SENATE COMMITTEE ON APPROPRIATIONS
Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 1546 (Schultz) - Vehicles: driving under the influence

Version: January 5, 2026
Urgency: No
Hearing Date: August 3, 2026
Policy Vote: PUB. S. 6 - 0
Mandate: Yes
Consultant: Bob Franzoia

Bill Summary: AB 1546 would increase the penalty for a driving under the influence (DUI) conviction with two prior convictions from a misdemeanor to a wobbler and increases the penalty for a DUI with four or more priors from a wobbler to a felony.

Fiscal Impact: Potentially major costs to the counties to incarcerate if punishment increases from a one year misdemeanor sentence to a wobbler or to a jail felony punishable by 16 months, two years, or three years and by a fine of $390 to $1,000. The average annual cost to incarcerate one person in county jail is approximately $80,000. In 2021 Los Angeles County budgeted $1.3 billion for jail costs with $90,000 per incarcerated person. Actual incarceration costs to counties will depend on the number of convictions and the length of each sentence. Generally, county incarceration costs are not reimbursable state mandates pursuant to Proposition 30 (2012).

Potentially significant costs to the courts to adjudicate new penalties. An eight-hour court day costs approximately $10,500 based on the hourly rate of court personnel including at minimum the judge, clerk, bailiff, court reporter, jury administrator, administrative staff, and jury per-diems. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would increase pressure to fund additional staff and resources. The FY 2026-27 Budget appropriated $70 million General Fund for this purpose (Trial Court Trust Fund, General Fund).

Implementation will require the Department of Motor Vehicles (DMV) to make modifications to its core legacy information technology systems to create new court suspensions and update driving records accordingly. DMV is undertaking an enterprise modernization project, and resources are fully committed to the project. Coordinating implementation of this bill within the project could delay implementation and/or increase costs by requiring the services needed to be built outside the core legacy system.

The Motor Vehicle Account (MVA), the primary funding account for the DMV and the California Highway Patrol, is facing insolvency. The LAO has noted that, “Until a plan is put in place to address MVA’s structural deficit, we recommend the Legislature set a high bar for considering approval of any proposals that create additional MVA cost pressures and accelerate the risk of insolvency.” The proposed Governor’s FY 2026-2027 Budget currently projects that the MVA will be insolvent as soon as FY 2028-29.

Proposed Law: This bill increases the punishment for a person convicted of a DUI with two priors within 10 years of the current offense, from a misdemeanor to a wobbler, punishable either as a misdemeanor by imprisonment for 120 days to one year in county jail or as a jail-eligible felony by 16 months, two years, or three years, and by a fine of $390 to $1,000.

This bill increases the punishment and associated criminal sanctions for a person convicted of a DUI with four or more priors within 10 years of the current offense, as follows:

1) Increases the punishment from a wobbler to a jail felony, punishable by 16 months, two years, or three years, and by a fine of $390 to $1,000.

2) Extends the license revocation period from four years to five years, as specified.

3) Extends the ignition interlock device (IID) installation mandate from three years to four years.

This bill clarifies that the punishment and associated criminal sanctions that apply to a DUI with three or more priors apply only to a DUI with three priors.

Related Legislation: SB 907 (Archuleta) subjects a person convicted of a specified felony impaired driving crime to a three-year sentence enhancement for each prior specified impaired driving conviction, increases the punishment for fleeing the scene of an accident for a person with a prior specified driving conviction, and expands the circumstances when a court must issue a Watson Advisement. SB 907 is pending in the Assembly Appropriations Committee.

Staff Comments: The bill would require the person to install the IID for a term of 36 months if the conviction occurred within 10 years of three specified prior DUI violations. If the conviction occurred within 10 years of four or more specified prior DUI violations, the person would be required to install the IID for a term of 48 months. The bill would revoke the driver license of specified repeat offenders for five years.

Implementation would require DMV to make modifications to its core legacy systems to create a new permissive license revocation and restricted license program. DMV cannot complete the required programming by January 1, 2027. Any change to, or expansion of, functionality jeopardizes continuity of services, systems, data integrity, and costs. DMV has instituted a containment strategy designed to limit changes to the legacy system or risk catastrophic system failure and is undertaking an Enterprise Modernization Project – the Digital eXperience Platform Project (DXP), and resources are fully committed to the project. Coordinating implementation of this bill within DXP might delay bill implementation and/or increase DXP Platform costs. Most changes to DMVs services will have to be built outside the core legacy system. If the department is required to implement this bill by January 1, 2027, the department will be required to build a temporary solution outside of the core legacy systems. Programming outside the core legacy systems will be costly, redundant, and will require the department to acquire new technology and services. Acquiring new technology and services will require approval and the bill provides no funding for these implementation efforts, which would place additional pressure on the Motor Vehicle Account (MVA), the department's primary funding source, which is projected to become insolvent as early as FY 2028–29.