

CONCURRENCE IN SENATE AMENDMENTS

AB 2502 (Pellerin)

As Amended August 21, 2026

Majority vote

SUMMARY

Specifies, for purposes of the crimes of intoxicated vehicular manslaughter, driving under the influence (DUI), DUI causing bodily injury to another, and reckless driving in satisfaction of, or as a substitute for, an original DUI charge ("wet reckless"), as specified, "drive" includes the volitional movement of a vehicle with driver support features engaged that require a person to supervise the vehicle in order to steer, brake, or accelerate, as needed to maintain safety, as specified.

Senate Amendments

- 1) Remove the bill's application to vehicles with a Level 0, Level 1, Level 2, or Level 3 of driving automation, as those levels are defined by the Society of Automotive Engineers.
- 2) Apply the bill, instead, to vehicles with driver support features engaged that require a person to supervise the vehicle in order to steer, brake, or accelerate, as needed to maintain safety, and state that this includes driver support features that require constant supervision and those that require a person to take direct control of the vehicle upon the request of the driver support feature.
- 3) State that the term "drive" does not include operating a vehicle with driver support features engaged that do not require a person to supervise the vehicle in order to steer, brake, or accelerate, as needed to maintain safety, and will not request a person to take direct control of the vehicle.

COMMENTS

As passed by the Assembly, this bill: Specified, for purposes of the crimes of intoxicated vehicular manslaughter, driving under the influence (DUI), DUI causing bodily injury to another, and reckless driving in satisfaction of, or as a substitute for, an original DUI charge ("wet reckless"), as specified, "drive" includes the volitional movement of a vehicle with a Level 0, Level 1, Level 2, or Level 3 of driving automation, as those levels are defined by the Society of Automotive Engineers (SAE).

According to the Author

"Semi-autonomous vehicles have been on California roads since 2014 and currently, two out of every five cars sold in the U.S. possess some sort of semi-autonomous capability. In 2018, a Tesla driver in San Francisco passed out on the Bay Bridge with a blood alcohol level of more than twice the legal limit. When he awoke, he challenged the California Highway Patrol officer, arguing that he wasn't driving drunk because the Tesla was "on autopilot." There have been other stories in and around my district of people passed out in their car while the autopilot is engaged. These incidents are occurring more often and stem from consumers being misled into believing that it is acceptable to drive a semi-autonomous vehicle while impaired as long as the "autopilot" system is engaged. This confusion is worsened by companies using misleading language in advertising and exaggerating their vehicles' capabilities, leading consumers to believe the

vehicles are fully self-driving. This bill clarifies that operating a semi-autonomous vehicle while intoxicated can still lead to a DUI charge."

Arguments in Support

According to the *Automobile Club of Southern California and AAA Northern California, Nevada & Utah (AAA Clubs)*, AB 2502 "clarifies that, for purposes of California's driving under the influence (DUI) laws, "drive" includes the volitional movement of a vehicle equipped with Level 0 to 3 driving automation systems. This ensures impaired driving laws keep pace with evolving vehicle technologies and apply to drivers using advanced driver assistance systems.

"Impaired driving remains a leading threat to roadway safety. As vehicle technology advances, California law must continue to reflect that human drivers remain responsible for safe operation when automation does not fully replace the driving task.

"AAA has long maintained that drivers must remain attentive and ready to take control when using these systems. Vehicles equipped with Level 0–2 systems—and many Level 3 systems—still rely on human drivers to monitor conditions and intervene when necessary. Allowing impaired individuals to engage in these systems would create significant safety risks.

"Level 3 systems, or "conditional automation" as defined by SAE International, allow drivers to disengage under limited conditions but still require them to respond to takeover requests—often within seconds. An impaired driver cannot safely fulfill this responsibility.

"AB 2502 reinforces that vehicle automation does not eliminate driver responsibility. By clarifying the definition of "drive," the bill closes a gap in DUI enforcement and helps prevent misuse of partially automated systems."

Arguments in Opposition

None submitted.

FISCAL COMMENTS

According to the Assembly Committee on Appropriations, "Incarceration costs (local funds, General Fund) to the counties and the California Department of Corrections and Rehabilitation. Actual incarceration costs will depend on the number of convictions, the length of each sentence, and whether each sentence must be served in county jail or state prison. The average annual cost to incarcerate one person in county jail is approximately \$29,000, though costs are higher in larger counties. The Legislative Analyst's Office estimates the average annual cost to incarcerate one person in state prison is \$128,000; CDCR estimates \$135,921. County incarceration costs are not subject to reimbursement by the state. However, overcrowding in county jails creates cost pressure on the General Fund because the state has historically granted new funding to counties to offset overcrowding resulting from public safety realignment.

"It is unclear whether this bill would result in any additional incarcerations given that California Highway Patrol and local law enforcement likely enforce existing laws regardless of whether someone operates a non-autonomous or semi-autonomous vehicle."

VOTES:**ASM PUBLIC SAFETY: 8-0-1**

YES: Schultz, Alanis, Mark González, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

ABS, ABST OR NV: Haney

ASM APPROPRIATIONS: 13-0-2

YES: Wicks, Hoover, Arambula, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Solache, Ta, Tangipa

ABS, ABST OR NV: Muratsuchi, Pellerin

ASSEMBLY FLOOR: 74-0-6

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

ABS, ABST OR NV: Addis, Hadwick, Celeste Rodriguez, Sharp-Collins, Soria, Wicks

UPDATED

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