

THIRD READING

Bill No: AB 1685
Author: Lackey (R) and Petrie-Norris (D), et al.
Amended: 4/13/26 in Assembly
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 6/23/26
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE TRANSPORTATION COMMITTEE: 12-0, 6/30/26
AYES: Cortese, Strickland, Archuleta, Arreguín, Blakespear, Dahle, Grayson,
Menjivar, Richardson, Seyarto, Valladares, Wiener
NO VOTE RECORDED: Gonzalez

SENATE APPROPRIATIONS COMMITTEE: 6-0, 8/13/26
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson
NO VOTE RECORDED: Wahab

ASSEMBLY FLOOR: 72-0, 5/26/26 - See last page for vote

SUBJECT: Driving privilege: points

SOURCE: Author

DIGEST: This bill increases 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.

ANALYSIS:

Existing law:

- 1) 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. (Penal (Pen.) Code, § 191.5, subds. (a), (c).)

- 2) Prohibits the Department of Motor Vehicles (DMV) from issuing or renewing a driver's license to any person:
 - a) 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.
 - b) When a license previously issued to the person has been revoked until the expiration of one year after the date of the revocation, except where a different period of revocation is prescribed by law, or unless the cause for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. (Vehicle (Veh.) Code, § 12807.)
- 3) 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.)
- 4) 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.)
- 5) Provides that the following vehicle-related convictions are assigned points as follows:
 - a) A conviction for failure to stop in the event of an accident is given a value of two points.
 - b) A conviction for driving under the influence (DUI) is given a value of two points.
 - c) A conviction for reckless driving is given a value of two points.
 - d) 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.

- e) A conviction for driving with a suspended or revoked license is given a value of two points.
 - f) 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.
 - g) A traffic accident in which the operator is deemed by the department to be responsible is given a value of one point.
 - h) A conviction for failing to properly secure a child is given a value of one point. (Veh. Code, § 12810.)
- 6) 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.)
- 7) 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).)
- 8) 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: 10 years for a DUI; seven years for a violation designated as two points pursuant to Section 12810, except when the violation is a DUI; and three years for accidents and all other violations. (Veh. Code, § 1808, subd. (b).)
- 9) 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).)
- 10) 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).)
- 11) 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).)

- 12) 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:

- 1) Requires that a conviction for gross vehicular manslaughter while intoxicated be given a value of three points.
- 2) 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.

Background

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 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.

There are four levels of Negligent Operator Treatment System (NOTS) actions. 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. 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. 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. 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.

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, subds. (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, subds. (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.)

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 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.

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

According to the Senate Appropriation Committee:

The DMV indicates that it would incur significant one-time costs to make necessary IT systems changes to enable the creation of a new violation point count for specified offenses and to update driving records accordingly. DMV's legacy systems have limited capacity to accommodate new functionality and are currently being replaced through the Enterprise Modernization Project (the Digital eXperience Platform, or DXP). As a result, implementation would either require modifications within DXP, potentially increasing project costs and/or delaying implementation, or development of a temporary solution outside the legacy environment, resulting in duplicative costs, additional technology procurement, and approvals. Assuming a temporary solution is required, implementation costs are expected to be at least in the low millions, and potentially higher depending on the final scope of work, implementation timelines, and the technology solution ultimately required. Direct modifications to legacy systems would likely result in significantly higher costs. Staff notes that DMV would be unable to make the necessary programming changes by the January 1, 2027 operative date of this bill. (Motor Vehicle Account)

SUPPORT: (Verified 8/13/26)

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
San Francisco Bay Area Families for Safe Streets
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: (Verified 8/13/26)

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

ASSEMBLY FLOOR: 72-0, 5/26/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Calderon, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Krell, Lackey, Lowenthal, Macedo, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Bryan, Caloza, Elhawary, Kalra, Lee, McKinnor, Muratsuchi, Celeste Rodriguez

Prepared by: Stephanie Jordan / PUB. S. /
8/14/26 11:01:23

**** **END** ****