

ASSEMBLY BILL

No. 436

**Introduced by Assembly Members ~~Alvarez and Luz Rivas~~ Alvarez,
Ramos, and Luz Rivas**

**(Coauthors: Assembly Members Alanis, Berman, Juan Carrillo,
Wendy Carrillo, Davies, Friedman, Garcia, Lowenthal, McCarty,
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Pacheco)**

February 6, 2023

An act to amend Section 21100 of, and to repeal Section 24008 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 436, as introduced, Alvarez. Vehicles.

Existing law prohibits a local authority from enacting or enforcing an ordinance on matters covered by the Vehicle Code unless expressly authorized by the Vehicle Code. Existing law authorizes local authorities to adopt rules and regulations by ordinance or resolution regarding specified matters, including, among others, crossing guards, the operation of bicycles, the removal of illegally parked vehicles, and cruising, as defined.

This bill would remove the authorization for a local authority to adopt rules and regulations by ordinance or regulation regarding cruising.

Existing law makes it unlawful to operate a passenger vehicle, or commercial vehicle under 6,000 pounds, that has been modified from its 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.

This bill would repeal that prohibition.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 21100 of the Vehicle Code is amended
2 to read:
3 21100. Local authorities may adopt rules and regulations by
4 ordinance or resolution regarding all of the following matters:
5 (a) Regulating or prohibiting ~~processions or assemblages a~~
6 *procession or assemblage* on the highways.
7 (b) Licensing and regulating the operation of vehicles for hire
8 and drivers of passenger vehicles for hire.
9 (c) Regulating traffic by means of traffic officers.
10 (d) Regulating traffic by means of official traffic control devices
11 meeting the requirements of Section 21400.
12 (e) (1) Regulating traffic by means of a person given temporary
13 or permanent appointment for that duty by the local authority when
14 official traffic control devices are disabled or otherwise inoperable,
15 ~~at the scenes of accidents or disasters,~~ *scene of an accident or*
16 *disaster,* or ~~at locations as a location that~~ may require traffic
17 direction for orderly traffic flow.
18 (2) A person shall not be appointed pursuant to this subdivision
19 unless and until the local authority has submitted to the
20 commissioner or to the chief law enforcement officer exercising
21 jurisdiction in the enforcement of traffic laws within the area in
22 which the person is to perform the duty, for review, a proposed
23 program of instruction for the training of a person for that ~~duty,~~
24 *duty* and unless and until the commissioner or other chief law
25 enforcement officer approves the proposed program. The
26 commissioner or other chief law enforcement officer shall approve
27 a proposed program if ~~he or she~~ *they* reasonably ~~determines~~
28 *determine* that the program will provide sufficient training for
29 persons assigned to perform the duty described in this subdivision.
30 (f) Regulating traffic at the site of road or street construction or
31 maintenance by ~~persons~~ *a person* authorized for that duty by the
32 local authority.
33 (g) (1) Licensing and regulating the operation of tow truck
34 service or tow truck drivers whose principal place of business or

1 employment is within the jurisdiction of the local authority,
2 excepting the operation and operators of any auto dismantlers' tow
3 vehicle licensed under Section 11505 or any tow truck operated
4 by a repossessing agency licensed under Chapter 11 (commencing
5 with Section 7500) of Division 3 of the Business and Professions
6 Code and its registered employees.

7 (2) The Legislature finds that the safety and welfare of the
8 general public is promoted by permitting local authorities to
9 regulate tow truck service companies and operators by requiring
10 licensure, insurance, and proper training in the safe operation of
11 towing equipment, thereby ensuring against towing mistakes that
12 may lead to violent confrontation, stranding motorists in dangerous
13 situations, impeding the expedited vehicle recovery, and wasting
14 state and local law enforcement's limited resources.

15 (3) This subdivision does not limit the authority of a city or city
16 and county pursuant to Section 12111.

17 (h) Operation of ~~bicycles~~, *bicycles* and, as specified in Section
18 21114.5, electric carts by physically disabled persons, or persons
19 50 years of age or older, on public sidewalks.

20 (i) Providing for the appointment of nonstudent school crossing
21 guards for the protection of persons who are crossing a street or
22 highway in the vicinity of a school or while returning thereafter
23 to a place of safety.

24 (j) Regulating the methods of deposit of garbage and refuse in
25 streets and highways for collection by the local authority or by
26 any person authorized by the local authority.

27 ~~(k) (1) Regulating cruising.~~

28 ~~(2) The ordinance or resolution adopted pursuant to this~~
29 ~~subdivision shall regulate cruising, which is the repetitive driving~~
30 ~~of a motor vehicle past a traffic control point in traffic that is~~
31 ~~congested at or near the traffic control point, as determined by the~~
32 ~~ranking peace officer on duty within the affected area, within a~~
33 ~~specified time period and after the vehicle operator has been given~~
34 ~~an adequate written notice that further driving past the control~~
35 ~~point will be a violation of the ordinance or resolution.~~

36 ~~(3) A person is not in violation of an ordinance or resolution~~
37 ~~adopted pursuant to this subdivision unless both of the following~~
38 ~~apply:~~

1 ~~(A) That person has been given the written notice on a previous~~
2 ~~driving trip past the control point and then again passes the control~~
3 ~~point in that same time interval.~~

4 ~~(B) The beginning and end of the portion of the street subject~~
5 ~~to cruising controls are clearly identified by signs that briefly and~~
6 ~~clearly state the appropriate provisions of this subdivision and the~~
7 ~~local ordinance or resolution on cruising.~~

8 ~~(t)~~

9 (k) Regulating or authorizing the removal by peace officers of
10 vehicles unlawfully parked in a fire lane, as described in Section
11 22500.1, on private property. A removal pursuant to this
12 subdivision shall be consistent, to the extent possible, with the
13 procedures for removal and storage set forth in Chapter 10
14 (commencing with Section 22650).

15 ~~(m)~~

16 (l) Regulating mobile billboard advertising displays, as defined
17 in Section 395.5, including the establishment of penalties, which
18 may include, but are not limited to, removal of the mobile billboard
19 advertising display, civil penalties, and misdemeanor criminal
20 ~~penalties~~, *penalties* for a violation of the ordinance or resolution.
21 The ordinance or resolution may establish a minimum distance
22 that a mobile billboard advertising display shall be moved after a
23 specified time period.

24 ~~(n)~~

25 (m) Licensing and regulating the operation of pedicabs for hire,
26 as defined in Section 467.5, and operators of pedicabs for hire,
27 including requiring one or more of the following documents:

28 (1) A valid California driver's license.

29 (2) Proof of successful completion of a bicycle safety training
30 course certified by the League of American Bicyclists or an
31 equivalent organization as determined by the local authority.

32 (3) A valid California identification card and proof of successful
33 completion of the written portion of the California driver's license
34 examination administered by the department. The department shall
35 administer, without charging a fee, the original driver's license
36 written examination on traffic laws and signs to a person who
37 ~~states that he or she is, or intends~~ *they are, or intend* to become, a
38 ~~pedicab operator, operator~~ and who holds a valid California
39 identification card or has successfully completed an application
40 for a California identification card. If the person achieves a passing

1 score on the examination, the department shall issue a certificate
2 of successful completion of the ~~examination~~, *examination* bearing
3 the person's name and identification card number. The certificate
4 shall not serve in lieu of successful completion of the required
5 examination administered as part of any subsequent application
6 for a driver's license. The department is not required to enter the
7 results of the examination into the computerized record of the
8 person's identification card or otherwise retain a record of the
9 examination or results.

10 ~~(e)~~

11 (n) (1) This section does not authorize a local authority to enact
12 or enforce an ordinance or resolution that establishes a violation
13 if a violation for the same or similar conduct is provided in this
14 code, nor does it authorize a local authority to enact or enforce an
15 ordinance or resolution that assesses a fine, penalty, assessment,
16 or fee for a violation if a fine, penalty, assessment, or fee for a
17 violation involving the same or similar conduct is provided in this
18 code.

19 (2) This section does not preclude a local authority from enacting
20 parking ordinances pursuant to existing authority in Chapter 9
21 (commencing with Section 22500) of Division 11.

22 ~~(p)~~

23 (o) (1) Regulating advertising signs on motor vehicles parked
24 or left standing upon a public street. The ordinance or resolution
25 may establish a minimum distance that the advertising sign shall
26 be moved after a specified time period.

27 (2) Paragraph (1) does not apply to any of the following:

28 (A) Advertising signs that are permanently affixed to the body
29 of, an integral part of, or a fixture of a motor vehicle for permanent
30 decoration, identification, or display and that do not extend beyond
31 the overall length, width, or height of the vehicle.

32 (B) If the license plate frame is installed in compliance with
33 Section 5201, paper advertisements issued by a dealer contained
34 within that license plate frame or any advertisements on that license
35 plate frame.

36 (3) As used in paragraph (2), "permanently affixed" means any
37 of the following:

38 (A) Painted directly on the body of a motor vehicle.

39 (B) Applied as a decal on the body of a motor vehicle.

(C) Placed in a location on the body of a motor vehicle that was specifically designed by a vehicle ~~manufacturer~~ *manufacturer*, as defined in Section ~~672~~ 672, and licensed pursuant to Section 11701, in compliance with both state and federal law or guidelines, for the express purpose of containing an advertising sign.

SEC. 2. Section 24008 of the Vehicle Code is repealed.

~~24008. It is 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.~~

REVISIONS:

Heading—Line 5.