

AMENDED IN ASSEMBLY MAY 14, 2009

AMENDED IN ASSEMBLY MAY 5, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 564

Introduced by Assembly Member Portantino

February 25, 2009

An act to amend Section 40802 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 564, as amended, Portantino. Speed traps: local street or road.

Existing law relating to speed traps provides that a local street or road is defined by the latest functional usage and federal-aid system maps submitted to the federal Highway Administration, except that when these maps have not been submitted, or when the street or road is not shown on the maps, a "local street or road" means a street or road that primarily provides access to abutting residential property and meets 3 specified conditions.

~~This bill would revise the definition of a "local street or road" by deleting the excepted conditions, such that "local street or road" additionally has the alternative meaning even if the maps have been submitted or the street or road is shown on those maps. The bill would also provide that, within the city limits of the City of Pasadena, a "local street or road" also includes a street or road that primarily provides access to within a "residence district." district that meets the 3 specified conditions referred to above.~~

The bill would make findings and declarations concerning the need for special legislation.

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

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

1 SECTION 1. Section 40802 of the Vehicle Code is amended
2 to read:
3 40802. (a) A “speed trap” is either of the following:
4 (1) A particular section of a highway measured as to distance
5 and with boundaries marked, designated, or otherwise determined
6 in order that the speed of a vehicle may be calculated by securing
7 the time it takes the vehicle to travel the known distance.
8 (2) A particular section of a highway with a prima facie speed
9 limit that is provided by this code or by local ordinance under
10 subparagraph (A) of paragraph (2) of subdivision (a) of Section
11 22352, or established under Section 22354, 22357, 22358, or
12 22358.3, if that prima facie speed limit is not justified by an
13 engineering and traffic survey conducted within five years prior
14 to the date of the alleged violation, and enforcement of the speed
15 limit involves the use of radar or any other electronic device that
16 measures the speed of moving objects. This paragraph does not
17 apply to a local street, road, or school zone.
18 (b) (1) For purposes of this section, a local street or road is
19 defined by the latest functional usage and federal-aid system maps
20 submitted to the federal Highway Administration, ~~or is except that~~
21 *when these maps have not been submitted, or when the street or*
22 *road is not shown on the maps, a local street or road means a*
23 *street or road that primarily provides access to abutting residential*
24 *property and meets the following three conditions:*
25 (A) Roadway width of not more than 40 feet.
26 (B) Not more than one-half of a mile of uninterrupted length.
27 Interruptions shall include official traffic control signals as defined
28 in Section 445.
29 (C) Not more than one traffic lane in each direction.
30 (2) For purposes of this section, “school zone” means that area
31 approaching or passing a school building or the grounds thereof
32 that is contiguous to a highway and on which is posted a standard
33 “SCHOOL” warning sign, while children are going to or leaving
34 the school either during school hours or during the noon recess
35 period. “School zone” also includes the area approaching or passing

1 any school grounds that are not separated from the highway by a
2 fence, gate, or other physical barrier while the grounds are in use
3 by children if that highway is posted with a standard “SCHOOL”
4 warning sign.

5 (c) For purposes of this section, *in addition to the definition of*
6 *a local street or road as specified in paragraph (1) of subdivision*
7 *(b)*, within the city limits of the City of Pasadena, a local street or
8 road ~~is may also be defined by the latest functional usage and~~
9 ~~federal-aid system maps submitted to the federal Highway~~
10 ~~Administration, or is as a street or road that primarily provides~~
11 ~~access to abutting residential property or to a within a residence~~
12 ~~district, and that~~ meets all of the following three conditions:

- 13 (1) Roadway width of not more than 40 feet.
14 (2) Not more than one-half of a mile of uninterrupted length.
15 Interruptions shall include official traffic control signals as defined
16 in Section 445.
17 (3) Not more than one traffic lane in each direction.

18 (d) (1) When all of the following criteria are met, paragraph
19 (2) of this subdivision shall be applicable and subdivision (a) shall
20 not be applicable:

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

26 (B) When laser or any other electronic device is used to measure
27 the speed of moving objects and the arresting officer has
28 successfully completed the training required in subparagraph (A)
29 and an additional training course of not less than two hours
30 approved and certified by the Commission on Peace Officer
31 Standards and Training.

32 (C) (i) The prosecution proved that the arresting officer
33 complied with subparagraphs (A) and (B) and that an engineering
34 and traffic survey has been conducted in accordance with
35 subparagraph (B) of paragraph (2). The prosecution proved that,
36 prior to the officer issuing the notice to appear, the arresting officer
37 established that the radar, laser, or other electronic device
38 conformed to the requirements of subparagraph (D).

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

4 (D) The radar, laser, or other electronic device used to measure
5 the speed of the accused meets or exceeds the minimal operational
6 standards of the National Traffic Highway Safety Administration,
7 and has been calibrated within the three years prior to the date of
8 the alleged violation by an independent certified laser or radar
9 repair and testing or calibration facility.

10 (2) A “speed trap” is either of the following:

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

15 (B) (i) A particular section of a highway or state highway with
16 a prima facie speed limit that is provided by this code or by local
17 ordinance under subparagraph (A) of paragraph (2) of subdivision
18 (a) of Section 22352, or established under Section 22354, 22357,
19 22358, or 22358.3, if that prima facie speed limit is not justified
20 by an engineering and traffic survey conducted within one of the
21 following time periods, prior to the date of the alleged violation,
22 and enforcement of the speed limit involves the use of radar or
23 any other electronic device that measures the speed of moving
24 objects:

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

26 (II) If an engineering and traffic survey was conducted more
27 than seven years prior to the date of the alleged violation, and a
28 registered engineer evaluates the section of the highway and
29 determines that no significant changes in roadway or traffic
30 conditions have occurred, including, but not limited to, changes
31 in adjoining property or land use, roadway width, or traffic volume,
32 10 years.

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

35 SEC. 2. The Legislature finds and declares that this act, which
36 is applicable only to the City of Pasadena is necessary in order to
37 permit the City of Pasadena to determine the speed limit for a local
38 street or road providing access to a residence district. It is,
39 therefore, declared that a general law within the meaning of Section
40 16 of Article IV of the California Constitution cannot be made

- 1 applicable and that the enactment of this special law is necessary
- 2 for the public good.

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