

Date of Hearing: May 6, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

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

Policy Committee:	Public Safety	Vote:	8 - 0
	Transportation		15 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill 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.

FISCAL EFFECT:

Implementation would require the DMV to make modifications to its core legacy system to assign three Negligent Operator Treatment System (NOTS) points to Penal Code Section 191.5(a) convictions and retain them on the driving record for 10 years. The DMV has not reported a cost associated with making this modification, but reports that it cannot complete the required programming by the January 1, 2027, operative date.

According to the DMV, its core systems technology has reached its outer limits. Any change to, or expansion of, functionality jeopardizes continuity of services, systems, data integrity, and costs. The DMV has instituted a containment strategy designed to limit changes to the legacy system or risk catastrophic system failure.

The DMV 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 DMV’s services will have to be built outside the core legacy system. If the DMV is to implement this bill by January 1, 2027, it reports that it will be required to build a temporary solution outside of the core legacy system. Programming outside the core legacy system will be costly, redundant, and will require the department 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, the primary funding account for the California Highway Patrol and the department 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.”

COMMENTS:

1) **Purpose.** 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) **Background.** The DMV will, generally, assign one or more “negligent operator points” to the driver license of a person convicted of certain moving traffic violations. Accumulation of points may result in DMV restricting or suspending a person’s driver license. 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. Most driving offenses in the vehicle code are a single point. The two-point violations are generally misdemeanor offenses but include many crimes that may be charged as felonies. This includes numerous wobblers such as: (a) a hit and run resulting in injury or death; (b) a fourth or subsequent DUI; (c) a DUI causing bodily injury; (d) fleeing or attempting to elude a peace officer, as specified; (e) fleeing or attempting to elude a peace officer which causes serious bodily injury; (f) 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 (g) engaging in a motor vehicle speed contest that proximately causes specified injuries to another person. 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. Under existing law, vehicular manslaughter while intoxicated carries two points on a driver’s license and stays on a driving 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.

This bill would change that by making gross vehicular manslaughter a three-point violation—the very first of its kind under California law. The three points would stay on a person’s license for 10 years. As noted by the Public Safety Committee’s analysis, other crimes that carry similar or more severe sentences, such as fleeing a peace officer that proximately causes death, would remain unchanged at two points.

- 3) **Related Legislation.** AB 1687 (Lackey) imposes eight-year license revocations for drivers convicted of three or more specified impaired driving offenses within a ten-year period. The bill is pending in this committee.

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