

Date of Hearing: March 24, 2026

Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 1685 (Lackey) – As Introduced February 2, 2026

**As Proposed to be Amended in Committee**

**SUMMARY:** Increases the number of points that must be added to a person’s driving record, from two to three, for the crimes of gross vehicular manslaughter and vehicular manslaughter for financial gain.

**EXISTING LAW:**

- 1) Establishes the crime of gross vehicular manslaughter as follows:
  - a) Defines this offense to mean driving a vehicle in the commission of an unlawful act, not amounting to a felony, and with gross negligence, or driving a vehicle in the commission of a lawful act which might produce death, in an unlawful manner, and with gross negligence. (Pen. Code, § 192, subd. (c)(1).)
  - b) Makes this crime an alternate felony-misdemeanor (hereafter, “wobbler”), punishable by imprisonment in a county jail for up to one year or by imprisonment in state prison for two, four, or six years, and by a three-year license revocation. (Pen. Code, § 193, subd. (c)(1); Veh. Code, § 13351, subd. (a)(1).)
- 2) Establishes the crime of vehicular manslaughter for financial gain, as follows:
  - a) Defines this offense as driving a vehicle in connection with a violation of knowingly causing or participating in a vehicular collision for the purpose of presenting any false or fraudulent claim, where the collision was knowingly caused for financial gain and proximately resulted in the death of any person. (Pen. Code, § 192, subd. (c)(3).)
  - b) Makes this crime a felony punishable by four, six, or 10 years in state prison, and by a three-year license revocation. (Pen. Code, § 193, subd. (c)(3); Veh. Code, § 13351, subd. (a)(1).)
- 3) Establishes the crime of vehicular manslaughter without gross negligence, as follows:
  - a) Defines this offense to mean driving a vehicle in the commission of an unlawful act, not amounting to a felony, but without gross negligence, or driving a vehicle in the commission of a lawful act which might produce death, in an unlawful manner, but without gross negligence. (Pen. Code, § 192, subd. (c)(2).)
  - b) Makes this crime a misdemeanor punishable by up to one year in a county jail, and up to a six or 12-month license suspension, as specified, at the discretion of the Department of

Motor Vehicles (DMV). (Pen. Code, § 193, subd. (c)(2); Veh. Code, §§ 13361, subd. (c); 13556, subd. (a).)

- 4) Authorizes the DMV to suspend, revoke, or refuse to issue a driver's license if a person accumulates a certain number of points on their driving record, as follows:
  - a) Provides that a person whose driving record shows a violation point count of four or more points in 12 months, six or more points in 24 months, or eight or more points in 36 months shall be prima facie presumed to be a negligent operator of a motor vehicle, except as otherwise specified. (Veh. Code, § 12810.5, subds. (a) & (b).)
  - b) Requires the DMV, in making a negligent operator determination, to give due consideration to the amount of use or mileage traveled in the operation of a vehicle if the person requests and appears at a DMV hearing. (Veh. Code, § 12810.5, subd. (a).)
  - c) Authorizes the DMV to require a negligent operator whose driving privilege is suspended or revoked to submit proof of financial responsibility, as specified. (Veh. Code, § 12810.5, subd. (c).)
  - d) Authorizes the DMV to suspend or revoke the privilege of any person to operate a vehicle upon any grounds that authorizes the refusal to issue a license, including when a person is deemed a negligent operator. (Veh. Code, §§ 13359, 12809, subd. (e).)
  - e) Authorizes the DMV to refuse to issue or renew a driver's license if the DMV determines the applicant is a negligent or incompetent operator of a vehicle. (Veh. Code, § 12809, subd. (e).)
  - f) Provides that whenever the DMV has discretionary authority to suspend or revoke the privilege of a person to operate a vehicle, the DMV may in lieu of suspension or revocation, place the person on probation, as specified, and issue a restricted driver's license as a condition of probation where that person is presumed to be a negligent operator. (Veh. Code, §§ 14250, 12812.)
  - g) Provides that the point count, for purposes of determining if a driver is a negligent operator, is determined as follows:
    - i) Violations that receive one point:
      - (1) Any traffic conviction involving the safe operation of a vehicle upon the highway, except as specified. (Veh. Code, § 12810, subd. (f).)
      - (2) A traffic accident in which the DMV deems the operator responsible. (Veh. Code, § 12810, subd. (g).)
      - (3) A conviction for failing to properly secure a child under eight years old in a rear seat in an appropriate child passenger restraint system, as specified. (Veh. Code, § 12810, subd. (h).)

- (4) A conviction for transporting a child between eight and 16 years old, without properly securing that child in an appropriate child passenger restraint system, as specified. (Veh. Code, § 12810, subd. (h).)
- ii) Convictions that receive two points:
- (1) Intoxicated vehicular manslaughter, without gross negligence. (Veh. Code, § 12810, subd. (d)(1).)
  - (2) Vehicular manslaughter, with or without gross negligence, and vehicular manslaughter for financial gain. (Veh. Code, § 12810, subd. (d)(1).)
  - (3) A hit and run resulting in only property damage, or a hit and run resulting in injury or death to another person. (Veh. Code, § 12810, subd. (a).)
  - (4) Driving under the influence (DUI), DUI causing bodily injury to another, or driving a vehicle with a blood alcohol content (BAC) of .05 or more, for a person under the age of 21, even where a chemical test was not made to determine that person's BAC, as specified. (Veh. Code, § 12810, subs. (b) & (d)(2).)
  - (5) Reckless driving. (Veh. Code, § 12810, subd. (c).)
  - (6) Fleeing or attempting to elude a peace officer where the pursued vehicle is driven in willful or wanton disregard for the safety of persons or property, including where this offense causes serious bodily injury or death. (Veh. Code, § 12810, subd. (d)(1).)
  - (7) Driving a vehicle upon a highway, except to the right of an intermittent barrier or dividing section which separates two or more lanes of opposing traffic. (Veh. Code, § 12810, subd. (d)(1).)
  - (8) Driving a vehicle on a highway at a speed greater than 100 miles per hour. (Veh. Code, § 12810, subd. (d)(1).)
  - (9) Engaging in a motor vehicle speed contest or exhibition of speed or aiding and abetting a motor vehicle exhibition of speed. (Veh. Code, § 12810, subd. (d)(1).)
  - (10) Engaging in a motor vehicle speed contest that proximately causes specified injuries to another person. (Veh. Code, § 12810, subd. (d)(1).)
  - (11) Driving on a highway for the purpose of transporting explosives, except as specified. (Veh. Code, § 12810, subd. (d)(1).)
  - (12) Driving on a suspended or revoked license, driving on a license that was suspended or revoked due to a DUI, DUI causing bodily injury, reckless driving, or refusal or failure to complete a chemical test or alcohol screening test, or accumulating a driving record that results from driving when a person has a suspended or revoked license. (Veh. Code, § 12810, subd. (e).)

- iii) Provides that a conviction for only one violation arising from one occasion of arrest or citation shall be counted in determining the violation point count. (Veh. Code, § 12810, subd. (j).)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

- 1) **Author's Statement:** According to the author, “As a CHP officer, I have stood on the side of the road with families who have just lost loved ones to drunk drivers. Those scenes will never leave me. We owe it to those families to hold repeat offenders accountable. AB 1685 does this by increasing the points for vehicular manslaughter and vehicular manslaughter while intoxicated from two to three points, bringing repeat offenders one step closer to license suspension.”
- 2) **Driving Record Points and Related Sanctions:** If a driver accumulates four or more points in 12 months, six or more points in 24 months, or eight or more points in 36 months, they shall be prima facie presumed to be a negligent operator of a vehicle. (Veh. Code, § 12810.5, subds. (a) & (b).) This authorizes the DMV to suspend or revoke the negligent operator’s driving privilege or refuse to issue or renew their driver’s license. (Veh. Code, §§ 12809, subd. (e), 13359). The DMV may, instead of suspension or revocation, place the person on probation, as specified, and issue a restricted driver’s license as a condition of probation. (Veh. Code, §§ 14250, 12812.) Whether a negligent operator’s license will be suspended, and for how long, is primarily determined by the DMV, not by statute. In practice, a driver who accumulates the point levels described above will typically be subject to a one-year probationary period that includes a six-month suspension.<sup>1</sup>

According to the DMV, if a person is deemed a negligent operator, there are four levels of Negligent Operator Treatment System (NOTS) actions.<sup>2</sup> Level I – if a person receives two points within 12 months, four within 24 months, or six within 36 months, they will receive a warning letter.<sup>3</sup> Level II – if a person receives three or more points within 12 months, five or more within 24 months, or seven or more within 36 months, they will receive a notice of intent to suspend their license.<sup>4</sup> Level III is the point total that establishes a person as a prima facie negligent operator pursuant to Vehicle Code 12810.5. Here, if a person receives four points within 12 months, six within 24 months, or eight within 36 months, that person will receive a one-year probation that includes a six-month license suspension.<sup>5</sup> The action is effective 34 days from the date the order is mailed.<sup>6</sup> Additionally, under Level IV, if a person who is on NOTS probation receives a violation while operating a vehicle or is involved in a collision, regardless of fault, then an additional six-month suspension shall be imposed, and the probation will be extended for one year from the violation of probation.<sup>7</sup>

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<sup>1</sup> DMV, *Negligent Operator Actions* <<https://www.dmv.ca.gov/portal/driver-education-and-safety/dmv-safety-guidelines-actions/negligence/negligent-operator-actions/>> [as of Feb. 19, 2026].

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

Certain traffic violations and crimes add points to a person's driving record, which can lead to that person being deemed a negligent operator. More minor offenses, such as a traffic conviction involving the safe operation of a vehicle, a traffic accident in which the DMV deems that person responsible, or failing to properly secure a child in a child passenger restraint system, receive one point. (Veh. Code, § 12810, subs. (f), (g) & (h).) More serious traffic offenses, such as any vehicular manslaughter offense, intoxicated vehicular manslaughter without gross negligence, a hit and run, DUI, DUI causing bodily injury, reckless driving, engaging in a speed contest, and driving in excess of 100 miles per hour, among others, result in two points. (Veh. Code, § 12810, subs. (a)-(d).)

Negligent operator-based suspensions are administrative in nature, are imposed at the discretion of the DMV, and are distinct from the criminal license suspensions or revocations that can result from a vehicle-related conviction. Certain criminal license revocations require the DMV to revoke a person's driver's license for one year or three years, depending on the nature of the conviction. (Veh. Code, §§ 13350, 13351.) Other convictions, such as those for a DUI or a DUI causing bodily injury, result in progressively longer license suspensions or revocations depending on the person's number of prior DUIs. (Veh. Code, § 13352.)

Many of the offenses that add points to a person's driving record carry separate, lengthier license suspensions or revocations. This is true for the offenses singled out by this bill. Gross vehicular manslaughter and vehicular manslaughter for financial gain both require a three-year license revocation. (Veh. Code, § 13351, subd. (a)(1).) These suspensions and revocations apply irrespective of the number of points on the defendant's record.

- 3) **Effect of this Bill:** Currently, the crimes impacted by this bill – gross vehicular manslaughter and vehicular manslaughter for financial gain – add two points to a person's driving record. (Veh. Code, § 12810, subd. (d)(1).) This bill increases, from two to three, the points that must be added to a person's driving record for these offenses.

Vehicle offenses that require points to be added to a person's driving record pursuant to Vehicle Code section 12810 are divided into two categories: offenses that generate one point and those that generate two points. (Veh. Code, § 12810, subs. (a)-(h).) The need to create a third category of three points is unclear. This is particularly true given that the offenses impacted by this bill already carry separate and lengthier license suspensions and revocations.

Further, this bill may create some inconsistency in the law by singling out certain crimes to receive three points, whereas other offenses that are punished similarly would continue to receive two points. Committee amendments partially remedy this issue by limiting the offenses that receive three points to some of the most severely punished offenses listed in Vehicle Code section 12810.

As previously noted, whether a traffic violation or conviction adds one or two points to a person's driving record largely depends upon the severity of the offense. (Veh. Code, § 12810.) More minor offenses, such as a traffic accident where a person was responsible, receive one point, while convictions for more serious offenses, such as a DUI, manslaughter offenses, and a hit-and-run, among others, receive two points. (Veh. Code, § 12810, subs. (a)-(h).) Gross vehicular manslaughter is a wobbler, punishable by county jail or by imprisonment in state prison for two, four, or six years. (Pen. Code, § 193, subd. (c)(1).)

Vehicular manslaughter for financial gain is a felony punishable by four, six, or 10 years in state prison. (Pen. Code, § 193, subd. (c)(3).)

The list of convictions that add two points to a person's driving record includes many crimes that may be charged as felonies. This includes numerous wobblers such as: 1) a hit and run resulting in injury or death; 2) a fourth or subsequent DUI; 3) a DUI causing bodily injury; 4) fleeing or attempting to elude a peace officer, as specified; 5) fleeing or attempting to elude a peace officer which causes serious bodily injury; 6) driving a vehicle upon a highway, except to the right of an intermittent barrier or dividing section which separates two or more lanes of opposing traffic, resulting in injury or death; and 7) engaging in a motor vehicle speed contest that proximately causes specified injuries to another person. (Veh. Code, § 12810, subds. (a)-(e).) It also includes some straight felonies, such as fleeing a peace officer that proximately causes death or a DUI causing injury to another with two or more priors. (Veh. Code, §§ 2800.3, subd. (b); 12810, subds. (b) & (d)(1); 23566.)

Notably, some of the crimes that add two points to a person's driving record are punished more severely than gross vehicular manslaughter and are punished similarly to vehicular manslaughter for financial gain. Willfully fleeing or attempting to elude a peace officer that proximately causes serious bodily injury is a wobbler punishable by up to three, five, or seven years in state prison. (Veh. Code, §§ 2800.3, subd. (a); 12810, subd. (d)(1).) If this offense proximately causes death, it is a felony punishable by four, six, or 10 years in state prison. (Veh. Code, §§ 2800.3, subd. (b); 12810, subd. (d)(1).)

Currently, under Vehicle Code section 12810, all specified convictions that may result in felony charges require the addition of two driving record points. (Veh. Code, § 12810, subds. (a)-(d).) The need to single out certain crimes to receive three points, while other crimes that are punished similarly, or more severely, would still receive two points, is unclear. This may create inconsistent treatment across comparably similar crimes.

- 4) **Argument in Support:** According to the *California District Attorneys Association*, AB 1685 “would amend Section 12810 of the California Vehicle Code to increase the violation points from two to three for convictions related to vehicular manslaughter while intoxicated or vehicular manslaughter.

“According to an ongoing CalMatters investigation, over the past decade nearly 40,000 people have died and more than 2 million have been injured on California roads. Since 2010, California has seen more than a 60% increase in traffic fatalities. Impaired driving, distracted driving, chronic speeders, and overall recklessness behind the wheel have all contributed to this disturbing increase in traffic fatalities and accidents. AB 1685 helps reverse this trend by increasing the violation points for those impaired or negligent drivers that kill behind the wheel.

“Under existing law, two violation points are imposed for those convicted of driving under the influence, reckless driving, or a hit and run. Surprisingly, however, if your impaired or reckless driving results in a fatality the penalty is the same. AB 1685 rightly recognizes that the devastation of a fatal accident warrants an escalation in violation points for those convicted of vehicular manslaughter. By increasing the violation points from two to three, AB 1685 better reflects the severity of the crime, will help accelerate license suspensions for those who pose a real and present danger on the road, and will make our roads safer.”

- 5) **Argument in Opposition:** According to the *Western Center on Law & Poverty*, “If AB 1685 is passed, people convicted of vehicular manslaughter will receive three points on their driving record, as opposed to two points. The additional point is a duplicative administrative penalty, which does not get at the root cause of unsafe driving in California.

“In California, accumulating points on one’s driving record can result in license suspension, increased insurance costs, and other administrative hurdles. A person’s license may be suspended if they accumulate four points in twelve months, six months in 24 months, or eight points in 36 months. Courts and the DMV may also suspend a person’s driving record for receiving a conviction for a number of offenses, including vehicular manslaughter. Assessing an additional point on a person’s driving record for a conviction of vehicular manslaughter is therefore duplicative.

“Further, the assessment of points and the suspension of driver’s licenses do not get at the root causes of unsafe driving. In-car safety mechanisms, such as pedestrian-crash avoidance systems and in-car speed limit warnings, and road design changes, are all proven to provide lower instances of car crashes and fewer fatalities.

“Receiving points on a driving record can have devastating consequences to 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.

“Finally, this legislative session there are numerous efforts to reform and update 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.”

6) **Related Legislation:**

- a) AB 1662 (Wilson) 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 DMV shall nonetheless assess points on the defendant’s driving record. AB 1662 is pending in the Assembly Appropriations Committee.
- b) SB 953 (Niello) would require a violation for vehicular manslaughter to be given a value of two driving record points, even if the defendant’s case is dismissed because they completed court-initiated misdemeanor diversion. SB 953 is pending a hearing in the Senate Transportation Committee.

- c) AB 1747 (Sanchez) increases the punishment for intoxicated vehicular manslaughter without gross negligence from a wobbler to a straight felony. AB 1747 is being heard in this Committee today.

**7) Prior Legislation:**

- a) AB 1087 (Patterson), Chapter 180, Statutes of 2025, increases the term of probation from two years to three to five years for a person convicted of vehicular manslaughter while intoxicated or gross vehicular manslaughter while intoxicated.
- b) AB 2823 (Patterson), of the 2023-2024 Legislative Session, was substantially similar to AB 1087. AB 2823 was never heard.
- c) AB 74 (Muratsuchi), of the 2023-2024 Legislative Session, would have added the proposed crime of knowingly attending, participating, or aiding and abetting the commission of a vehicle sideshow or street takeover to the list of convictions that require two points to be added to the defendant's driving record. AB 74 was never heard.
- d) AB 1699 (Maienschein), of the 2021-2022 Legislative Session, would have added organized retail theft involving the use or acquisition of a vehicle to the list of convictions that require one point to be added to the defendant's driving record, among other changes. AB 1699 was never heard.
- e) AB 711 (Patterson), of the 2021-2022 Legislative Session, would have added failing to provide evidence of financial responsibility for a vehicle, when demanded by a peace officer, to the list of convictions that require one point to be added to the defendant's driving record. AB 711 was never heard.
- f) AB 47 (Daly), Chapter 603, Statutes of 2019, removed the prohibition on the DMV assessing a point on a driver's license if they are convicted of a violation of operating a handheld wireless or communication device while driving and required DMV to assess a point for a second violation in three years occurring after January 1, 2021.
- g) AB 1462 (Mendoza), of the 2011-2012 Legislative Session, would have reduced worktime credits and imposed minimum mandatory fines for those convicted of specified vehicular manslaughter offenses. AB 1462 failed passage in this Committee.
- h) AB 303 (Spitzer), of the 2007-2008 Legislative Session, would have increased the penalty for vehicular manslaughter while intoxicated from a wobbler to a straight felony. AB 303 was held in the Assembly Appropriations Committee.
- i) AB 430 (Benoit), Chapter 682, Statutes of 2007, added a speed contest with specified serious injuries to the list of convictions that require two points to be added to the defendant's driving record, among other changes.
- j) AB 2669 (Krekorian), of the 2007-2008 Legislative Session, would have assigned a value of two violation points for a conviction for driving a vehicle 26 or more miles per hour

over the speed limit on a highway. AB 1669 was vetoed.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Arcadia Police Officers' Association  
Brea Police Association  
Burbank Police Officers' Association  
California Association of Drinking Driver Treatment Programs  
California Association of Highway Patrolmen  
California Association of School Police Chiefs  
California Coalition of School Safety Professionals  
California Consortium of Addiction Programs and Professionals  
California District Attorneys Association  
California Narcotic Officers' Association  
California Police Chiefs Association  
California Reserve Peace Officers Association  
California State Sheriffs' Association  
Claremont Police Officers Association  
Corona Police Officers Association  
Culver City Police Officers' Association  
Fullerton Police Officers' Association  
Los Angeles County Sheriff's Department  
Los Angeles School Police Management Association  
Los Angeles School Police Officers Association  
Mothers Against Drunk Driving  
Murrieta Police Officers' Association  
Newport Beach Police Association  
Palos Verdes Police Officers Association  
Placer County Deputy Sheriffs' Association  
Pomona Police Officers' Association  
Riverside Police Officers Association  
Riverside Sheriffs' Association  
Safety and Advocacy for Empowerment (SAFE)  
San Bernardino County  
San Diego County District Attorney's Office  
Streets are for Everyone Inland Empire  
The River's Edge Ranch  
We Save Lives  
1 Private Individual

### **Opposition**

ACLU California Action  
Center on Juvenile and Criminal Justice  
Debt Free Justice California

Ella Baker Center for Human Rights  
Initiate Justice  
Justice2jobs Coalition  
LA Defensa  
Local 148 Los Angeles County Public Defender's Union  
Western Center on Law & Poverty, INC.

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