

**DEPARTMENT TRAFFIC COORDINATOR  
TRANSIT SERVICES BUREAU**

**NOTICE**

8.1

September 14, 2023

**TO:** All Department Personnel

**FROM:** Department Traffic Coordinator, Transit Services Bureau

**SUBJECT:** EXPRESSIVE HONKING OF THE VEHICLE HORN – SECTION 27001 OF THE CALIFORNIA VEHICLE CODE

**PURPOSE**

The purpose of this notice is to inform Department personnel of a United States Court of Appeals for the Ninth Circuit decision (Susan Porter v. Kelly Martinez, No. 21-55149) that considers whether the enforcement of Section 27001 of the California Vehicle Code (VC) relative to the “expressive use” of a vehicle’s horn violated the First Amendment of the United States Constitution.

**BACKGROUND**

The California State Legislature established the legal requirements of when a vehicle horn may be utilized. These requirements are delineated in Section 27001 VC, which states, in part:

- (a) The driver of a motor vehicle, when reasonably necessary, to insure the safe operation, shall give audible warning with their horn; and,
- (b) The horn shall not otherwise be used, except as a theft alarm system.

The adherence for this requirement is often not followed. The Ninth Circuit Court of Appeals reviewed a case to consider wherein a driver was cited for Section 27001 VC when the driver utilized the vehicle’s horn as a form of expression. This form of expression is often observed when a vehicle drives past a demonstration and honks the horn to express support for the particular cause that protestors are advocating. The Court held that the First Amendment was not violated when the driver was cited.

**PROCEDURES**

The issuance of citations for Section 27001(a) VC relative to “expressive honking” is lawful. Officers are reminded that any enforcement of “expressive honking” shall be consistent in its application and without actual or perceived bias as applied to the identity of the violator, regardless of the group protesting, or the message or viewpoint being advocated. This will ensure that vehicle stops demonstrate the tenets of procedural justice, fairness, and impartiality.

All Department Personnel

Page 2

8.1

As a reminder, traffic stops conducted for the sole purpose of enforcing VC sections are intended to protect public safety. Any stop conducted for minor equipment violators or other infractions shall only be conducted when it believed that such a violation or infraction significantly interferes with public safety.

If you have any questions, contact Traffic Coordination Section, Traffic Group, at (213) 486-0690.



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Transit Services Bureau

APPROVED:



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