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AB-436 Vehicles. (2023-2024)

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CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

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, Stephanie Nguyen, Rodriguez, Wicks, Aguiar-Curry, Kalra, and Pacheco*)

February 06, 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 Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 21100 of the Vehicle Code is amended to read:

21100. Local authorities may adopt rules and regulations by ordinance or resolution regarding all of the following matters:

- (a) Regulating or prohibiting ~~processions or assemblages~~ *a procession or assemblage* on the highways.
- (b) Licensing and regulating the operation of vehicles for hire and drivers of passenger vehicles for hire.
- (c) Regulating traffic by means of traffic officers.
- (d) Regulating traffic by means of official traffic control devices meeting the requirements of Section 21400.
- (e) (1) Regulating traffic by means of a person given temporary or permanent appointment for that duty by the local authority when official traffic control devices are disabled or otherwise inoperable, at the ~~scenes of accidents or disasters~~, *scene of an accident or disaster*, or at ~~locations as a location that~~ may require traffic direction for orderly traffic flow.

(2) A person shall not be appointed pursuant to this subdivision unless and until the local authority has submitted to the commissioner or to the chief law enforcement officer exercising jurisdiction in the enforcement of traffic laws within the area in which the person is to perform the duty, for review, a proposed program of instruction for the training of a person for that ~~duty~~, *duty* and unless and until the commissioner or other chief law enforcement officer approves the proposed program. The commissioner or other chief law enforcement officer shall approve a proposed program if ~~he or she~~ *they* reasonably ~~determines~~ *determine* that the program will provide sufficient training for persons assigned to perform the duty described in this subdivision.
- (f) Regulating traffic at the site of road or street construction or maintenance by ~~persons~~ *a person* authorized for that duty by the local authority.
- (g) (1) Licensing and regulating the operation of tow truck service or tow truck drivers whose principal place of business or employment is within the jurisdiction of the local authority, excepting the operation and operators of any auto dismantlers' tow vehicle licensed under Section 11505 or any tow truck operated by a repossessing agency licensed under Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code and its registered employees.

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

(3) This subdivision does not limit the authority of a city or city and county pursuant to Section 12111.
- (h) Operation of ~~bicycles~~, *bicycles* and, as specified in Section 21114.5, electric carts by physically disabled persons, or persons 50 years of age or older, on public sidewalks.
- (i) Providing for the appointment of nonstudent school crossing guards for the protection of persons who are crossing a street or highway in the vicinity of a school or while returning thereafter to a place of safety.
- (j) Regulating the methods of deposit of garbage and refuse in streets and highways for collection by the local authority or by any person authorized by the local authority.

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

~~(2)The ordinance or resolution adopted pursuant to this subdivision 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.~~

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

~~(A) 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 time interval.~~

~~(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.~~

~~(h)~~

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

~~(m)~~

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

~~(n)~~

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

(1) A valid California driver's license.

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

(3) A valid California identification card and proof of successful completion of the written portion of the California driver's license examination administered by the department. The department shall administer, without charging a fee, the original driver's license written examination on traffic laws and signs to a person who states that ~~he or she is, or intends~~ *they are, or intend* to become, a pedicab ~~operator~~, *operator* and who holds a valid California identification card or has successfully completed an application for a California identification card. If the person achieves a passing score on the examination, the department shall issue a certificate of successful completion of the ~~examination~~, *examination* bearing the person's name and identification card number. The certificate shall not serve in lieu of successful completion of the required examination administered as part of any subsequent application for a driver's license. The department is not required to enter the results of the examination into the computerized record of the person's identification card or otherwise retain a record of the examination or results.

~~(o)~~

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

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

~~(p)~~

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

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

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

length, width, or height of the vehicle.

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

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

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

(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.
