

Date of Hearing: March 24, 2026

Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 1748 (Sanchez) – As Introduced February 9, 2026

SUMMARY: 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. Specifically, **this bill:**

- 1) Increases the license suspension term for a first DUI¹ from six months to one year; and, where probation is given, and a nine-month DUI program is ordered, from 10 months to 16 months.
- 2) Increases the license suspension term for DUI with one prior² from two years to three years.
- 3) Increases the license revocation term for DUI causing bodily injury with one prior from three years to five years.
- 4) Increases the license revocation term for DUI with two priors from three years to 10 years.
- 5) Increases the license revocation term from five years to 10 years for the following offenses:
 - a) DUI causing bodily injury with two or more priors.
 - b) DUI causing bodily injury that proximately causes great bodily injury (GBI) to another, and the offense occurred within 10 years of two or more priors.
 - c) DUI causing bodily injury within 10 years of the following felonies: DUI with three or more priors, DUI causing bodily injury, or gross vehicular manslaughter.
 - d) DUI causing bodily injury with a prior conviction for felony intoxicated vehicular manslaughter or intoxicated manslaughter while operating a vessel, as specified.
- 6) Increases the license revocation term from four years to permanent revocation, and removes the restricted license option, for the following offenses:
 - a) DUI with three or more priors.

¹ For purposes of this analysis, a “DUI” refers to a DUI punishable under Vehicle Code section 23152 that does not cause bodily injury. A DUI causing bodily injury is punished separately under Vehicle Code section 23153.

² For purposes of this analysis and unless otherwise specified, a “prior” means a separate DUI conviction under Vehicle Code sections 23152 (DUI), 23153 (DUI causing bodily injury), or a “wet reckless” conviction under 23103.5 (plea to reckless driving in satisfaction of an original DUI charge) that occurred within 10 years of the current violation.

- b) DUI or DUI causing bodily injury within 10 years of the following felonies: DUI with three or more priors, DUI causing bodily injury, or gross vehicular manslaughter.
 - c) DUI or DUI causing bodily injury with a prior conviction for felony intoxicated vehicular manslaughter or intoxicated vehicular manslaughter while operating a vessel, as specified.
- 7) Provides, for purposes of the requirement that the Department of Motor Vehicles (DMV) issue a restricted driver's license to a person whose license was suspended because they were convicted of a first DUI, subject to specified requirements, that the driving restriction shall remain in effect for one year, or for 16 months where probation is given and a nine-month DUI program is ordered, as specified.
- 8) Removes the requirement that a person convicted of DUI with three or more priors, DUI or DUI causing bodily injury within 10 years of specified felonies, and DUI or DUI causing bodily injury with a prior conviction for felony intoxicated vehicular manslaughter or intoxicated vehicular manslaughter while operating a vessel, offenses that this bill subjects to permanent revocation, install a functioning certified ignition interlock device (IID) for a mandatory term of three years.
- 9) Makes technical and conforming changes.

EXISTING LAW:

- 1) Makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, or who has 0.08 percent or more, by weight, of alcohol (BAC) in their blood, to drive a vehicle. (Veh. Code, § 23152 subds. (a), (b) (f), & (g).)
- 2) Punishes DUI as follows:
- a) DUI is a misdemeanor punishable by imprisonment for four days to six months in county jail, a fine of \$390 to \$1,000, an order to install a functioning, certified IID on any vehicle that person operates for up to six months,³ at the court's discretion, a six-month license suspension or a 10-month suspension if probation is given and a 9-month DUI program is ordered, and completion of a three-month (30-hour) DUI program; or, if given probation, a nine-month (60-hour) program if the person's BAC was .20 percent or more, or they refused to take a chemical test. (Veh. Code, §§ 13352, subd. (a)(1); 13352.1, subd. (a); 23536, subds. (a) & (c); 23538, subds. (a) & (b); 23575.3, subd. (h)(1)(A)(i).)
 - b) DUI with one prior is a misdemeanor punishable by imprisonment for three months to one year in county jail, a fine of \$390 to \$1,000, a one-year IID installation mandate, a two-year license suspension, and completion of an 18-month or 30-month DUI program, as specified, if given probation. (Veh. Code, §§ 13352, subd. (a)(3); 23540, subd. (a); 23542, subds. (a) & (b); 23575.3, subd. (h)(1)(B).)

³ Only if the offense involved alcohol.

- c) DUI with two priors is a misdemeanor punishable by imprisonment for four months to one year in county jail, a fine of \$390 to \$1,000, a two-year IID installation mandate, a three-year license revocation, and three-year designation as a habitual traffic offender, and an 18- or 30-month DUI program, as specified, if given probation and at the court's discretion. (Veh. Code, §§ 13352, subd. (a)(5); 23546; 23548, subds. (a) & (b); 23575.3, subd. (h)(1)(C).)
 - d) DUI with three or more priors is an alternate felony-misdemeanor (hereafter "wobbler") punishable by imprisonment for six months to one year in jail, or as a felony punishable by incarceration by 16 months, or two or three years, a fine of \$390 to \$1,000, a three-year IID installation mandate, a four-year license revocation, and three-year designation as a habitual traffic offender, and an 18 or 30-month DUI program, as specified, if given probation and at the court's discretion. (Veh. Code, §§ 13352, subd. (a)(7); 23550; 23552, subds. (a) & (b); 23575.3, subd. (h)(1)(D).)
- 3) Makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or the combined influence of the two, or who has a BAC of .08 or more, to drive a vehicle, and concurrently do any act forbidden by law or neglect any duty imposed by law in driving the vehicle, which proximately causes bodily injury to any person other than the driver (hereafter "DUI causing bodily injury") (Veh. Code, § 23153 subds. (a), (f), & (g).)
- 4) Punishes a DUI causing bodily injury as follows:
- a) DUI causing bodily injury is a wobbler punishable by imprisonment for three months to one year in county jail or 16 months, or two or three years in state prison, a fine of \$390 to \$1,000, a one-year IID installation mandate, a one-year license suspension, and completion of a three-month (30-hour) DUI treatment program; or, if given probation, a nine-month (60-hour) program if the person's BAC was .20 percent or more or they refused to take a chemical test. (Veh. Code, §§ 13352 subd. (a)(2); 23554; 23556, subds. (a) & (b); 23575.3, subd. (h)(2)(A).)
 - b) DUI causing bodily injury with one prior is a wobbler punishable by imprisonment for four months to one year in county jail or 16 months, or two or three years in state prison, a fine of \$390 to \$5,000, a two-year IID installation mandate, a three-year license revocation, and an 18- or 30-month DUI program, as specified, if given probation and at the court's discretion. (Veh. Code, §§ 13352 subd. (a)(4); 23560; 23562, subds. (a) & (b); 23575.3, subd. (h)(2)(B).)
 - c) DUI causing bodily injury with two or more priors is a felony punishable by imprisonment in state prison by two, three, or four years, a fine of \$1,015 to \$5,000, a three-year IID installation mandate, a five-year license revocation and three-year designation as a habitual traffic offender, and an 18- or 30-month DUI program, as specified, if given probation. (Veh. Code, §§ 13352 subd. (a)(6); 23566; 23568, subds. (a) & (b); 23575.3, subd. (h)(2)(C).)
- 5) Punishes DUI with specified prior felonies, or those that cause certain injury, as follows:
- a) Punishes a person convicted of DUI causing bodily injury, where the violation proximately causes GBI to another person, and the offense occurred within 10 years of

- two or more priors, as a felony with a five-year license revocation, and a three-year IID installation mandate. (Veh. Code, §§ 23566, subd. (b); 13352 subd. (a)(6).)
- b) Punishes a person convicted of any DUI within 10 years of specified felonies –DUI with three or more priors, DUI causing bodily injury, or gross vehicular manslaughter – as a wobbler with a four or five-year license revocation and a three or four-year IID mandate. (Veh. Code, §§ 13352 subd. (a)(6)-(7); 23550.5, subs. (a), (c) & (d).)
 - c) Punishes a person convicted of any DUI who has a prior conviction for felony intoxicated vehicular manslaughter or intoxicated vehicular manslaughter while operating a vessel as a wobbler with a four or five-year license revocation and a three or four-year IID mandate. (Veh. Code, §§ 13352 subd. (a)(6)-(7); 23550.5, subs. (b), (c) & (d).)
- 6) Authorizes a court, notwithstanding the above, to order a 10-year license revocation if a person has been convicted of three or more separate DUIs or DUIs causing bodily injury, the last of which was punishable as a DUI with two priors, a DUI with three or more priors, a DUI causing bodily injury with two or more priors, a DUI or DUI causing bodily injury with a prior specified felony, a DUI or DUI causing bodily injury with a prior conviction for felony intoxicated vehicular manslaughter, as specified, or a DUI causing bodily injury, where the violation proximately caused GBI and occurred within 10 years of two or more priors. (Veh. Code, § 23597, subd. (a).)
- 7) Prohibits a DUI license suspension or revocation from being reinstated until the person gives proof of financial responsibility and of successful completion of their DUI program. (Veh. Code, § 13352, subd. (a)(1)(A).)
- 8) Authorizes the DMV to issue a restricted license to a person convicted of DUI or DUI causing bodily injury, contingent on that person installing an IID, as follows:
- a) Requires, generally, the DMV to advise the person that they may apply for a restricted license if they meet certain requirements: 1) the conviction was not only for drugs (for first-time offenders); 2) they provide proof of enrollment or completion of a DUI program; 3) they agree to continue satisfactory participation in the program; 4) they verify that they installed an IID, agree to maintain the IID for the required installation period, and comply with associated IID requirements; 5) they provide proof of financial responsibility; and 6) they pay specified fees. (Veh. Code, § 13352, subd. (a)(1)(A), (a)(2)(A), (a)(3)(A), (a)(4)(A), (a)(5)(A), (a)(6)(A), (a)(7)(A).)
 - b) Specifies that if a person was convicted of a DUI other than their first-DUI offense, and the conviction was only for drugs, they must complete 12 months of the suspension period. (Veh. Code, § 13352, subs. (a)(3)(A)(i).)
 - c) Provides that the restricted driving privilege shall become effective when the DMV receives all required documents and fees, and shall remain in effect until all reinstatement requirements are satisfied, except the DMV must terminate the privilege if the person fails to comply with their DUI program’s requirements or attempts to remove, bypass, or tamper with their mandated IID, or fails three or more time to maintain their IID, as specified. (Veh. Code, § 13352, subd. (e).)

- d) Provides that, irrespective of the above, if a person maintains an IID for the mandatory required term, the DMV shall reinstate the person's privilege to operate a vehicle at the time the other reinstatement requirements are satisfied. (Veh. Code, § 13352, subd. (f).)
- 9) Requires the DMV to administratively suspend the driving privileges of drivers who exceed the legal BAC limit or who fail or refuse to complete a chemical or alcohol screening test, before any criminal conviction, as specified. (Veh. Code, §§ 13353.2; 13353.3.)
- 10) Provides that if a person is convicted of DUI, DUI causing bodily injury, or hit and run, and is sentenced to one year in jail or more than one year in state prison under specified DUI sentencing statutes, the court may postpone the revocation or suspension of the person's driving privilege until the term of imprisonment is served. (Veh. Code, § 23665, subd. (a).)
- 11) Establishes a mandatory one-year criminal license revocation for the following convictions:
 - a) Failure of a driver involved in an accident resulting in injury or death to stop and perform specified duties.
 - b) A felony in the commission of which a motor vehicle is used, except as specified.
 - c) Reckless driving causing bodily injury. (Veh. Code, § 13350, subds. (a) & (b).)
- 12) Establishes a mandatory three-year license revocation for the following convictions:
 - a) Manslaughter (except for misdemeanor vehicular manslaughter).
 - b) Three or more specified hit and run or reckless driving violations within 12 months.
 - c) Gross vehicular manslaughter while intoxicated, intoxicated vehicular manslaughter while operating a vessel, or fleeing or attempting to elude a peace officer, causing serious bodily injury, as specified. (Veh. Code, § 13351, subds. (a) & (b).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, "AB 1748 will help keep dangerous drivers off California roads by increasing license revocation timelines for those convicted of DUI or DUI involving bodily injury. If you demonstrate time after time that you cannot drive sober, you cannot be allowed to risk innocent lives by being behind the wheel."
- 2) **License Suspensions and Revocations for DUIs:** Existing law makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, or who has 0.08 percent or more, by weight, of BAC, to drive a vehicle. (Veh. Code, § 23152 subds. (a), (b) (f), & (g).) This establishes the crime of a DUI that does not cause bodily injury. California also makes it unlawful to drive impaired and concurrently do an act forbidden by law or neglect a duty imposed by law, which proximately causes bodily injury to another. (Veh. Code, § 23153, subds. (a), (f), & (g).) This is the crime of DUI causing bodily injury. The punishment for DUI or DUI causing

bodily injury generally depends on the defendant's number of separate "priors" within 10 years of the current offense. (Veh. Code, § 23540.) Convictions that are considered "priors" are DUI under Vehicle Code section 23152, DUI causing bodily injury under Vehicle Code section 23153, and a "wet reckless" conviction under Vehicle Code section 23103.5. (*Ibid.*) A wet reckless occurs where the prosecution agrees to a plea to a charge of reckless driving under Vehicle Code 23103, in satisfaction of, or as a substitute for, an original DUI charge, as specified. (Veh. Code, § 23103.5.)

A person convicted of DUI or DUI causing bodily injury is subject to numerous criminal penalties, including jail or prison time, specified fines, participation in a DUI program, installation and maintenance of an IID mandate, and license suspensions or revocations. This bill pertains to criminal license revocations, meaning those sanctions that are imposed after a person's *conviction* for DUI. These license sanctions are distinct from pre-conviction administrative suspensions that the DMV may impose on individuals who drive in violation of the legal BAC threshold or who fail or refuse to complete a chemical or alcohol screening test, as discussed more below. (Veh. Code, §§ 13353; 13353.1; 13353.2; 13353.3)

The duration of a criminal DUI license suspension or revocation increases with each prior offense. (Veh. Code, § 13352, subd. (a)(1)-(7).) A first DUI conviction is subject to a six-month license suspension or a 10-month suspension if probation is given and a 9-month DUI program is ordered. (Veh. Code, §§ 13352, subd. (a)(1); 13352.1, subd. (a).) DUI with one prior is subject to a two-year license suspension, DUI with two priors results in a three-year license revocation, and DUI with three or more priors results in a four-year license revocation. (Veh. Code, § 13352, subd. (a)(1), (3), (5) & (7).) License suspensions and revocations for DUI causing bodily injury are even longer. A first-time DUI causing bodily injury conviction is subject to a one-year license suspension, DUI causing bodily injury with one prior receives a three-year license revocation, and DUI causing bodily injury with two or more priors is subject to a five-year license revocation. (Veh. Code, § 13352, subd. (a)(2), (4), (6) & (7).) Courts may postpone the commencement of a license revocation or suspension arising from a DUI conviction until the term of imprisonment is served, for individuals sentenced to one year in county jail or to more than one year in state prison. (Veh. Code, § 23665, subd. (a).)

Additional license revocations apply to DUIs where the person has specified prior impaired driving felonies, DUIs that cause certain injuries, and to serious repeat DUI offenders. First, a person convicted of DUI causing bodily injury that proximately causes GBI to another person that occurs 10 years of two or more priors is subject to a five-year license revocation. (Veh. Code, §§ 23566, subd. (b); 13352, subd. (a)(6).) Second, an individual convicted of any DUI within 10 years of specified impaired driving felonies is subject to a four or five-year license revocation. (Veh. Code, §§ 13352, subd. (a)(6)-(7); 23550.5, subds. (a), (c) & (d).) Third, a person convicted of any DUI who has a prior conviction for felony intoxicated vehicular manslaughter or intoxicated vehicular manslaughter while operating a vessel is subject to a four or five-year license revocation. (Veh. Code, §§ 13352, subd. (a)(6)-(7); 23550.5, subds. (b), (c) & (d).)

Finally, courts have discretion to order a 10-year license revocation if a person has been convicted of three or more separate DUIs or DUIs causing bodily injury. (Veh. Code, § 23597, subd. (a).) This only applies if the last offense was punishable as DUI with two priors, DUI with three or more priors, DUI causing bodily injury with two or more priors, DUI or

DUI causing bodily injury within 10 years of a prior specified felony, DUI or DUI causing bodily injury with a prior conviction for felony intoxicated vehicular manslaughter, or DUI causing bodily injury, where the violation proximately caused GBI and occurred within 10 years of two or more priors. (Veh. Code, § 23597, subd. (a).) This license sanction does not have a washout period; however, most of the last triggering convictions require multiple impaired driving offenses within 10 years. (Veh. Code, §§ 23566; 23550.5.) In determining whether to issue a 10-year revocation, the court shall consider the person's level of remorse, the time between the previous convictions, BAC at the time of violation, participation in an alcohol treatment program, risk to traffic or public safety, and the person's ability to install an IID. (Veh. Code, § 23597, subd. (a).) A person may apply to have their driving privileges reinstated, contingent on the installation of an IID, five years from the date of the last conviction. (Veh. Code, § 23597, subd. (c)(1).)

Notably, DUI criminal license sanctions do not completely prohibit the defendant from driving. Generally, a person convicted of DUI can apply to the DMV for a restricted license. (Veh. Code, § 13352, subds. (a)(1)(A).) To obtain such a license, the defendant must meet several requirements, the most notable being that they install and maintain an IID on every vehicle they operate for a specified period. (Veh. Code, § 13352, subds. (a)(1)(A).) Additionally, the underlying conviction cannot have been only for drugs (for first-time offenders), and they must provide proof of enrollment or completion of a specified DUI program, agree to continue satisfactory participation in the DUI program, provide proof of financial responsibility, and pay specified fees. (*Ibid.*) If the DUI was not that person's first offense and the underlying conviction was only for drugs, the defendant must complete 12 months of the suspension period. (Veh. Code, § 13352, subds. (a)(3)(A)(i).) If the person meets these requirements, they may receive a restricted license, which shall remain in effect until all reinstatement requirements are satisfied. (Veh. Code, § 13352, subd. (e)(1).) However, if a person maintains their IID for the mandatory term, the DMV shall reinstate their driving privileges at the time the other reinstatement requirements are satisfied. (Veh. Code, § 13352, subd. (f).) Given that the duration of IID mandates is generally shorter than license suspension or revocation periods, this can permit a person who has completed their mandated IID installation term, and who has otherwise met all their reinstatement requirements, to return to driving, without an IID, before the original license sanction date expires.

First-time DUI offenders have an additional avenue to receive a restricted license without having to install an IID. Specifically, the DMV must issue a restricted driver's license to a person convicted of their first DUI upon proof of enrollment in a DUI program, proof of financial responsibility, and payment of fees. (Veh. Code, § 13352.4, subd. (a).) This permits the person to engage in limited driving to and from their work and their DUI program. (Veh. Code, §§ 13352.4, subd. (c).) However, a court may disallow the issuance of a restricted license if it finds that the person would present a traffic safety or public safety risk if authorized to operate a motor vehicle. (Veh. Code, §§ 13352.4, subd. (h); 23536, subd. (d).)

- 3) **Effect of this Bill:** This bill substantially increases the duration of DUI license sanctions. It's primary changes are as follows: 1) increases the suspension for a first DUI from six months to one year, and from 10 months to 16 months, where probation is given and a nine-month DUI program is ordered; 2) increases the suspension for DUI with one prior from two years to three years; 3) increases the revocation for DUI causing bodily injury with one prior from three years to five years; 4) increases the revocation for DUI with two priors from three years

to 10 years; 5) increases the revocation for the following offenses, from five years to 10 years: DUI causing bodily injury with two or more priors, DUI causing GBI and that occurs within 10 years of two or more priors, DUI causing bodily injury within 10 years of specified impaired driving felonies, DUI causing bodily injury with a prior conviction for felony intoxicated vehicular manslaughter, as specified; and 6) increases the license revocation for the following offenses, from four years to permanent revocation, and removes the restricted license option for these offenses: DUI with three or more priors, DUI or DUI causing bodily injury within 10 years of specified impaired driving felonies, and DUI or DUI causing bodily injury with a prior conviction for felony intoxicated vehicular manslaughter, as specified. The bill makes technical and conforming changes to implement its provisions, such as removing the IID requirement and restricted license option for the offenses that this bill subjects to permanent revocation.

- 4) **Inconsistency in Criminal License Sanctions:** There are numerous distinct criminal license suspension and revocation statutes, unrelated to DUIs. For crimes such as hit-and-run only resulting in damage to property, a second or subsequent reckless driving conviction, or misdemeanor vehicular manslaughter, the DMV has discretion to impose a suspension. (Veh. Code, § 13361.) Other crimes result in mandatory one-year revocations. (Veh. Code, § 13350, subs. (a) & (b).) Specifically, the DMV is required to immediately revoke a person's driving license upon receiving a record of conviction for hit-and-run resulting in injury or death, a felony involving the commission of a motor vehicle, except for offenses subject to separate suspension and revocation rules, and reckless driving causing bodily injury. (*Ibid.*) Some of the most severe vehicle crimes require the DMV to revoke a person's license for three years. The following offenses are subject to a three-year license revocation: 1) manslaughter resulting from the operation of a vehicle, except for misdemeanor vehicular manslaughter; 2) a conviction of three or more specified hit-and-run or reckless driving violations within a period of 12 months, as specified; and 3) a violation of gross vehicular manslaughter while intoxicated or vehicular manslaughter while operating a vessel with gross negligence or of fleeing or attempting to elude a peace officer that causes serious bodily injury resulting in specified serious impairments of physical condition, as specified. (Veh. Code, § 13351, subd. (a).)

This bill may create inconsistency in the license sanctions for vehicle offenses. Specifically, it singles out DUI license sanctions for lengthier suspensions and revocations, whereas other offenses that are punished similarly, if not more severely, would receive comparatively shorter license sanctions. For example, this bill makes the first, second, and third DUI offenses, which are all misdemeanors, subject to one, three, and 10-year license sanctions, respectively. Yet, under existing law, the general rule is that a felony involving a vehicle is subject to a one-year license revocation, unless otherwise specified. (Veh. Code, § 13350, subs. (a)(2).) The need to subject DUI with two priors, a misdemeanor, to a license revocation ten times longer than a more general felony vehicle offense is unclear.

Further, some of the most serious vehicle crimes that involve death are subject to three-year license revocations. This includes gross vehicular manslaughter, an offense punishable by up to six years in state prison, and gross vehicular manslaughter while intoxicated, an offense punishable by up to 10 years in state prison. (Pen. Code, §§ 193, subd. (c)(1); 191.5, subd. (c)(1); Veh. Code, § 13351, subd. (a)(1) & (3).) This bill would require offenses that receive less incarceration time than these manslaughter offenses, such as DUI with two priors, DUI with three or more priors, DUI causing bodily injury with one prior, and DUI causing bodily

injury with two or more priors, among others, to have comparatively longer license revocations than crimes that cause death and are punished more severely.

- 5) **Impact of License Suspensions on Jobs and Wages.** This bill's expansion of the duration of DUI license sanctions may negatively impact individuals who rely on their vehicles to drive to work, take their children to school, and attend medical appointments, among other life necessities. This is particularly true for the permanent license revocation established by this bill. A license suspension "can make it harder to find and keep a job, can increase one's exposure to the criminal legal system, and can generally place a great strain on one's life and the life of one's family."⁴ Research has found that "having a valid driver's license and possession of a car is a stronger predictor of finding employment and leaving public assistance than a high school diploma."⁵ Almost 30% of jobs require some amount of driving, and 75% of workers commute to work in a car.⁶

According to a study on the impacts of license suspension in New Jersey conducted by Rutgers University, the New Jersey Department of Transportation, and the Federal Highway Administration, 42% of individuals with a history of license suspension lost their jobs when they had their driving privileges suspended.⁷ Job loss was most significant among low-income and younger drivers.⁸ 45% of those who lost their job because of the suspension could not find another job, a trend that was most pronounced among low-income and older drivers.⁹ Further, of those who were able to find another job, 88% reported a decrease in income.¹⁰ This was most true for low-income drivers. Finally, more than half of those with a history of license suspension reported that they could not afford the increased cost of auto insurance as a result of the suspension.¹¹

Research suggests that an estimated 75% of suspended drivers continue to drive.¹² Individuals who have their licenses suspended may simply "choose to keep driving because they have to work, which puts them at serious legal risk if they are caught driving with suspended licenses."¹³ In California, individuals who drive on a suspended or revoked license, or fail to comply with the conditions of a restricted license, can be subject to additional criminal penalties and fines. Existing law makes it a misdemeanor to drive on a license that was suspended or revoked because of a DUI conviction. (Veh. Code, § 14601.2, subd. (a).) The first offense is punishable by 10 days to six months in county jail and a \$300 to \$1,000 fine, and a second offense within five years of a prior violation is punishable by 30 days to one year in county jail and a \$500 to \$2,000 fine. (Veh. Code, § 14601.2, subd. (d).) Similarly, it is a misdemeanor, punishable by up to six months in county jail and a \$5,000

⁴ U.S. Department of Health & Human Services, *Challenges to Employment: Fines, Fees, and License Suspensions* (Dec. 2022), available at: <https://acf.gov/opre/report/challenges-employment-fines-fees-license-suspensions>

⁵ Leiva and Marano, *Challenges to Employment: Fines, Fees, and License Suspensions*, Building Evidence of Employment Strategies (Nov. 2022), at p. 4, available at: https://acf.gov/sites/default/files/documents/opre/bees_orlando_brief.pdf

⁶ *Id.* at p. 1.

⁷ Driver's License Suspensions, Impacts and Fairness Study, New Jersey Department of Transportation (Aug. 2007), at p. 56, available at: https://vtc.rutgers.edu/wp-content/uploads/2014/04/MVC-DL-Suspension-Study-Final-Report-Vol1_9-13-07_.pdf

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² American Association of Motor Vehicle Administrators, *Reducing Suspended Drivers and Alternative Reinstatement Best Practices: Edition 3* (May 2021), at p. 3, available at: <https://www.aamva.org/getmedia/b92cc79d-560f-4def-879c-6d6e430e4f4d/Reducing-Suspended-Drivers-and-Alternative-Reinstatement-Best-Practices-Edition-3.pdf>

¹³ Leiva and Marano, *supra*, at p. 1.

fine for a person to fail to install an IID when required to do so, to operate a vehicle not equipped with an IID, or to remove, bypass, or tamper with an IID. (Veh. Code, §§ 23573, subd. (i); 23247, subds. (d) & (e).)

- 6) **Benefits of Swift and Certain License Sanctions:** Individuals are less likely to commit driving offenses when they believe sanctions will be swift and certain.¹⁴ According to the National Highway Traffic Safety Administration (NHTSA), research suggests that “swift and certain administrative sanctions—such as [administrative license suspension] and vehicle impoundment—can be highly effective in reducing alcohol impaired-driving crashes and fatalities, and in reducing further impaired driving by DWI offenders.”¹⁵

California’s administrative suspension laws require the DMV to suspend a person’s license, prior to any conviction, if they refuse to submit to or fail to complete a chemical test or alcohol screening test, or drive in excess of specified BAC thresholds. (Veh. Code, §§ 13353; 13353.1; 13353.2, subd. (a).) If a person’s BAC exceeds the legal limit, the arresting peace officer must personally serve a notice of suspension or revocation on the arrested person, take possession of their driver’s license, and issue the person a temporary license, which shall be valid for 30 days from the date of arrest. (Veh. Code, § 13382, subds. (a) & (b).) The suspension becomes effective 30 days after such service. (Veh. Code, § 13353.3, subds. (a).) The DMV, upon receiving a sworn peace officer report relating to the arrest and suspension, shall conduct an administrative review to determine if the facts warrant a suspension. (Veh. Code, §§ 13353.2, subd. (d); 13557; 13380.) For individuals with no prior DUIs, who did not refuse a chemical test, and were not previously determined to have driven impaired, the suspension shall be for four months. (Veh. Code, § 13353.3, subd. (b)(1).) If the driver has prior DUIs, refused a chemical test, or has previously been determined to have driven impaired, as specified, the suspension shall be for one year. (Veh. Code, § 13353.3, subd. (b)(2).) Upon suspension, an individual may apply for a restricted driver’s license if they enroll in a specified DUI program, install and maintain an IID, and pay specified fees. (Veh. Code, § 13353.6, subd. (a).) Notably, administrative and criminal license sanctions run concurrently. If the DMV administratively suspends a person’s driver’s license because they exceeded the legal BAC limit, and that person is later convicted of a DUI, arising out of the same occurrence, the two suspension or revocation periods run concurrently, and the total period of the license sanction shall not exceed the longer of the two suspension or revocation periods. (Veh. Code, § 13353.3, subd. (c).)

The traffic safety benefits of *administrative* license suspensions are well-documented. A 2000 report found that administrative license suspensions and revocations “reduced crashes of different types by an average of 13%.”¹⁶ Another study that analyzed the long-term impacts of license suspensions across the U.S. found that administrative license revocations reduced alcohol-related fatal crash involvement by 5%, resulting in an estimated 800 saved lives annually.¹⁷ A study in Ontario, Canada, found that a law requiring immediate roadside

¹⁴ National Highway Traffic Safety Administration, *Countermeasures that Work; A Highway Safety Countermeasure Guide for State Highway Safety Offices* (2023), at p. 1-11, available at: https://www.nhtsa.gov/sites/nhtsa.gov/files/2023-12/countermeasures-that-work-11th-2023-tag_0.pdf

¹⁵ *Ibid.*

¹⁶ National Highway Traffic Safety Administration, *supra*, at p. 1-11.

¹⁷ *Ibid.*

license suspensions for drivers with BACs from .05 to .08 resulted in a 17% decrease in fatalities and injuries.¹⁸

The swift and certain penalties of administrative suspensions can be contrasted with the “lengthy and uncertain outcomes in criminal courts.”¹⁹ While the benefits of quick administrative license sanctions are well-established, the value of lengthy post-conviction license suspensions is less clear. According to NHTSA, “[a]lthough *administrative* license actions are highly effective in reducing crashes.... *court-imposed* license actions appear less effective” and “long court-imposed license suspensions may do little to reduce recidivism.”²⁰ This is supported by a 2007 study on the effects of DUI mandatory pre-conviction and post-conviction driver’s license suspension laws in 46 U.S. states.²¹ That study found “[a]dministrative or preconviction drivers license suspension policies have statistically significant and substantively important effects in reducing alcohol-related fatal crash involvement by 5%” but that “[i]n clear contrast, postconviction license suspension policies have no discernable effects.”²² This led the study to conclude that “[t]he effectiveness of a deterrence policy appears to be more strongly affected by celerity—the speed by which punishment is applied after the offending behavior—than by the high severity of the penalty.”²³

A person who drives impaired and is ultimately convicted of a DUI is already subject to both administrative and criminal license sanctions. The primary effect of this bill is to extend the length of the criminal license revocation for DUI offenders. Accordingly, while this bill guarantees greater license punishment for certain impaired drivers, it is less clear whether it will effectively deter impaired driving behavior.

- 7) **Argument in Support:** According to the *Peace Officers’ Research Association of California*, “AB 1748 strengthens California’s DUI laws by increasing driver’s license suspension and revocation periods for individuals convicted of driving under the influence. The bill increases the suspension for a first DUI conviction from six months to one year and lengthens suspension or revocation periods for repeat DUI offenders, including permanent revocation for individuals with four or more DUI convictions within ten years.

“PORAC supports AB 1748 because it increases accountability for impaired drivers and helps keep dangerous offenders off California’s roadways. Strengthening license suspension and revocation provisions enhances public safety and supports the work of peace officers who respond to DUI incidents and work to prevent serious injuries and fatalities.”

- 8) **Argument in Opposition:** According to *Justice2Jobs Coalition*, “If AB 1748 is passed, people convicted of DUIs would receive longer license suspensions. We at the Justice2Jobs Coalition oppose AB 1748 because it does not address the root causes of alcohol addiction and unsafe driving in California.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Id.* at p. 1-62.

²¹ Wagenaar, A.C. and Maldonado-Molina, M.M, *Effects of Drivers’ License Suspension Policies on Alcohol-Related Crash Involvement: Long-Term Follow-Up in Forty-Six States*, *Alcoholism: Clinical and Experimental Research* (2007), 31: 1399-1406, available at: <https://onlinelibrary.wiley.com/doi/10.1111/j.1530-0277.2007.00441.x>

²² *Ibid.*

²³ *Ibid.*

“Access to a driver’s license is a fundamental need for individuals reentering society after incarceration.” People released from incarceration need reliable transportation in order to “secur[e] and maintain employment [...], meet probation requirements, attend medical appointments, engage in civic life, and reconnect with their families and communities.’ Not having a driver’s license ‘impedes the ability of formerly incarcerated persons to obtain public benefits, health care, mental health services, and a broad array of services which will assist the person in a successful reentry to society.’”

“Preventing barriers to lawful driving for formerly incarcerated people is an important public safety tool. Access to employment is a crucial factor in reducing recidivism rates,⁴ and not having a driver’s license is a major barrier to work: 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.

“By creating barriers for formerly incarcerated people to find employment, these license suspensions will ‘decrease access to legitimate work opportunities and pose a threat to successful reentry for people who are attempting to reintegrate into their communities.’ Rather than extending license suspensions for people exiting prison, policymakers should prioritize evidence-based strategies that address the root causes of unsafe driving while supporting successful reentry.”

9) **Related Legislation:**

- a) AB 1687 (Lackey) would punish a person convicted of three or more specified vehicle offenses, including DUI or DUI causing bodily injury, among others, with an eight-year license revocation. AB 1687 will be heard today in this Committee.
- b) AB 1546 (Schultz) would increase the punishment for DUI with two priors from a misdemeanor to a wobblers and increases the punishment for DUI with four or more priors from a wobblers to a straight felony, and increases the license revocation period for DUI with four or more priors from four to five years, among other changes. AB 1546 is pending a hearing in the Assembly Appropriations Committee.
- c) AB 1874 (Wilson) would provide 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 will be heard today in this Committee.
- d) AB 1723 (Ellis) would specify 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 Appropriations Committee.

- e) SB 1198 (Menjivar) would lengthen the license suspension periods that apply to reckless driving, among other changes. SB 1198 is pending a hearing in the Senate Public Safety Committee.

10) Prior Legislation:

- a) AB 401 (Flora) of the 2019-2020 Legislative Session would have made 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 this Committee.
- b) 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.
- c) 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.
- d) AB 1601 (Hill), Chapter 301, Statutes of 2010, permitted a court to order a 10-year revocation of a driver's license for a person convicted of three or more separate DUIs.
- e) 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 this Committee.
- f) 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.
- g) 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

Alcohol Justice
California Association of Highway Patrolmen
California Narcotic Officers' Association
California Police Chiefs Association
California State Sheriffs' Association
Orange County Sheriff's Department
Peace Officers Research Association of California (PORAC)

Riverside County Sheriff's Office
Riverside Sheriffs' Association

Opposition

ACLU California Action
California Civil Liberties Advocacy
California Public Defenders Association
Debt Free Justice California
Ella Baker Center for Human Rights
Justice2jobs Coalition
LA Defensa
Local 148 Los Angeles County Public Defender's Union
San Francisco Public Defender

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