

## ASSEMBLY THIRD READING

AB 1662 (Wilson)

As Amended May 18, 2026

Majority vote

**SUMMARY**

Provides that if a defendant's case is dismissed because they completed misdemeanor diversion and the case involved a violation that ordinarily requires points to be added to the defendant's driving record, the Department of Motor Vehicles (DMV) must assess points on the defendant's driving record.

**Major Provisions**

- 1) Provides that if a court dismisses a defendant's case because the defendant completes court-initiated misdemeanor diversion, and the case includes a specified violation, which, ordinarily, requires points to be added to the defendant's driving record, then the court shall nonetheless transmit that information to the DMV, and the DMV shall assess points on the defendant's driving record.
- 2) Requires a court to submit the information in the same manner and format in which it submits information of a conviction of a traffic violation.

**COMMENTS****According to the Author**

"When serious driving offenses disappear from the record, the public pays the price. AB 1662 closes a loophole that previously let individuals avoid points on their driving record if their case was dismissed through diversion. This bill ensures dangerous conduct is counted, not covered up."

**Arguments in Support**

According to the *California Police Chiefs Association*, "AB 1662 would ensure that traffic safety accountability is preserved when a misdemeanor diversion results in dismissal of a case involving a point-assessable driving offense."

"Under current law, drivers who successfully complete diversion under Penal Code Section 1001.95 may avoid a criminal conviction; however, dismissal of these cases can also result in the DMV not assessing violation points that are otherwise critical to maintaining accurate driver safety records. AB 1662 clarifies that when a court dismisses a qualifying misdemeanor following diversion, the DMV must still assess the applicable violation points."

"This measure strengthens California's traffic safety framework by ensuring that serious driving conduct remains reflected in a driver's official record for purposes of negligent operator determinations and license suspension. Without this clarification, diversion may unintentionally undermine the integrity of the state's point system and weaken deterrence for repeat or dangerous drivers. Maintaining accurate driving histories is essential to protecting the public and preventing recidivism on California roadways."

### **Arguments in Opposition**

According to *Western Center on Law and Poverty*, "If AB 1662 is passed, people who are charged with driving-related offenses and complete a diversion program would, nonetheless, be assessed points on their license, as though they were convicted. Western Center opposes AB 1662 because it punishes legally innocent people for a crime they were never convicted of."

"Diversion is an "exit ramp" to the criminal legal system – which "minimize[s] people's exposure to the criminal legal system." Pretrial diversion programs allow people charged with crimes to complete a rehabilitation program in lieu of prosecution. Upon successful completion of the program, the judge dismisses their case. Under California Penal Code section 1001.95, judges have the discretion to offer diversion to people charged with most misdemeanors. Diversion is a crucial criminal justice tool: it can clear court calendars and reduce jail and prison overcrowding. Diversion also advances public safety – research shows that diversion programs cut recidivism by half. Policies that weaken or remove these incentives to complete diversion programs undermine these benefits, harming people charged with crimes, straining an already overburdened criminal legal system, and diminishing public safety."

"Receiving points on a driving record can have devastating consequences for low-income Californians and their families, including increased costs of insurance and even the loss of a driver's license. The loss of a driver's license is a major threat to economic security, particularly for low-income Californians and their families:"

"Numerous studies have found a direct correlation between driving and employment. A task force report to the Governor of New Jersey cited a survey of suspended drivers conducted by Rutgers University researchers, which found that following a license suspension, 42% of people lost their jobs as a result of the suspension. Of those who lost their jobs, 45% could not find another job, and this effect was most pronounced for seniors and low-income people. Of those who were able to find new employment, 88% reported decreased wages."

"People who successfully complete diversion programs are legally innocent. They have not been convicted of any crime. Punishing people who complete diversion cuts against the presumption of innocence that lies at the core of the United States criminal legal system."

"Finally, this legislative session there are numerous efforts to reform and update (Driving Under the Influence )DUI laws in California. We strongly believe that a broader discussion on existing DUI statutes should take place among key legislators and a wide array of stakeholders in order to possibly identify a more comprehensive and balanced approach to the larger policy issue. We encourage this author and others to help bring us together for this convening."

### **FISCAL COMMENTS**

According to the Assembly Appropriations Committee, "Costs of an unknown, but potentially significant amount to the Department of Motor Vehicles (DMV) (Motor Vehicle Account). According to the DMV, it does not currently receive data on dismissed violations from the courts, for diversion or otherwise. The DMV notes that implementation would require the DMV to modify its core legacy systems to receive, maintain, and disclose diversion information. The DMV reports that it may have further costs to the extent it may be required to hold hearings for drivers prior to the assessment of points on their license or any subsequent licensing action based on a dismissed violation. The DMV is unaware of the number of violations dismissed under Penal Code section 1001.95 that would be reported to the DMV."

"The department 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 increase DXP Platform costs. Most changes to the department's 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 DMV will be required to build a temporary solution outside of the core legacy system. Programming outside the core legacy system will be costly and redundant, and will require the DMV to acquire new technology and services. Acquiring new technology and services will require Project Approval Lifecycle Information Technology Project approval.

"The bill contains no cost recovery for implementation efforts. The Motor Vehicle Account (MVA), the primary funding account for the California Highway Patrol and the DMV is facing insolvency. In a report, the LAO 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." In the Governor's proposed 2026-2027 budget, the Governor stated that, "the Budget currently projects that the MVA will be insolvent as soon as 2028-29. Given the ongoing fiscal constraints in the MVA, the Administration will continue to limit new workload or initiatives, including those with delayed implementation dates that would create additional cost pressures over time."

"The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year beginning in the 2027-28 fiscal year."

## VOTES

### **ASM PUBLIC SAFETY: 8-0-1**

**YES:** Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Ramos, Wilson

**ABS, ABST OR NV:** Nguyen

### **ASM TRANSPORTATION: 16-0-0**

**YES:** Wilson, Davies, Aguiar-Curry, Ahrens, Carrillo, Harabedian, Hart, Hoover, Jackson, Lackey, Macedo, Papan, Ransom, Rogers, Sharp-Collins, Ward

### **ASM APPROPRIATIONS: 11-0-4**

**YES:** Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

**ABS, ABST OR NV:** Hoover, Dixon, Ta, Tangipa

## UPDATED

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