SUBJECT: Vehicles

DIGEST: This bill would remove the authorization for a local authority to regulate cruising and repeal the prohibition on cruising.

ANALYSIS:

Existing law:

1) 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. (Vehicle Code (VEH) §21100)

2) Authorizes local to authorities adopt rules and regulations by ordinance or resolution regarding several matters including cruising.

3) Specifies that a person will not be in violation of an ordinance or resolution adopted to regulate cruising unless:

   a. That person has been given written notice on a previous driving trip past the control point and then again passes the control point in that same time interval; and

   b. 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 of this subdivision and the local ordinance or resolution on cruising.

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. (VEH §22400)

5) Prohibits 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. (VEH §24008)

This bill:

1) Repeals the authority of local authorities to adopt rules and regulations regulating cruising.

2) Repeals the prohibition of vehicles modified to have 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.

COMMENTS:

1) Purpose of bill. 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.

“A number of cities through California have repealed the ordinance. I am happy to share that in my own district National City has repealed their local ordinance. A historic moment was made, now it’s time for the California Legislature to fully implement repealing the local cruising ordinance.”

2) Cruising and lowriders. Lowriders are customized cars with a lowered body often painted in colorful designs and fitted with hydraulics to allow height adjustable suspension. Lowriders are displayed in events involving cars slowly moving down a street in a repetitive manner, referred to as cruising. According to an NPR article published on February 16, 2023: “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.” Cruising is often a social activity, encouraging
groups of owners to gather, show their pride for their vehicles, and enjoy the sights and community of a thoroughfare. Cruising in lowriders has been an important subculture in California for decades, popularized by Chicano communities after World War II as the “hot rod” trend began to sweep the country. Lowriders have taken on a political function, with cruising events serving as fundraisers for the United Farm Workers Labor Union, political fundraisers, COVID-19 vaccine drives, and participating in the census.

3) **Regulating cruising in California.** Despite the general popularity for cruising among Chicano communities, others began associating cruising with gang violence or disruptions to traffic and business. Cities across California began to enact bans on cruising starting in the 1970s during the oil embargo. In 1974, Los Angeles started taking actions against cruising by banning parking on the San Fernando Valley’s Van Nuys Boulevard and turning it into a one-way street. The following summer 15,000 people converged on Van Nuys Boulevard to protest the police actions.

In 1982, the California Legislature authorized cities to pass ordinances prohibiting cruising, declaring “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, wasted 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.” Following this authorization several more local communities enacted bans on low riding.

4) **Resolving to change.** In more recent years local jurisdictions have increasingly moved to remove these bans. Lowriding groups have been making the case that these initial bans were discriminatory, targeting a cultural practice and not actually improving safety. Businesses along drags that used to be frequented by cruising also raised concerns about loss of traffic to their businesses caused by the bans. National City lifted its ban temporarily on May 6, 2022. Sacramento’s city council unanimously lifted their ban on May 31, 2022. An estimated 175 vehicles participated in an event celebrating the lifting of the ban, with cars meeting at Sweetwater high School where students held mariachi performances and a bake sale. San Jose lifted their cruising ban in September of 2022. However, despite these local efforts many cruising prohibitions still exist.

Last year the California Legislature unanimously passed Assembly Concurrent Resolution (ACR) 176 (Luz Rivas) which celebrates the history of cruising in California and encourages law enforcement to work with local car clubs to conduct safe cruising events.
5) *Encouraging fun while protecting safety and commerce.* This bill retains existing prohibitions on operating vehicles at such a slow speed as to impede or block the normal and reasonable movement of traffic. As such traffic enforcement will still be able to ensure that any vehicles, including lowriders, are not disrupting traffic.

6) *Operating modified vehicles.* In addition to removing the ability for cities to regulate cruising this bill also repeals requirements preventing operation of vehicles that have been altered to have a very low-riding frame. This prohibition mirrors other restrictions on modifications to vehicles in statute that are designed to maintain safety on the road. A lowered frame can make cars more likely to scrape on the road when driving over speed bumps and potholes, leading to damage to the road and the vehicle. If a vehicle is modified beyond the manufactured suggestions it could significantly damage vehicle components permanently without the operator being aware. This could cause the vehicle to experience a dangerous malfunction, especially when driven at highway speeds. As such repealing this section of the vehicle code may decrease traffic safety.

However existing law may have a limited effect in preventing vehicle modification. The existing vehicle code passed in 1958 is primarily enforceable for vehicles that have been permanently lowered. In 1959 a customizer named Ron Aguirre developed a way of bypassing the law with the use of hydraulic pumps and valves that allowed for changing the height of the vehicle with a switch. Using these systems many modern lowriders are able to adjust to normal heights when passing over road hazards or traveling by a law enforcement vehicle. According to the CHP, they have issued 85 citations for violations of this prohibition over the last 4.5 years. They also note that enforcement of this provision is primarily performed by local jurisdictions so rates are likely much higher.

4) *Double Referral.* This bill has been double referred to the Senate Committee on Governance and Finance.

**RELATED LEGISLATION:**

**ACR 176 (L. Rivas, Chapter 161, Statutes of 2022)** celebrated the history and culture of cruising and encouraged local officials and law enforcement to work with local car clubs to conduct safe cruising events.

**FISCAL EFFECT:** Appropriation: No  Fiscal Com.: Yes  Local: No
According to the Assembly Appropriations Committee this bill will have negligible state costs, if any.

**POSITIONS:** *(Communicated to the committee before noon on Wednesday, June 7th.)*

**SUPPORT:**

50th Chicano Moratorium Committee  
Automotive Service Councils of California  
California Lowrider Alliance  
City of Ceres Council District 2  
Cruising Is Not a Crime  
Sacramento Lowrider Commission  
United Lowrider Coalition  
United Lowrider Council of San Jose

**OPPOSITION:**

California Contract Cities Association  
Peace Officers Research Association of California  
Whittier Blvd Merchant Association of East Los Angeles

**ARGUMENTS IN SUPPORT:** According to the Sacramento Lowrider Alliance, “The No Cruising and lower profiled vehicle laws were enacted as a means to control minorities who cruise. The law on lowered vehicles is from 1959. The cruising law is from 1988. The laws target minority and women individuals who own low-profile vehicles, known as “lowriders.” The law profiles and stigmatizes lowriders as criminals for owning and driving beautiful vehicles. Lowriders are not “sideshow.” We do not spin out, violently perform donuts, burn-out our tires and endanger the sightseeing public. We are low and slow!”

“… Lowriders are known across the State to voluntarily contribute to civic duties and economic recovery within our recognized cities and counties as we organize food drives, toy drives, water drives, clothing drives, and school supply drives, feed the unhoused, bringing prosperity to businesses when there are car shows and cruises and we contribute to non-profit organizations through fundraisers in the areas of humanities and participating in social service organizations. Moving forward, stop the oppression on cruising and lowered vehicles. Pass AB 436 so that lowriders can embrace who we are -- Art on wheels.”

**ARGUMENTS IN OPPOSITION:** According to the California Contract Cities Association, “Existing law in the Vehicle Code authorizes local jurisdictions to
develop regulations in regards to various local transportation and public safety matters, including the operation of bicycles, the removal of illegally parked vehicles, and cruising. CCCA feels this authorization is of great importance, as cruising activity is a public safety issue in many of our member cities. The activity can create traffic control and congestion problems that then generate major logistical challenges for cities and their respective local agencies. Further, cruising can lead to street takeovers that are extremely dangerous. As an organization, we regularly voice our concern about reckless driving, street racing, takeovers, and sideshows. These activities are recurring issues that have overwhelmed many California communities and have had deadly impacts on activity participants as well as nearby pedestrians.

CCCA represents over 85 cities throughout California. For more than 65 years, CCCA’s mission has been to advance the benefits of the contracting model and strengthen local control. With collaborative governance as a focal point, CCCA has advanced its mission through education, advocacy, networking, and legislative access to protect and enhance the quality of life for more than 7.5 million residents. As a matter of policy, our organization supports and defends the rights of cities on policy issues pertinent to them, including public safety. We thank you in advance for your consideration of our opposition to AB 436”

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