



Office of the Los Angeles City Attorney
Hydee Feldstein Soto

REPORT NO. **R24-0491**
OCT 09 2024

REPORT RE:

**IMPACT OF CALIFORNIA ASSEMBLY BILL 436
RELATIVE TO CRUISING LAWS AND ENFORCEMENT**

The Honorable Public Safety Committee
of the Los Angeles City Council
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Members:

Effective January 1, 2024, Assembly Bill 436 (Alvarez) ("AB 436"), codified as Vehicle Code Section 21100, prohibits local governments from regulating cruising and eliminates prohibitions on certain lowrider vehicle modifications by repealing Vehicle Code Section 24008.. Accordingly, Section 80.36.10 of the Los Angeles Municipal Code ("LAMC") is no longer enforceable and should be repealed. Nevertheless, AB 436 does not prohibit the enforcement of other applicable laws that protect public safety and facilitate the efficient and orderly flow of traffic. One potential proposal to balance protecting public safety while also supporting the historical significance of cruising culture is to recommend event organizers obtain special event permits to hold cruising and car show events that occur on the public right-of-way.

**A. CALIFORNIA ASSEMBLY BILL 436 AND LOS ANGELES MUNICIPAL CODE
SECTION 80.36.10**

"Cruising" can be colloquially described as repetitive recreational driving up and down a street, generally in a modified vehicle at slow speeds. LAMC Section 80.36.10, the City's anti-cruising ordinance, statutorily defines "cruising" as: "the driving of a motor vehicle two or more times within a six-hour period, in a particular direction, past a traffic control point so established on a portion of any street identified as subject to cruising controls by signs posted at the beginning and end of the controlled roadway[.]" Violations of this section have been punishable as an infraction and subject to a fine.

In 1982, in a bid to control traffic congestion, air pollution, and excessive noise levels caused by rising cruising activity, the State Legislature authorized municipalities to pass local laws regulating the practice of cruising. (1982 Cal. Legis. Serv. Ch. 710 (A.B. 2579).) Four decades later, the State Legislature reversed course, removing the ability of local governments to regulate the activity. (2023 Cal. Legis. Serv. Ch. 803 (A.B. 436).) Specifically, AB 436 amended Section 21100 of the Vehicle Code to prohibit local authorities from regulating cruising. The bill also repealed Section 24008 of the Vehicle Code, removing certain vehicle regulations on vehicles that have been modified to install a very low riding frame (“lowrider”).

This past December, immediately before AB 436 took effect, the Los Angeles Police Department (“LAPD”) proactively issued a Department Notice advising personnel to suspend traffic enforcement stops for violations of Sections 21100 and 24008 for the sole purpose of a cruising violation or a very low vehicle frame. And while the City’s anti-cruising ordinance is no longer enforced by LAPD, this Office recommends that Section 80.36.10 be formally repealed from the Los Angeles Municipal Code.¹ We further recommended that the Department of Transportation be directed to remove all posted signs relative to cruising prohibitions.

B. PUBLIC SAFETY CONSIDERATIONS

Cruising and car show events have been a popular activity in many neighborhoods throughout the City of Los Angeles. The City, including the LAPD, has long recognized the cultural significance of local lowrider clubs and cruising events. However, the LAPD reports that these events often can grow to a scale where the event becomes difficult to manage, diverting City resources, creating traffic congestion, excessive noise, property damage, and other public safety concerns. According to LAPD, these events also attract ATVs, motorbikes and other off-road vehicles, which drive over medians and onto sidewalks, conducting vehicle stunts that endanger both the driver and bystanders. Cruising events have also migrated into private commercial lots, disrupting local businesses.

To address these issues, local authorities still retain the ability to enforce parking regulations, applicable rules of the road, and other laws to address any attendant obstructive or disorderly activity that can accompany cruising and car show events. In fact, the legislative history of AB 436 recognizes the importance of balancing cruising events with the need to protect public 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

¹ Even prior to AB 436, LAMC Section 80.36.10 was rarely enforced. To the extent that it was, it was used more as a tool to curb solicitation of prostitution in nuisance areas.

traffic. As such traffic enforcement will still be able to ensure that any vehicles, including lowriders, are not disrupting traffic. Local and state laws also generally address each of the other concerns related to cruising, such as noise levels or possibly associated criminal activity.” (2023 California Assembly Bill No. 436, California 2023-2024 Regular Session.)

While the LAPD is diligent in protecting public safety and ensuring the efficient flow of traffic, officers have also proactively engaged with lowrider clubs to mitigate the problems that accompany these cruising and car show events. As part of this outreach, LAPD has encouraged these events to be held in designated areas in an attempt to limit the adverse impact to the community without having to interrupt or shutdown the event.

C. SPECIAL EVENT PERMITS

To ensure cruising events are conducted safely without jeopardizing the safety and welfare of the surrounding community, the LAPD has recommended to event organizers that they should apply for and obtain a special event permit. Under the LAMC, a “special event” is defined as:

“an event ... of cultural, civic, economic, social, recreational or educational nature ... sponsored by an individual or individuals, a non-profit organization or community group, charitable organization or for-profit organization or group, that is: (1) held wholly or partially on property owned or maintained by the City; or (2) held on any other property, and that requires for its successful execution, the partial or complete closure of streets or sidewalks or the provision and coordination of municipal services to a degree over and above the level that the City normally provides. Special Events also include any other organized activity that involves the use of, or has a direct or indirect impact on, public property or facilities or that can reasonably be foreseen to have such an impact on, or to require a higher level of, public safety services or other municipal services, including advance planning services, than that normally provided by the City.” (LAMC Section 41.20.1(a)(11).)

The Public Works Department, Bureau of Street Services, issues event permits for special events pursuant to LAMC Sections 41.20 and 41.20.1. A special event permit issued by the Bureau of Street Services authorizes the temporary closure of any local street “when such closing is necessary for the safety and protection of persons using that portion of the street or highway during the temporary closing.” (LAMC Section 41.20(a).)

By obtaining a special event permit, not only can City authorities proactively work with event organizers to address traffic and safety concerns and assure these events are held in a community-friendly manner, but public streets and facilities can be

temporarily closed to accommodate the event and certain traffic and parking regulations can be temporarily excused while the event is taking place. Without a special event permit, cruising and car show events will continue to be subject to enforcement and interruption to the extent they obstruct traffic and jeopardize public safety.

Formalizing the suggested partnership between local officials and event participants was contemplated by proponents of the cruising legislation. In 2022, for example, the State Legislature unanimously passed Assembly Concurrent Resolution 176, which resolved to “celebrate the history and culture of cruising and encourage local officials and law enforcement to work with local car clubs to conduct safe cruising events.” (ACR 176 (L. Rivas, 2022).) Further, Assemblymember David Alvarez, the author of AB 436, stated: “With a partnership between car clubs, local officials and law enforcement, safe cruising events with lowriders and classic cars can provide a fun and festive event for families in our communities.”²

D. RECOMMENDATIONS AND FURTHER CONSIDERATIONS

In conclusion, for the foregoing reasons, this Office makes the following recommendations:

1. Repeal Section 80.36.10 of the Los Angeles Municipal Code.
2. Direct the Department of Transportation to remove all posted anti-cruising signs related to LAMC Section 80.36.10 and former Section 21100(k) of the Vehicle Code.
3. To balance protecting public safety while also supporting the historical significance of cruising culture, direct the Bureau of Street Services to explore the use of special event permits to allow for the hosting of regulated cruising and car show events on the public right-of-way.

² <https://www.abc10.com/article/news/politics/bill-introduced-lift-ban-cruising-across-california/103-ebffb204-a2ee-40f5-99f5-5c9c2a5264ad>

If you have any questions regarding this matter, please contact Deputy City Attorney Jonathan Bislig at (213) 978-8746.

Sincerely,

HYDEE FELDSTEIN SOTO, City Attorney

By



MICHAEL J. DUNDAS
Senior Assistant City Attorney

JB:lp