

Date of Hearing: April 6, 2026

ASSEMBLY COMMITTEE ON TRANSPORTATION

Lori D. Wilson, Chair

AB 1685 (Lackey) – As Amended April 13, 2026

SUBJECT: Driving privilege: points

SUMMARY: Increases the number of points that must be added to a person's driving record, from one to three, for the crimes of gross vehicular manslaughter while intoxicated and requires the Department of Motor Vehicles (DMV) to keep record of the offense for 10 years.

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. (Penal Code Section (PEN) 191.5)
- 2) 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; (Vehicle Code (VEH) section 12810.5)
 - 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 12810.5)
 - 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 12810.5)
 - 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 13359, 12809)
 - 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 12809)
 - 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 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 12810)
 - (2) A traffic accident in which the DMV deems the operator responsible. (VEH 12810)
 - (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 12810)
 - (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 12810)
- ii) Convictions that receive two points:
- (1) A hit and run resulting in only property damage, or a hit and run resulting in injury or death to another person.
 - (2) 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.
 - (3) Reckless driving.
 - (4) Intoxicated vehicular manslaughter, without gross negligence.
 - (5) Vehicular manslaughter, with or without gross negligence.
 - (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.
 - (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.
 - (8) Driving a vehicle on a highway at a speed greater than 100 miles per hour.
 - (9) Engaging in a motor vehicle speed contest or exhibition of speed or aiding and abetting a motor vehicle exhibition of speed.
 - (10) Engaging in a motor vehicle speed contest that proximately causes specified injuries to another person.
 - (11) Driving on a highway for the purpose of transporting explosives, except as specified.
 - (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 12810)
- 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 12810)

FISCAL EFFECT: Unknown

COMMENTS: According to the DMV's most recent annual report on DUIs, there were 110,017 DUI arrests in 2021. Alcohol- and drug-impaired driving contributed significantly to traffic deaths and injuries in California. According to the DMV, from 1995 to 2021, 44,616 were killed in an alcohol or drug involved crash. The number of alcohol-involved crash fatalities in 2021

was the highest recorded in at least a decade, and drug-involved fatalities were the third highest in that time.

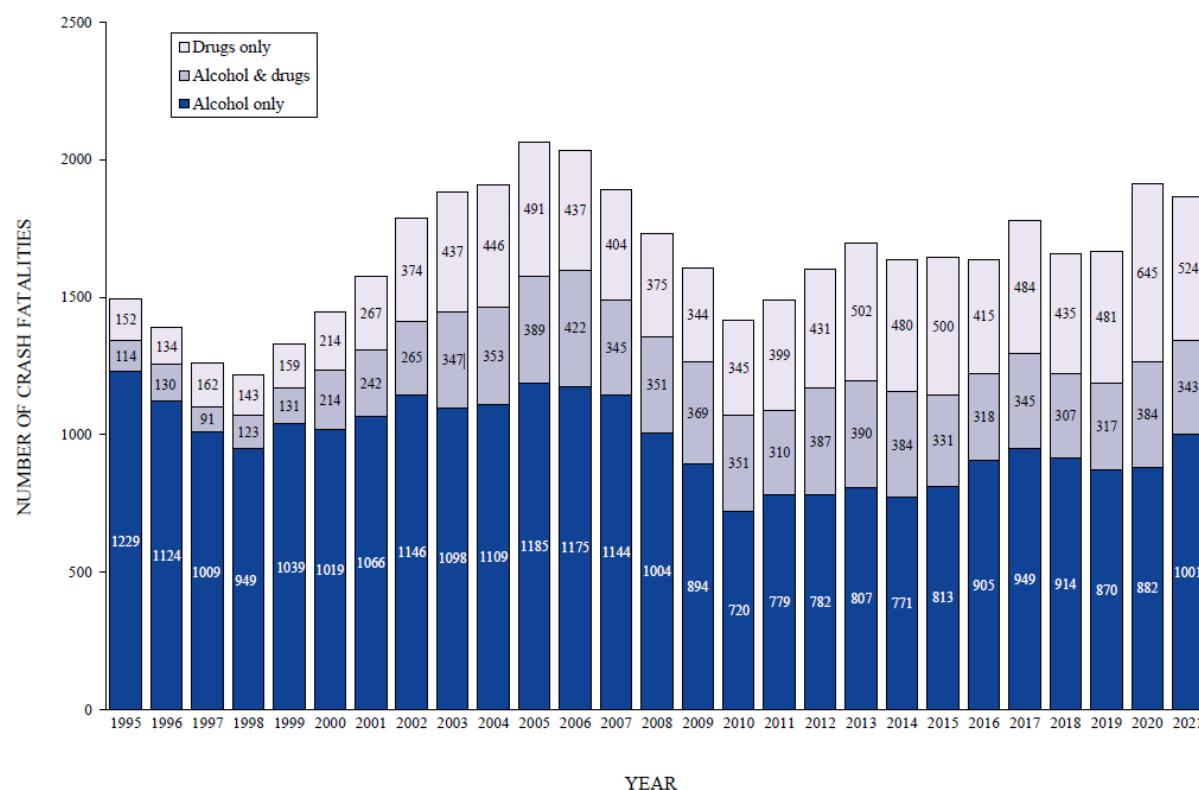


Figure 11. Alcohol- and drug-involved crash fatalities, 1995-2021.

A DUI arrest triggers two separate and parallel processes: an administrative action by DMV and a criminal case in court. Shortly after arrest, the DMV begins an administrative action based on receipt of a law enforcement Administrative Per Se (APS) report (0.08% Blood Alcohol Concentration [BAC], zero tolerance, DUI probation violation, or chemical test refusal). Upon arrest, the driver typically receives a temporary license and has 10 days to request a DMV hearing to challenge the license suspension. If no hearing is requested, or if the DMV upholds the action, a license suspension or other restriction goes into effect regardless of what happens in court. If the driver's test results showed a blood alcohol content of 0.08% or more, their license will be suspended for four months for a first offense, and a second or subsequent offense within 10 years will result in a one-year suspension. Separately, the court process determines whether the person has committed a criminal offense and a conviction may result in penalties such as fines, probation, DUI education programs, ignition interlock requirements, or incarceration.

In 2021, 102,442 APS license actions were taken, representing a 12.2% relative increase from 2020. Of these actions, 73.3% were first-offender actions and 26.7% were repeat-offender actions. From 2011 to 2021, a total of 1.425 million licenses were suspended due to an APS action. 1.2 million driver's licenses were suspended or revoked by DMV post DUI conviction.

Except for driving while using a cell phone, all moving violations are eligible for a negligent operator point for the first offense. Most offenses permit a person to take traffic violator school to avoid a point on their license if they have no prior offense on their record within the previous 18 months.

Examples of two-point misdemeanor eligible offenses include reckless driving (driving with a willful and wanton disregard for human life), motor vehicle speed contests, motor vehicle exhibitions of speed (including sideshows and street takeovers), vehicular manslaughter (where a person violated a rule of the road and as a result killed someone but lacked the intent to kill them and was not intoxicated), fleeing from a police officer, hit and run causing only property damage, and driving on a suspended or revoked driver's license. Unlike one-point offenses, two-point offenses are not eligible for traffic violator schools.

An individual is considered a negligent operator if they receive four or more points in 12 months, six in 24 months, or eight in 36 months. In addition, a minor may receive a 30-day restriction on his or her license for two points in 12 months, or a suspension for three points in 12 months. Commercial drivers are allowed to receive two additional points; a violation received while using a commercial vehicle carries 1.5 times the point count normally assessed. Except for DUIs, points remain on record for a total of 36 months.

The DMV sends out a series of warning letters once a person gets close to a driver's license suspension because of negligent operator points.

According to a DMV-commissioned report, *The Effectiveness of Theory Based Letters: An Evaluation of California's Negligent Operator Treatment System's Advisory Letters*, negligent operator points coupled with the warning letters have had a statistically significant reduction in traffic collisions. Level 1 warning letters, which are sent out when a person is two points away from having their license suspended, achieved a 4.6% reduction in crash-involved drivers. Level 2 warning letters, which are sent out when a person is one point away from a driver's license suspension, achieved an 8.0% reduction in crash-involved drivers.

Under existing law, vehicular manslaughter while intoxicated carries two points on your license and stays on your record for seven years. However, gross vehicular manslaughter while intoxicated, the more serious offense, only carries one negligent operator point. Gross vehicular manslaughter requires a person to have been intoxicated and operate the vehicle in an unlawful manner with gross negligence. Gross negligence may include participation in a sideshow, engaging in a motor vehicle speed contest, or speeding over 100 miles per hour. Under the Judicial Council of California Criminal Jury Instructions, "Gross negligence involves more than ordinary carelessness, inattention, or mistake in judgment. A person acts with gross negligence when:

- “1. He or she acts in a reckless way that creates a high risk of death or great bodily injury; and
2. A reasonable person would have known that acting in that way would create such a risk.

In other words, a person acts with gross negligence when the way he or she acts is so different from the way an ordinarily careful person would act in the same situation that his or her act amounts to disregard for human life or indifference to the consequences of that act.”

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 gross vehicular manslaughter from two to three points, bringing repeat offenders one step closer to license suspension.”

The California Police Chiefs, *writing in support of this bill*, argue “AB 1685 makes a targeted and important improvement to California law by increasing the number of Department of Motor Vehicles (DMV) violation points assessed for convictions of vehicular manslaughter, including those involving intoxication, from two points to three. This change ensures that individuals responsible for the most severe and often fatal consequences of impaired driving are more quickly subject to license suspension or revocation.

“Current law does not adequately distinguish between levels of harm. As noted in recent policy discussions, California assigns the same number of points for a fatal vehicular manslaughter incident as it does for less serious driving offenses, including non-injury DUI-related violations. AB 1685 corrects this imbalance by appropriately elevating the consequences for conduct that results in loss of life.” (March 5 version of the bill)

Debt Free Justice California, writing in opposition to this bill, argues “On behalf of Debt Free Justice California (DFJC) we write in respectful opposition to AB 1685. DFJC is a statewide coalition focused on ending the ways in which the criminal legal system extracts wealth and resources from people and communities. 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 causes of unsafe driving in California.

“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, speed limiters, in-car speed limit warnings, and road design changes, are all proven to provide lower instances of car crashes and fewer fatalities.

“In contrast, no evidence similarly shows that adding driving record points improves safety. In California, accumulating points on one’s driving record can result in license suspension, increased insurance costs, and other administrative hurdles.² 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.³ Courts and the DMV may also suspend a person’s driving record for receiving a conviction for a number of offenses, including vehicular manslaughter.⁴ Assessing an additional point on a person’s driving record for a conviction of vehicular manslaughter is therefore duplicative.

“Further, 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.”

Committee comments. This bill would become the first three-point violation under California law. Like a DUI, the three points would stay on a person’s license for 10 years. Should the person receive a single negligent operator point after that, their license may be suspended again for an additional six months. Single point violations, like speeding or failing to signal, are eligible for traffic violator school every 18 months, so a person may still need two traffic convictions before their license is suspended again. Under existing law, a person’s license is revoked for three years for the violation covered under this bill. However, a person can still receive a restricted license should they comply with the state’s ignition interlock device requirements.

Related and previous legislation. AB 1748 (Sanchez) of 2026 increases the length of the driver's license suspensions and revocations that apply to a conviction for a DUI or a conviction for a DUI causing bodily injury. AB 1748 died in Assembly Public Safety Committee.

AB 1546 (Schultz) of 2026 increases the punishment for a DUI with two priors from a misdemeanor to a wobbler and increases the punishment for a DUI with four or more priors from a wobbler to a straight felony and increases the license revocation period for a DUI with four or more priors from four years to five years, among other changes. AB 1546 is pending a hearing in the Assembly Appropriations Committee.

AB 1874 (Wilson) of 2026 provides that when a court imposes a suspension or revocation of a person's driver's license as part of a criminal sentence, the period of suspension or revocation shall commence upon the person's release from custody. AB 1874 is pending a hearing in Assembly Appropriations Committee.

AB 1723 (Ellis) of 2026 specifies that the "date of revocation," for purposes of the prohibition against the DMV reinstating a person's driving privilege until the expiration of three years after the date of revocation, for persons convicted of certain vehicle-related crimes, means the date the DMV revokes a person's privilege to drive a motor vehicle, as specified, and not the date of conviction. AB 1723 is pending a hearing in the Assembly Transportation Committee.

AB 401 (Flora) of the 2019-2020 Legislative Session would have made a DUI conviction that occurs within 10 years after four or more previous specified convictions, only punishable as a felony, among other changes. AB 401 failed passage in Public Safety Committee.

AB 2337 (Linder), of the 2013-2014 Legislative Session, would have extended, by one year, the revocation period of an individual's driver's license if they were convicted of a hit-and-run accident in which another individual is killed or seriously injured. AB 2337 was vetoed.

AB 1104 (Pan), of the 2011-2012 Legislative Session, would have required, rather than allowed, driver's license revocations for specified DUIs to be delayed until offenders are released from prison or county jail. AB 1104 was never heard in the Assembly Appropriations Committee.

AB 1601 (Hill), Chapter 301, Statutes of 2010, permits a court to order a 10-year revocation of a driver's license for a person convicted of three or more separate DUIs.

AB 2258 (Benoit), of the 2005-2006 Legislative Session, would have created an alternate misdemeanor-felony and mandatory jail time for a fourth offense of driving on a suspended license, and required a four-year license revocation for this offense, as specified. AB 2258 failed passage in Assembly Public Safety Committee.

SB 1694 (Torlakson), Chapter 550, Statutes of 2004, increased, from seven to 10 years, the "washout" period in which a person convicted of DUI would no longer be subject to increased penalties for having a prior specified DUI.

AB 4 (Bogh) of the 2004-2005 Legislative Session would have permanently revoked the driver's license of a person convicted of a third or subsequent violation of specified DUI provisions. AB 4 was held in the Assembly Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:**Support**

American Medical Response West
Arcadia Police Officers' Association
Association for Los Angeles Deputy Sheriffs
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 Peace 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
League of California Cities
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
Peace Officers Research Association of California
PeopleForBikes
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside County District Attorney
Riverside Police Officers Association
Riverside Sheriffs' Association
Safety and Advocacy for Empowerment
San Diego County District Attorney's Office
Streets are for Everyone
Streets are for Everyone Inland Empire
Streets for All
The River's Edge Ranch
We Save Lives

Opposition

ACLU California Action

Analysis Prepared by: David Sforza / TRANS. / (916) 319-2093