

Date of Hearing: March 22, 2023

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Cecilia Aguiar-Curry, Chair
AB 436 (Alvarez and L. Rivas) – As Introduced February 6, 2023

SUBJECT: Vehicles.

SUMMARY: Repeals the authorization for a local agency to regulate cruising and removes a prohibition on the operation of certain modified vehicles. Specifically, **this bill:**

- 1) Repeals the authority of local authorities to adopt rules and regulations by ordinance or resolution regulating cruising, including the following provisions:
 - a) The adopted ordinance or resolution shall regulate cruising, which is the repetitive driving of a motor vehicle past a traffic control point in traffic that is congested at or near the traffic control point, as determined by the ranking peace officer on duty within the affected area, within a specified time period and after the vehicle operator has been given an adequate written notice that further driving past the control point will be a violation of the ordinance or resolution.
 - b) A person is not in violation of an adopted ordinance or resolution unless both of the following comply:
 - i) That person has been given the written notice on a previous driving trip past the control point and then again passes the control point in that same travel interval.
 - ii) The beginning and end of the portion of the street subject to cruising controls are clearly identified by signs that briefly and clearly state the appropriate provisions and the local ordinance or resolution on cruising.
- 2) Repeals existing law making it unlawful to operate any passenger vehicle, or commercial vehicle under 6,000 pounds, which has been modified from the original design so that any portion of the vehicle, other than the wheels, has less clearance from the surface of a level roadway than the clearance between the roadway and the lowermost portion of any rim of any wheel in contact with the roadway.
- 3) Makes numerous conforming and technical changes.

EXISTING LAW:

- 1) Specifies that, except as otherwise expressly provided, the provisions of the Vehicle Code (VC) are applicable and uniform throughout the state and in all counties and municipalities therein, and a local authority shall not enact or enforce any ordinance or resolution on the matters covered by the VC, including ordinances or resolutions that establish regulations or procedures for, or assess a fine, penalty, assessment, or fee for a violation of, matters covered by the VC, unless expressly authorized by the VC. (VC § 21)

- 2) Authorizes local authorities to pass an ordinance regulating cruising. (VC § 21100)
- 3) Defines “cruising” as the repetitive driving of a motor vehicle past a traffic control point in traffic that is congested at or near the traffic control point, as determined by the ranking peace officer on duty within the affected area, within a specified time period and after the vehicle operator has been given an adequate written notice that further driving past the control point will be a violation of the ordinance. (VC § 21100)
- 4) Prohibits drivers from operating a vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic unless the reduced speed is necessary for safe operation, because of a grade, or in compliance with law. (VC § 22400)
- 5) Prohibits the operation of any passenger vehicle, or commercial vehicle under 6,000 pounds, which has been modified from the original design so that any portion of the vehicle, other than the wheels, has less clearance from the surface of a level roadway than the clearance between the roadway and the lowermost portion of any rim of any wheel in contact with the roadway. (VC § 24008)

FISCAL EFFECT: This bill is keyed fiscal.

COMMENTS:

- 1) **Bill Summary and Author’s Statement.** This bill repeals the authority for local authorities to regulate cruising. This bill also repeals a provision prohibiting the operation of a vehicle that has been modified from the original design so that any portion of the vehicle has less clearance from the surface of a level roadway than the clearance between the roadway and the lowermost portion of any rim of any wheel in contact with the roadway. This bill is sponsored by the California Lowrider Alliance, Sacramento Lowrider Commission, and the United Lowrider Coalition.

According to the author, “Cruising is part of culture for many multicultural communities, a way of expressing love for art, and bringing unity. Last year, the Legislature was clear that it supports and recognizes the history and culture of cruising. Since the 1980s, cities across that state began permitting these local bans. That was an unfair and targeting move. It is time that we repeal this local ordinances to allow multicultural communities to express their love for these amazing vehicles.”

- 2) **Cruising in California.** In 1982, the Legislature adopted AB 2579 (Konnyu), Chapter 710, Statutes of 1982, which authorized the adoption of local ordinances to regulate cruising, among other provisions. In this bill, the Legislature declared, “that the cruising of vehicles in business areas of cities and communities in this state for the purpose of socializing and assembling interferes with the conduct of business, wastes precious energy resources, impedes the progress of general traffic and emergency vehicles, and promotes the generation of local concentrations of air pollution and undesirable noise levels.”

According to the *NPR* article published on February 16, 2023, “California is the birthplace of lowrider culture. Modifying cars with advanced hydraulics systems and elaborate paint jobs and then taking them on a slow cruise down a main drag is a decades-old tradition. But certain lowrider vehicles are illegal in California, and many cities still have bans on cruising....

“Cruising and lowriders both have their roots in postwar Southern California, where Chicanos made an art form out of car customization and turned to driving as a means of socializing and community organizing. But among outsiders, lowriding developed a reputation for clogging traffic and having links to gang activity. In the late 1950s, California enacted a state law regulating lowriders. And in the late 1980s, the state began permitting cities and towns to put in place cruising bans over fears of traffic congestion and crime, lawmakers said. Lowriders have long argued that the ordinances designed to curb cruising unfairly targeted Latinos.”

Recently, a number of California cities have removed their bans on cruising. For example, in 2022, both San Jose and Sacramento repealed their cruising regulations, while National City lifted its ban temporarily on May 6, 2022. However, despite these local efforts many cruising prohibitions still exist.

- 3) **Previous Legislation.** ACR 176 (L. Rivas), Chapter 161 of 2022 celebrates the history and culture of cruising and encouraged local officials and law enforcement to work with local car clubs to conduct safe cruising events.
- 4) **Arguments in Support.** According to the California Lowrider Alliance, “Since the 1950s, car clubs and family members have converted older cars for cruising, shows, and competitions at events. Cruising is a historic and important part of culture for many multicultural communities. The prohibition on operating an automobile below a certain point was enacted in state law soon thereafter (1958). California is one of the few states that regulate this attribute of an automobile. During the late 1980s, the state amended the Vehicle Code to authorize local authorities to enact anti-cruising ordinances in response to the concern over traffic congestion and generalized fear of crime. Several cities and counties soon enacted ordinances that ban traveling along a certain route more than a few times within a specified time period.

“Last year, Assembly Concurrent Resolution 176 by Luz Rivas, was strongly supported and passed by the Legislature. ACR 176 was a great step into recognizing that the cultural significance of cruising throughout the State. We strongly support AB 436, which will remove the local ordinances bans on cruising and remove the restrictions of having a lowered vehicle.”

- 5) **Arguments in Opposition.** None on file.
- 6) **Double Referral.** This bill was heard in the Assembly Transportation Committee on March 13th and passed with a vote of 14-0

REGISTERED SUPPORT / OPPOSITION:

Support

California Lowrider Alliance [SPONSOR]
Sacramento Lowrider Commission [SPONSOR]
United Lowrider Coalition [SPONSOR]
Automotive Service Councils of California

Opposition

None on file

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