
SENATE COMMITTEE ON TRANSPORTATION
Senator Dave Cortese, Chair
2025 - 2026 Regular

Bill No:	AB 1685	Hearing Date:	6/30/2026
Author:	Lackey		
Version:	4/13/2026 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Isabelle LaSalle		

SUBJECT: Driving privilege: points

DIGEST: This bill increases the number of points that must be added to a person's driving record to three for the crime of gross vehicular manslaughter while intoxicated and requires the Department of Motor Vehicles (DMV) to keep record of the offense for 10 years.

ANALYSIS:

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 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.
- 3) 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)
- 4) Requires 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)

- 5) Authorizes DMV to require a negligent operator whose driving privilege is suspended or revoked to submit proof of financial responsibility, as specified. (VEH 12810.5)
- 6) Authorizes 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)
- 7) Authorizes DMV to refuse to issue or renew a driver's license if DMV determines the applicant is a negligent or incompetent operator of a vehicle. (VEH 12809)
- 8) Provides that whenever DMV has discretionary authority to suspend or revoke the privilege of a person to operate a vehicle, 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.)
- 9) Provides the point count for the purpose of determining if a driver is a negligent operator. (VEH 12810)
- 10) Requires DMV to revoke the driver's license of a person convicted of gross vehicular manslaughter while intoxicated for three years. (VEH 13351)

This bill:

- 1) Provides that for a conviction for gross vehicular manslaughter while intoxicated, DMV must impose three points on a driver's record.
- 2) Requires DMV to retain and make available a record of a conviction of gross vehicular manslaughter while intoxicated for ten years.

COMMENTS:

- 1) *Purpose of the 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) *Negligent operator points.* Negligent operator points (NOTS) are points that are added to a driver's record if law enforcement finds them responsible for a collision or traffic violation. If reports from law enforcement indicate that a driver contributed, was at fault, or was responsible for the collision or traffic violation, DMV then applies negligent operator points against their license. For example, a typical speeding violation is one point. Vehicular manslaughter is two points. Driving under the influence (DUI) is two points. NOTS actions are then based on the number of points added to a driver's record within specified time periods. The first action DMV takes is to send a warning letter. If a driver continues to accumulate points, DMV will send a notice of intent to suspend. Then, if the driver accumulates more points, their driving privilege will be suspended. For example, if you receive four points in 12 months, your driver's license will be suspended for six months.
- 3) *Impaired driving data.* According to DMV, in 2021 there were 110,017 DUI arrests in California, and 81,248 DUI convictions.¹ DUI was the second most common misdemeanor arrest in California in 2024, accounting for 18% of the state's misdemeanor arrests that year.² In 2023, DUI accounted for 19.2 percent of California's misdemeanor arrests.³ Alcohol- and drug-impaired driving contribute significantly to traffic deaths and injuries in California. According to the California Office of Traffic Safety, 1,355 people were killed in alcohol-impaired traffic crashes in 2023 in the state. Like other fatal crashes, alcohol-impaired fatalities decreased in California 4.5 percent between 2022 and 2023 while decreasing nationally by 7.6 percent in the same timeframe. In 2024, California saw 4,445 alcohol-involved fatalities and serious injuries on the roadway, as compared to 713 drug-involved fatalities and serious injuries.
- 4) *What happens when someone gets a DUI?* A DUI arrest triggers two separate and parallel processes: an administrative action by DMV and a criminal case in court. Shortly after arrest, 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 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

¹ [DUI Summary Statistics - California DMV](#)

² [Arrests in California - Public Policy Institute of California](#)

³ [Crime in California 2024](#)

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.

- 5) *Gross vehicular manslaughter while intoxicated.* Gross vehicular manslaughter while intoxicated is one of three DUI homicide crimes in California. It is a felony defined as the unlawful killing of a human being without malice aforethought, in the driving of a vehicle. It 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, speeding over 100 miles per hour, or other negligent behaviors. A first offense is punishable by imprisonment in state prison for 4, 6, or 10 years. Multiple offenses can be punished by imprisonment in the state prison for a term of 15 years to life. Furthermore, current law requires DMV to revoke the driver's license of a person convicted of gross vehicular manslaughter while intoxicated for three years.
- 6) *This bill creates a 3-point offense.* This bill would become the first three-point violation for non-commercial vehicles 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.

As mentioned, a conviction for gross vehicular manslaughter while intoxicated currently requires the DMV to revoke the person's license for three years. 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.

- 7) *Opponents question efficacy, impacts of license suspension.* Local 148, a union representing over 600 attorneys at the Los Angeles County Public Defender's Office, writes in opposition, "[h]aving a car can be the difference between keeping and losing your job. It be the difference between having access to fresh fruits and vegetables and living in a food desert. Increasing the likelihood that someone will lose their driver's license means that their ability to work will be

compromised. It will make adjustment into society incredibly difficult. It also increases the likelihood of repeated criminal justice contacts.” Opponents additionally raise concerns that NOTS points do not address the root causes of unsafe driving and suggest that the state should instead focus on infrastructure improvements and vehicle safety features to address deaths and injuries on the roadway. However, street safety advocates argue that license restriction and probation actions are proven to effectively reduce alcohol-impaired driving.⁴

8) *Double referral.* This bill was double referred to the Senate Public Safety Committee, where it passed out on a vote of 6-0 at their June 23, 2026, hearing.

RELATED/PREVIOUS LEGISLATION:

AB 1830 (Petrie-Norris) – Substantially recasts statewide penalties and licensing actions for DUI. *This bill is currently in the Senate Public Safety Committee.*

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 the court shall nonetheless transmit that information to DMV, and DMV shall assess points on the defendant’s driving record. *This bill is currently in the Senate Public Safety Committee.*

SB 953 (Niello) – Requires DMV to assess two points on a defendant’s driving record if a court dismisses a vehicular manslaughter charge after the defendant successfully completes court-ordered misdemeanor diversion. *This bill is currently in the Assembly Public Safety Committee.*

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, June 24, 2026.)

SUPPORT:

Active San Gabriel Valley
Arcadia Police Officers' Association
Bahati Foundation
Bethel Unspeakable Joy Christian Church
Bike Oven
Bikela

⁴ [DUI Countermeasure in California: What Works and What Doesn't, With Recommendations for Legislative Reform](#)

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
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
Novato Police Officers 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 (SAFE)
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 Foundation

OPPOSITION:

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

ARGUMENTS IN SUPPORT: Writing in support, the California District Attorneys Association states, “[u]nder 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 grossly negligent 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 gross 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.”

ARGUMENTS IN OPPOSITION: Writing in opposition, ACLU California Action states, “[f]urther, 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 road design changes are all proven to provide lower instances of car crashes and fewer fatalities. In contrast, no evidence similarly shows that adding points improves safety. Rather, 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.”

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