
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 1685 **Hearing Date:** June 23, 2026
Author: Lackey
Version: April 13, 2026
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Driving privilege: points*

HISTORY

Source: Author

Prior Legislation: AB 1087 (Patterson), Ch. 180, Stats. of 2025
AB 47 (Daly), Ch. 603, Stats. of 2019
AB 430 (Benoit), Ch. 682, Stats. of 2007
AB 2669 (Krekorian), vetoed, 2008

Support: Active San Gabriel Valley; Arcadia Police Officers' Association; Bahati Foundation; Bethel Unspeakable Joy Christian Church; Bike Oven; BikeLA; Brea Police Association; Burbank Police Officers' Association; 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; Car-Lite Long Beach; Claremont Police Officers Association; Corona Police Officers Association; Culver City Police Officers' Association; Fullerton Police Officers' Association; Healthy Active Street; LA Critical Mass; League of California Cities; Liam's Life Foundation; Livable Communities Initiative; Los Angeles County District Attorney's Office; Los Angeles County Sheriff's Department; Los Angeles School Police Management Association; Los Angeles School Police Officers Association; Move LA; Move Santa Barbara County; Murrieta Police Officers' Association; Napa County Bicycle Coalition; National Coalition for Safer Roads; Newport Beach Police Association; Palos Verdes Police Officers Association; Peace Officers Research Association of California; Placer County Deputy Sheriffs' Association; Pomona Police Officers' Association; Ride of Silence; Riverside Police Officers Association; Riverside Sheriffs' Association; Safety and Advocacy for Empowerment; San Bernardino County; San Diego County District Attorney's Office; Santa Ana Police Officers Association; South Pas Active; Stop 4 Aidan; Street Racing Kills; Streets are for Everyone; Streets for All; Upland Police Officers Association; Vivid Candi; Walk 'n Rollers; Walk San Francisco

Opposition: ACLU California Action; Debt Free Justice California; Initiate Justice; Los Angeles County Public Defender's Union, Local 148

Assembly Floor Vote: 72 - 0

PURPOSE

The purpose of this bill is to increase the number of points that must be added to a person's driving record, from two to three, for gross vehicular manslaughter while intoxicated and with gross negligence.

Existing law provides that gross vehicular manslaughter while intoxicated is the unlawful killing of a human being without malice aforethought, in the driving of a vehicle, where the driving was driving under the influence, and the killing was either the proximate result of the commission of an unlawful act, not amounting to a felony, and with gross negligence, or the proximate result of the commission of a lawful act that might produce death, in an unlawful manner, and with gross negligence. Provides that gross vehicular manslaughter while intoxicated is punishable by imprisonment in the state prison for 4, 6, or 10 years. (Pen. Code, § 191.5, subs. (a), (c).)

Existing law prohibits the Department of Motor Vehicles (DMV) from issuing or renewing a driver's license to any person:

- When a license previously issued to the person has been suspended until the expiration of the period of the suspension, unless cause for suspension has been removed.
- When a license previously issued to the person has been revoked until the expiration of one year after the date of the revocation, except where a different period of revocation is prescribed by law, or unless the cause for revocation has been removed. (Veh. Code, § 12807.)

Existing law requires the DMV to check the record of the applicant for conviction of traffic violations and traffic accidents before issuing or renewing any license. (Veh. Code, § 12808.)

Existing law outlines the circumstance under which the DMV may refuse to issue or renew a driver's license to a person, including that the department has determined that the applicant is a negligent or incompetent operator of a motor vehicle. (Veh. Code, § 12809.)

Existing law provides that the following vehicle-related convictions are assigned points as follows:

- A conviction for failure to stop in the event of an accident is given a value of two points.
- A conviction for DUI is given a value of two points.
- A conviction for reckless driving is given a value of two points.
- A conviction for vehicular manslaughter while intoxicated, gross vehicular manslaughter, fleeing from an officer, driving on the wrong side of a divided highway, driving in excess of 100 miles per hour, engaging in a speed contest, engaging in a speed contest that causes an injury, or transporting an explosive is given a value of two points.
- A conviction for driving with a suspended or revoked license is given a value of two points.
- Any other traffic conviction involving the safe operation of a motor vehicle upon the highway is given a value of one point, except as provided.
- A traffic accident in which the operator is deemed by the department to be responsible is given a value of one point.
- A conviction for failing to properly secure a child is given a value of one point. (Veh. Code, § 12810.)

Existing law generally 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 is prima facie presumed to be a negligent operator of a motor vehicle. (Veh. Code, § 12810.5.)

Existing law requires, except where a specific provision of law prohibits the disclosure of records or information or provides for confidentiality, that all DMV records relating to the registration of vehicles, other information contained on an application for a driver's license, abstracts of convictions, and abstracts of accident reports required to be sent to the department in Sacramento, except as specified, are open to public inspection during office hours. (Veh. Code, § 1808, subd. (a).)

Existing law requires the DMV make available or disclose abstracts of convictions and abstracts of accident reports if the date of the occurrence is not later than the following:

- Ten years for a DUI.
- Seven years for a violation designated as two points pursuant to Section 12810, except when the violation is a DUI.
- Three years for accidents and all other violations. (Veh. Code, § 1808, subd. (b).)

Existing law requires the DMV to make available or disclose suspensions and revocations of the driving privilege while the suspension or revocation is in effect and for three years following termination of the action or reinstatement of the privilege, except as specified. (Veh. Code, § 1808, subd. (c).)

Existing law prohibits the DMV from making available or disclosing a suspension or revocation that has been judicially set aside or stayed. (Veh. Code, § 1808, subd. (d).)

Existing law requires the DMV to make available or disclose to the courts and law enforcement agencies a conviction for a "wet reckless," DUI (including boating under the influence), or gross vehicular manslaughter, for a period of 10 years from the date of the offense for the purpose of imposing mandated penalties. (Veh. Code, § 1808, subd. (f).)

Existing law requires the DMV to make available or disclose to the courts and law enforcement agencies a conviction for gross vehicular manslaughter while intoxicated, vehicular manslaughter while intoxicated, or vehicular manslaughter while operating a vessel under the influence alcohol or drugs and with gross negligence, punished as a felony, for the purpose of imposing mandated penalties. (Veh. Code, § 1808, subd. (g).)

This bill requires that a conviction for gross vehicular manslaughter while intoxicated be given a value of three points.

This bill requires the DMV to make available or disclose abstracts of convictions and abstracts of accident reports for 10 years from the date of a violation for gross vehicular manslaughter while intoxicated.

COMMENTS

1. Need For This Bill

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 while intoxicated to three points, bringing repeat offenders one step closer to license suspension.

2. Alcohol-Involved Traffic Fatalities

According to the most recent annual report on DUIs published by the California Department of Motor Vehicles (DMV), there were 110,017 DUI arrests in 2021.¹ Alcohol- and drug-impaired driving contribute significantly to traffic deaths and injuries in California. According to the California Office of Traffic Safety (OTS), 1,355 people were killed in alcohol-involved traffic crashes in 2023 in the state.² After a decade of increasing alcohol-involved crash fatalities, the latest data suggest this trend may be reversing. Like other fatal crashes, alcohol-involved crash fatalities decreased in California 4.5 percent between 2022 and 2023.³

Alcohol- and drug-involved crash fatalities (hereafter, “DUI crash fatalities”), which have historically comprised a significant portion of total crash fatalities, peaked at 2,065 in 2005, before declining to a multi-decade low of 1,416 in 2010.⁴ While DUI crash fatalities have steadily increased since then, DUI crash fatalities comprise an increasingly smaller proportion of total crash fatalities. In 2013, DUI crash fatalities were responsible for 54.7% of all crash fatalities.⁵ That percentage dropped to 41.7% in 2021—the lowest proportion of total crash fatalities since 2001.⁶

3. Driving Record Points

The DMV uses a points system to determine when a driver’s license must be suspended or revoked. 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, the driver is presumed to be a negligent operator of a vehicle. (Veh. Code, § 12810.5.) This determination 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.) In lieu of suspending or revoking a person’s license, the DMV may place the person on probation and issue a restricted driver’s license as a condition of probation. (Veh. Code, §§ 12812, 14250.) Whether a negligent operator’s license will be

¹ DMV, *32nd Annual Report of the California DUI Management Information System* (Oct. 2025), summary statistics <<https://www.dmv.ca.gov/portal/file/32nd-annual-report-dui-management-information-system-pdf>>.

² OTS, *California’s Annual Report Fiscal Year 2025* (Mar. 2026), p. 8 <https://www.ots.ca.gov/wp-content/uploads/sites/67/2026/03/FY_2025_Annual_Report_Final.pdf>; OTS, *California Traffic Safety Quick Stats* available at <<https://www.ots.ca.gov/ots-and-traffic-safety/score-card/>>.

³ OTS, *Annual Report*, *supra*, at p. 8.

⁴ DMV, *DUI Summary Statistics* <<https://www.dmv.ca.gov/portal/dmv-research-reports/research-development-data-dashboards/dui-management-information-system-dashboards/dui-summary-statistics/>>.

⁵ *Ibid.*

⁶ *Ibid.*

suspended, and for how long, is generally determined by the DMV. 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.⁷

There are four levels of Negligent Operator Treatment System (NOTS) actions.⁸ A Level I action occurs if a person receives two points within 12 months, four within 24 months, or six within 36 months, and will result in a warning letter.⁹ A Level II action occurs if a person receives three or more points within 12 months, five or more within 24 months, or seven or more within 36 months, and will result in a notice of intent to suspend the person's license.¹⁰ A Level III action is the point total that establishes a person as a prima facie negligent operator pursuant to Vehicle Code section 12810.5 (i.e., a person receives four points within 12 months, six within 24 months, or eight within 36 months). A Level III action will result in the person receiving probation for one year which includes a six-month license suspension.¹¹ Finally, under Level IV, a person on NOTS probation who receives a violation while operating a vehicle or is involved in a collision (regardless of fault) will receive an additional six-month suspension and probation will be extended for one year from the violation of probation.¹²

Certain traffic violations and crimes add points to a person's driving record, which can lead to that person being deemed a negligent operator. Less serious 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, vehicular manslaughter while intoxicated, 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 actions are administrative in nature, imposed at the discretion of the DMV, and distinct from the criminal license suspensions or revocations that can result from a vehicle-related conviction. Certain criminal convictions 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 number of prior DUIs. (Veh. Code, § 13352.)

4. Effect of This Bill

This bill requires that a conviction for gross vehicular manslaughter while intoxicated be given a value of three points for purposes of a person's driving record. This bill also requires the DMV to make available or disclose abstracts of convictions and abstracts of accident reports for 10 years from the date of a violation for gross vehicular manslaughter while intoxicated.

It is worth noting that many of the offenses that add points to a person's driving record carry separate, lengthier license suspensions or revocations, including gross vehicular manslaughter

⁷ DMV, *Negligent Operator Actions* <<https://www.dmv.ca.gov/portal/driver-education-and-safety/dmv-safety-guidelines-actions/negligence/negligent-operator-actions/>>.

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² *Ibid.*

while intoxicated. Specifically, a conviction for gross vehicular manslaughter while intoxicated requires the DMV to revoke the person's license for three years. (Veh. Code, § 13351, subd. (a)(1).) This revocation requirement applies irrespective of the number of points on the defendant's record or the point value assigned to this particular type of conviction.

5. Argument in Support

A coalition of organizations, including Streets Are For Everyone and Los Angeles Critical Mass, writes:

Current California law fails to match the severity of DUI crimes to fair consequences; a factor that impedes both offender accountability and the public safety of Californians. Today, reckless, impaired drivers who take the lives of innocent citizens can be charged with the same point reductions as those convicted of reckless driving and excessive speeding. This signals a failure in Californian public policy systems that can no longer go unchecked.

With more than 1,300 DUI-related fatalities occurring annually in California, a staggering 55% increase from data in 2014, stronger deterrence and accountability frameworks are urgently needed. California legislators have carelessly ignored the thousands of lives that are lost each year, a predictor that has allowed alcohol-related deaths to increase by more than 50% in the last decade. When policymakers repeatedly fail to address preventable traffic collisions, the #1 killer of children aged 5-14 in Los Angeles, action must be demanded. To them, the lives that have been and will continue to be lost are just numbers; to us, they are our friends, our families, and our community members. There must be change.

The state of California is devastatingly late to addressing one of its most severe problems: traffic violence. That is why we are in support of AB 1685, a bill that represents true progress towards improving roadway safety for Californians. Increasing the driver record point system from 2 to 3 for these crimes, not only removes dangerous drivers from our roads sooner, it also leads to prevention, a factor that has been explicitly acknowledged by the DMV.

AB 1685 represents both a shift of state-wide legislative priorities and a call to action that enforces consequences which meet the gravity of offender crimes. To deny the citizens of California justice, while putting innocent lives at risk by failing to enforce proper regulations and consequences, would be a failure of transportation and public safety policy.

6. Argument in Opposition

According to Debt Free Justice 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. 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, 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.

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