

Date of Hearing: March 13, 2023

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

AB 436 (Alvarez) – As Introduced February 6, 2023

SUBJECT: Vehicles

SUMMARY: Repeals the authority for local authorities to regulate cruising and 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.

EXISTING LAW:

- 1) Authorizes local authorities to pass an ordinance prohibiting cruising. (Vehicle Code (VEH) 21100)
- 2) 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. (VEH 21100)
- 3) 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)
- 4) 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)

FISCAL EFFECT: Unknown

COMMENTS:

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.”

This bill would repeal the authority given to local authorities to prohibit cruising in 1982. This bill would also remove a provision prohibiting a common modification made to cars used in cruising to have the vehicles ride low to the ground, often referred to as “low riding.” That provision is meant to prohibit a modification to vehicles that could result in the vehicle losing control as a result of a tire failure, which would cause the vehicle’s frame from striking the pavement before the wheel.

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. “

“Candy paint jobs with glimmering specks of metallic. Custom upholstery of magenta velvet. Bouncing hydraulics cruising low and slow. The names ‘Purple Rain’ and ‘Erotic City’ gleaming from the lacquered frames.” According to Smithsonian Magazine, these are the words that could only describe the famous lowriders belonging to L.A.’s Chicano community.

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 are customized cars with lowered bodies, often painted in colorful designs that are often 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. 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.

Cruising became popularized nationally after the release of *American Graffiti*, the breakout film for George Lucas and Harrison Ford. *American Graffiti*, released in 1973, was a coming of age comedy-drama set in 1960s Modesto, California featuring a group of friends cruising the streets before heading off to college. The film went on to be nominated for an Oscar for “best film”, and has been recognized by the Library of Congress as a film for preservation in the National Film Registry. It remains one of the most profitable movies ever made, grossing \$200 million on a less than a \$1 million budget. The summer after the movie came out, San Rafael’s main street was clogged with cars seeking to reenact the movie’s cruising scenes, but was subsequently shut down by police.

When Modesto enacted its cruising ban in the 1990s, the *Modesto Bee* editorial page protested, arguing that cruising was the cities’ claim to fame because of *American Graffiti*, and that “Generations of former young people remember cruising with nostalgia...Mainly, though, do we want police at blockades writing down license numbers and busting young people whose only crime is riding up and down?”

More recently, the lowrider community has been working with city officials to lift these 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.

In 2022, the California Legislature unanimously passed Assembly Concurrent Resolution (ACR) 176 (Luz Rivas), Chapter 161 commemorating the history of cruising in California and encouraging law enforcement to work with local car clubs to conduct safe cruising events.

Previous Legislation:

ACR 176 (Luz Rivas), Chapter 161 of 2022 commemorated the history of cruising in California and encouraging law enforcement to work with local car clubs to conduct safe cruising events.

REGISTERED SUPPORT / OPPOSITION:

Support

California Lowrider Alliance (co-sponsor)
United Lowrider Coalition (co-sponsor)
Automotive Services Council of California

Opposition

None on file

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