

AMENDED IN SENATE AUGUST 23, 1999

AMENDED IN SENATE JULY 13, 1999

AMENDED IN ASSEMBLY MAY 26, 1999

AMENDED IN ASSEMBLY APRIL 28, 1999

AMENDED IN ASSEMBLY APRIL 12, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1166

Introduced by Assembly Member Frusetta

February 25, 1999

An act to ~~amend Section 97 of~~ *add Section 101.75 to the Streets and Highways Code*, and to ~~amend Section 42010 of the Vehicle Code, Code~~, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 1166, as amended, Frusetta. Highways: ~~Safety Enhancement Double Fine Zones~~ *informational signs: San Juan Oaks Golf Club.*

Existing law requires the Department of Transportation to adopt rules and regulations that allow the placement, near exits on freeways located in rural areas, of information signs identifying specific roadside businesses offering fuel, food, lodging, or camping services.

This bill would require the department to authorize the placement of information signs, at the expense of the San Juan Oaks Golf Club, on State Highway Route 156, directing motorists to that club.

~~(1) Existing law, until January 1, 2000, requires the Department of Transportation (the department), 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. Existing law requires the department to report to the Legislature on January 1, 1998, on the results of the pilot projects. Existing law requires the department or local authorities, with respect to highways under their respective jurisdictions, to place and maintain certain warning signs in the designated zones.~~

~~This bill would extend the January 1, 2000, date specified above to January 1, 2004, and the January 1, 1998, report date to January 1, 2003, and would require the department to update the January 1, 1998, report and to include in the updated report, in consultation with the Department of the California Highway Patrol, specific criteria for designation of a highway as a Safety Enhancement Double Fine Zone.~~

~~The bill would also require the department to develop a pilot project that would be administered, in part, by certain local authorities, for a designated portion of State Highway Route 152. The bill thereby would create a state-mandated local program by imposing additional duties upon those local authorities.~~

~~(2) The bill would state the intent of the Legislature regarding further designations of Safety Enhancement Double Fine Zones on highways or portions of highways.~~

~~(3) 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.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~yes~~ *no*.

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

1 ~~SECTION 1. Section 97 of the Streets and Highways~~
2 ~~SECTION 1. Section 101.75 is added to the Streets and~~
3 ~~Highways Code, to read:~~
4 ~~101.75. Notwithstanding any other provision of law,~~
5 ~~the department shall authorize the placement of~~
6 ~~information signs, at the expense of the San Juan Oaks~~
7 ~~Golf Club, on Route 156 directing motorists to that club.~~
8 ~~Code is amended to read:~~
9 ~~97. (a) The department, in consultation with the~~
10 ~~Department of the California Highway Patrol, shall~~
11 ~~develop pilot projects in both northern and southern~~
12 ~~California. The portions of the highways involved in the~~
13 ~~projects shall be designated and identified as “Safety~~
14 ~~Enhancement Double Fine Zones” and shall be in the~~
15 ~~following locations:~~
16 ~~(1) On Route 37, between the intersection with Route~~
17 ~~121 and the intersection with Route 29.~~
18 ~~(2) On Route 4, between the intersection with the~~
19 ~~Cummings Skyway and the intersection with Route 80.~~
20 ~~(3) On Route 74, between the intersection with Route~~
21 ~~5 and the intersection with the Riverside-Orange County~~
22 ~~line.~~
23 ~~(4) On Route 46, between the intersection with Route~~
24 ~~101 and the junction with Route 41.~~
25 ~~(5) On the Golden Gate Bridge.~~
26 ~~(6) On Route 12, between the intersection with~~
27 ~~Walters Road in the City of Suisun and the intersection~~
28 ~~with Lower Sacramento Road in the City of Lodi.~~
29 ~~(7) On Route 152, between the junction with Route~~
30 ~~156 at Don Pacheco “Y” and the intersection with~~
31 ~~Ferguson Road.~~
32 ~~(b) (1) The department shall adopt rules and~~
33 ~~regulations prescribing uniform standards for warning~~



1 signs to notify motorists that, pursuant to Section 42010 of
2 the Vehicle Code, increased penalties apply for traffic
3 violations that are committed within Safety
4 Enhancement Double Fine Zones. The rules and
5 regulations adopted by the department shall include, but
6 not be limited to, a requirement that Safety
7 Enhancement Double Fine Zones be identified with
8 signs stating: "Special Safety Zone Begins Here" and
9 "Special Safety Zone Ends Here."

10 (2) The department or local authorities, with respect
11 to highways under their respective jurisdictions, shall
12 place and maintain the warning signs specified in
13 paragraph (1) in areas designated under subdivision (a).

14 (3) Notwithstanding Section 7550.5 of the
15 Government Code, the department shall report to the
16 Legislature on January 1, 2003, on the results of these pilot
17 projects, including a determination of whether the
18 projects were successful. In its report, the department
19 shall update the January 1, 1998, report and shall provide
20 a detailed analysis on the impact of the pilot projects on
21 highway safety, including, but not limited to, the number
22 of accidents, traffic injuries, and fatalities in the project
23 areas; and, in consultation with the Department of the
24 California Highway Patrol, develop specific criteria for
25 designation of a highway as a Safety
26 Enhancement Double Fine Zone. A determination that
27 the projects were successful shall be based upon a
28 showing that a statistically significant decrease in the
29 number of accidents, traffic injuries, and fatalities has
30 occurred in the project areas.

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

36 (d) (1) Only the base fine shall be enhanced pursuant
37 to this section.

38 (2) Notwithstanding any other provision of law, any
39 additional penalty, forfeiture, or assessment imposed by
40 any other statute shall be based on the amount of the base



1 ~~fine before enhancement or doubling and shall not be~~
2 ~~based on the amount of the enhanced fine imposed~~
3 ~~pursuant to this section.~~

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

6 ~~(f) This section shall remain in effect only until~~
7 ~~January 1, 2004, and as of that date is repealed, unless a~~
8 ~~later enacted statute, which is enacted on or before~~
9 ~~January 1, 2004, deletes or extends that date.~~

10 ~~SEC. 2. Section 42010 of the Vehicle Code is amended~~
11 ~~to read:~~

12 ~~42010. (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 97 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 ~~(e) This section applies only when traffic controls or~~
18 ~~warning signs have been placed pursuant to Section 97 of~~
19 ~~the Streets and Highways Code.~~

20 ~~(d) (1) Notwithstanding any other provision of law,~~
21 ~~the enhanced fine imposed pursuant to this section shall~~
22 ~~be 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 ~~(2) Notwithstanding any other provision of law, any~~
26 ~~additional penalty, forfeiture, or assessment imposed by~~
27 ~~any other statute shall be based on the amount of the base~~
28 ~~fine before enhancement or doubling and shall not be~~
29 ~~based on the amount of the enhanced fine imposed~~
30 ~~pursuant to this section.~~

31 ~~(e) This section shall remain in effect only until~~
32 ~~January 1, 2004, and as of that date is repealed, unless a~~
33 ~~later enacted statute, that is enacted on or before January~~
34 ~~1, 2004, deletes or extends that date.~~

35 ~~SEC. 3. It is the intent of the Legislature that no~~
36 ~~further highways or portions of highways be legislatively~~
37 ~~or otherwise designated as Safety Enhancement-Double~~
38 ~~Fine Zones until the Department of Transportation, in~~
39 ~~consultation with the Department of the California~~



1 ~~Highway Patrol, develops specific criteria for highways~~
2 ~~justifying those designations.~~

3 ~~SEC. 4. Notwithstanding Section 17610 of the~~
4 ~~Government Code, if the Commission on State Mandates~~
5 ~~determines that this act contains costs mandated by the~~
6 ~~state, reimbursement to local agencies and school~~
7 ~~districts for those costs shall be made pursuant to Part 7~~
8 ~~(commencing with Section 17500) of Division 4 of Title~~
9 ~~2 of the Government Code. If the statewide cost of the~~
10 ~~claim for reimbursement does not exceed one million~~
11 ~~dollars (\$1,000,000), reimbursement shall be made from~~
12 ~~the State Mandates Claims Fund.~~

