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Speed doesn't care who's driving, so why should the law?

It's time to replace outdated, court-based speed enforcement with automated civil penalties focused on the vehicle, not the driver, to make our streets safer and hold car owners financially accountable for dangerous speeding.



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This is not a modest proposal.

We can improve the safety of our streets by doing away with the concept that speeders should be criminally prosecuted.

Speed limits are enforced under the criminal justice system. Constitutional rights require the prosecution to prove guilt by calling a witness, commonly a police officer, to testify in court before a judge hearing traffic offenses. A defendant driver cannot be forced to testify and is deemed innocent until proven guilty. Rules of evidence are designed to assure fairness and must be observed. Once testimony is taken, a judge rules and imposes a fine or other penalty on the guilty party.

This complex adversarial approach is unnecessary to determine whether a car was speeding at a given location on a given date. There no longer is any need to use criminal courts to enforce speeding laws when cameras and computers can do the job for us.

Change the system to focus on the car as the culprit without the burden of proving a driver is guilty. Make it financially burdensome for speeding vehicles to threaten the health, safety and lives of others.

Digital cameras can identify a speeding car and read the license plate. DMV records identify the owner. Graduated civil fines should be charged to the vehicle's owner unless the car was reported stolen.

Des Moines, Baltimore, the UK, Singapore, Japan and South Korea use automated speed enforcement and imposed penalties directly on vehicle owners and take the driver out of the equation.

Unpaid fines should accumulate interest and would have to be paid before the registration could be renewed. Second fines should double, and third violations for scofflaws should re-double. After a specific number of offenses, the car could be booted or confiscated as a danger to public health.

California Assembly Bill 645, adopted in 2023, authorized a five-year Speed Safety System Pilot Program in Los Angeles, San Jose, Oakland, Glendale and Long Beach, and the City and County of San Francisco, which is now being employed on city streets.

The statute provides that speeders identified by a computerized speed safety system are subject to civil penalties. That's a step in the right direction but it does not go far enough to be truly effective.

Under the statute, limits on civil penalties are graduated depending on the level of speeding: fifty dollars (\$50) for driving at a speed of 11 to 15 mph over the limit; one hundred dollars (\$100) for driving at 16 to 25 mph over the limit; two hundred dollars (\$200) for driving at 26 mph or more over the limit; and five hundred dollars (\$500) for driving at 100 mph or more.

There are no enhancements for second or third offenses by chronic speeders. That needs to be remedied. Third offenses should be doubled and fourth offenses should be re-doubled, because speeding cars are lethal weapons. Vehicle owners who do not pay the civil penalties on their vehicles would face having their vehicle confiscated and sold to satisfy the bill.

Unfortunately, the law provides that cameras deployed in a school zone which has a higher posted speed limit when children are not present, a city could only enforce the school zone speed limit up to one hour before the regular school session begins, 10 minutes after school begins, one hour during lunch period, and up to one hour after regular school session concludes. This is a bad idea. Schools serve as day-long playgrounds, have after-school programs and provide community services for children well after the school day has ended. A speed limit when children are present requires a driver to guess when the school day is over. It is far better to enforce a speed limit near schools from sunrise to sundown. Easy to remember and easy to follow.

The concept of innocent until proven guilty should not apply when civil penalties are imposed on car owners. The expected defense that someone other than the owner was driving is of no consequence since the focus of the law is on the vehicle as the offender. In short, speeding vehicles have no constitutional rights.

Speed kills because the amount of energy, known as kinetic energy, increases by the square of a vehicle's velocity. For example, assume that a car at 30 mph generates 900 units of energy. At 60 mph, 3600 units of energy are generated. An increase of 30 mph, a doubling of the speed, results in four times as much energy. At 90 mph, 8100 units of energy are created. This dramatic increase in available energy explains the reports of people involved in a loss of control that, at high speeds, the distance an out-of-control vehicle travels "seemed like forever before the car came to a stop." That's true because of substantial kinetic energy at high speeds.

Using available technology to encourage speeders to keep high speed driving on race courses and severely deter speeding on city streets makes good sense. The accuracy of computerized camera systems to document speed removes all doubt. There is no defense to excuse the risk of deaths and injuries caused by speeding cars, trucks, scooters, bicycles and motorcycles on city streets.

Speeding is easy and the civil penalties should be equally easy to apply across the board to vehicles that put the public at risk of death and serious injuries.

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