
3 intersection protected by stop signs or yield right-of-way
4 signs or controlled by official traffic control signals.

5 (C) On any alley.

6 (2) Twenty-five miles per hour:

7 (A) On any highway other than a state highway, in any
8 business or residence district unless a different speed is
9 determined by local authority under procedures set forth
10 in this code.

11 (B) When *approaching or* passing a school building or
12 ~~within 500 feet of~~ the grounds thereof, contiguous to a
13 highway and posted with a standard "SCHOOL" warning
14 sign, while children are going to or leaving the school
15 either during school hours or during the noon recess
16 period. The prima facie limit shall also apply when
17 approaching ~~within 500 feet of~~ or passing any school
18 grounds which are not separated from the highway by a
19 fence, gate, or other physical barrier while the grounds
20 are in use by children and the highway is posted with a
21 standard "SCHOOL" warning sign. *For purposes of this*
22 *subparagraph, standard "SCHOOL" warning signs may*
23 *be placed at any distance up to 500 feet away from school*
24 *grounds.*

25 (C) When passing a senior center or other facility
26 primarily used by senior citizens, contiguous to a street
27 other than a state highway and posted with a standard
28 "SENIOR" warning sign. A local authority is not required
29 to erect any sign pursuant to this paragraph until
30 donations from private sources covering those costs are
31 received and the local agency makes a determination that
32 the proposed signing should be implemented. A local
33 authority may, however, utilize any other funds available
34 to it to pay for the erection of those signs.

35 (b) This section shall become operative on March 1,
36 2001.

37 *SEC. 3. Section 40802 of the Vehicle Code is amended*
38 *to read:*

39 40802. (a) A "speed trap" is either of the following:



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

6 (2) A particular section of a highway with a prima facie
7 speed limit that is provided by this code or by local
8 ordinance under subparagraph (A) of paragraph (2) of
9 subdivision (a) of Section 22352, or established under
10 Section 22354, 22357, 22358, or 22358.3, if that prima facie
11 speed limit is not justified by an engineering and traffic
12 survey conducted within five years prior to the date of the
13 alleged violation, and enforcement of the speed limit
14 involves the use of radar or any other electronic device
15 that measures the speed of moving objects. This
16 paragraph does not apply to a local street, road, or school
17 zone.

18 (b) (1) For purposes of this section, a local street or
19 road is defined by the latest functional usage and
20 federal-aid system maps submitted to the federal
21 Highway Administration, except that when these maps
22 have not been submitted, or when the street or road is not
23 shown on the maps, a “local street or road” means a street
24 or road that primarily provides access to abutting
25 residential property and meets the following three
26 conditions:

27 (A) Roadway width of not more than 40 feet.

28 (B) Not more than one-half of a mile of uninterrupted
29 length. Interruptions shall include official traffic control
30 signals as defined in Section 445.

31 (C) Not more than one traffic lane in each direction.

32 (2) For purposes of this section “school zone” means
33 that area ~~of road contiguous to~~ *approaching or passing* a
34 school building or the grounds thereof; *that is contiguous*
35 *to a highway* and on which is posted a standard
36 “SCHOOL” warning sign, while children are going to or
37 leaving the school either during school hours or during
38 the noon recess period. “School zone” *also includes the*
39 *area approaching or passing any school grounds that are*
40 *not separated from the highway by a fence, gate, or other*



1 *physical barrier while the grounds are in use by children*
2 *if that highway is posted with a standard "SCHOOL"*
3 *warning sign.*

4 (c) (1) When all of the following criteria are met,
5 paragraph (2) of this subdivision shall be applicable and
6 subdivision (a) shall not be applicable:

7 (A) When radar is used, the arresting officer has
8 successfully completed a radar operator course of not less
9 than 24 hours on the use of police traffic radar, and the
10 course was approved and certified by the Commission on
11 Peace Officer Standards and Training.

12 (B) When laser or any other electronic device is used
13 to measure the speed of moving objects, the arresting
14 officer has successfully completed the training required
15 in subparagraph (A) and an additional training course of
16 not less than two hours approved and certified by the
17 Commission on Peace Officer Standards and Training.

18 (C) (i) The prosecution proved that the arresting
19 officer complied with subparagraphs (A) and (B) and
20 that an engineering and traffic survey has been
21 conducted in accordance with subparagraph (B) of
22 paragraph (2). The prosecution proved that, prior to the
23 officer issuing the notice to appear, the arresting officer
24 established that the radar, laser, or other electronic
25 device conformed to the requirements of subparagraph
26 (D).

27 (ii) The prosecution proved the speed of the accused
28 was unsafe for the conditions present at the time of
29 alleged violation unless the citation was for a violation of
30 Section 22349, 22356, or 22406.

31 (D) The radar, laser, or other electronic device used
32 to measure the speed of the accused meets or exceeds the
33 minimal operational standards of the National Traffic
34 Highway Safety Administration, and has been calibrated
35 within the three years prior to the date of the alleged
36 violation by an independent certified laser or radar repair
37 and testing or calibration facility.

38 (2) A "speed trap" is either of the following:

39 (A) A particular section of a highway measured as to
40 distance and with boundaries marked, designated, or



1 otherwise determined in order that the speed of a vehicle
2 may be calculated by securing the time it takes the
3 vehicle to travel the known distance.

4 (B) (i) A particular section of a highway or state
5 highway with a prima facie speed limit that is provided
6 by this code or by local ordinance under subparagraph
7 (A) of paragraph (2) of subdivision (a) of Section 22352,
8 or established under Section 22354, 22357, 22358, or
9 22358.3, if that prima facie speed limit is not justified by
10 an engineering and traffic survey conducted within one
11 of the following time periods, prior to the date of the
12 alleged violation, and enforcement of the speed limit
13 involves the use of radar or any other electronic device
14 that measures the speed of moving objects:

15 (I) Except as specified in subclause (II), seven years.

16 (II) If an engineering and traffic survey was
17 conducted more than seven years prior to the date of the
18 alleged violation, and a registered engineer evaluates the
19 section of the highway and determines that no significant
20 changes in roadway or traffic conditions have occurred,
21 including, but not limited to, changes in adjoining
22 property or land use, roadway width, or traffic volume, 10
23 years.

24 (ii) This subparagraph does not apply to a local street,
25 road, or school zone.

26 ~~SEC. 3.—~~

27 *SEC. 4.* No reimbursement is required by this act
28 pursuant to Section 6 of Article XIII B of the California
29 Constitution because the only costs that may be incurred
30 by a local agency or school district will be incurred
31 because this act creates a new crime or infraction,
32 eliminates a crime or infraction, or changes the penalty
33 for a crime or infraction, within the meaning of Section
34 17556 of the Government Code, or changes the definition
35 of a crime within the meaning of Section 6 of Article
36 XIII B of the California Constitution.

