

---

THIRD READING

---

Bill No: SB 1198  
Author: Menjivar (D), et al.  
Amended: 5/14/26  
Vote: 21

---

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 3/24/26  
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/14/26  
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

---

**SUBJECT:** Vehicles: reckless driving: impoundment

**SOURCE:** The Burbank Armenian Association

---

**DIGEST:** This bill extends the duration that a court may suspend a driver's license for a conviction for reckless driving, and requires the registered owner of a vehicle impounded due to an arrest for reckless driving, in order to have their vehicle returned prior to the conclusion of the impoundment period, to present specified evidence that they were unaware that the vehicle was being driven recklessly.

**ANALYSIS:**

Existing law:

- 1) Governs the cancellation, revocation and suspension of drivers' licenses in California, and the circumstances under which each of these actions may be taken by a court or the California Department of Motor Vehicles (DMV). (Vehicle (Veh.) Code, §§ 13100 et. seq.)
- 2) Provides that any person who drives a vehicle upon a highway or in an off-street parking facility, as defined, in willful or wanton disregard for the safety of persons or property, is guilty of reckless driving, punishable by imprisonment in a county jail for not less than 5 days nor more than 90 days or

by a fine of not less than \$145 nor more than \$1,000, or by both that fine and imprisonment. (Veh. Code, § 23103.)

- 3) Imposes higher penalties for any person who drives recklessly in violation of Vehicle Code Section 23103 with the intent to capture any type of visual image, sound recording, or other physical impression of another person for a commercial purpose. (Veh. Code, § 40008.)
- 4) Imposes higher penalties whenever reckless driving of a vehicle proximately causes specified injuries to a person other than the driver. (Veh. Code, §§ 23104, 23105.)
- 5) Provides that whenever a person is convicted of a violation of any provision of the Vehicle Code relating to the speed of vehicles or a violation of the prohibition against reckless driving, the court may, unless the Vehicle Code makes mandatory a revocation by the DMV, suspend the privilege of the person to operate a motor vehicle for a period of not to exceed 30 days upon a first conviction, for a period of not to exceed 60 days upon a second conviction, and for a period of not to exceed six months upon a third or any subsequent conviction. (Veh. Code, § 13200.)
- 6) Provides that the DMV may suspend the privilege of any person to operate a motor vehicle upon receipt of a duly certified abstract of the record of any court showing that the person has been convicted of a second or subsequent conviction of reckless driving. (Veh. Code, § 13361.)
- 7) Prohibits a person from driving a motor vehicle at any time when that person's driving privilege is suspended or revoked for reckless driving, if the person so driving has knowledge of the suspension or revocation, and sets forth penalties for a violation of this prohibition. (Veh. Code, § 14601.)
- 8) Requires a magistrate presented with the affidavit of a peace officer establishing reasonable cause to believe that a vehicle, as specified, was being driven recklessly, to issue a warrant or court order authorizing any peace officer to immediately seize and cause the removal of the vehicle, which may be impounded for a maximum of 30 days, as specified. (Veh. Code, § 14602.7.)
- 9) Prohibits any person from engaging in a motor vehicle speed contest on a highway or in an offstreet parking facility, as specified, and imposes higher penalties if a violation of the prohibition results in specified injuries. (Veh. Code, §§ 23109, 23109.1.)

- 10) Provides that whenever a peace officer determines that a person was engaged in a speed contest, reckless driving, or an exhibition of speed, the peace officer may immediately arrest and take into custody that person and may cause the removal and seizure of the motor vehicle used in that offense, although a motor vehicle that is seized may be impounded for not more than 30 days. (Veh. Code, § 23109.2, subd. (a).)
- 11) Requires that when such an impoundment occurs, the registered and legal owner of the vehicle or their agents to be provided the opportunity for a storage hearing to determine the validity of the storage. (Veh. Code, § 23109.2, subd. (b).)
- 12) Requires that whenever an authorized member of a public agency directs the storage of a vehicle, the agency or person directing the storage provide the vehicle's registered and legal owners of record, or their agents, with the opportunity for a poststorage hearing to determine the validity of the storage. (Veh. Code, § 22852, subd. (a).)
- 13) Requires that a notice of the storage be mailed or personally delivered to the registered and legal owners within 48 hours, excluding weekends and holidays, and include specified information. (Veh. Code, § 22852, subd. (b).)
- 14) Requires that the poststorage hearing be conducted within 48 hours of the request, excluding weekends and holidays. Provides that the public agency may authorize its own officer or employee to conduct the hearing if the hearing officer is not the same person who directed the storage of the vehicle. (Veh. Code, § 22852, subd. (c).)
- 15) Sets forth the circumstances under which an impounding agency must release a motor vehicle to the registered owner prior to the conclusion of the impoundment period, as well as the conditions that must be met for a seized vehicle to be released to the legal owner on or before the 30th day of impoundment. (Veh. Code, § 23109.2, subds. (c), (d).)

This bill:

- 1) Provides, commencing January 1, 2028 that whenever any licensed driver is convicted of reckless driving under Vehicle Code Section 23103, the court may, unless the Vehicle Code makes mandatory a revocation by the DMV, suspend the privilege of the person to operate a motor vehicle for a period not to exceed 60 days upon a first conviction.

- 2) Authorizes, commencing January 1, 2028, the court, upon a second conviction for reckless driving under Vehicle Code Section 23013, to suspend the driver's license for a period of not less than 30 days and no more than 6 months, and requires the court, upon a third or subsequent conviction, for a period of not less than 90 days and not to exceed one year.
- 3) Strikes the crime of reckless driving from the list of crimes in existing law, a violation of which authorizes a peace officer to immediately arrest the driver and impound the vehicle being driven.
- 4) Sets forth a standalone impoundment statute specifically relating to reckless driving, and provides that whenever a peace officer determines that a person was engaged in reckless driving, the peace officer may immediately arrest and take into custody that person and may cause the removal and seizure of the motor vehicle used in that offense, which may be impounded for not more than 30 days.
- 5) Specifies that a motor vehicle seized under the above provision may be impounded for not less than 60 days and not more than 90 days if the person has a prior conviction for reckless driving that occurred within three years of the current offense.
- 6) Requires the registered and legal owner of a vehicle removed and seized under the bill, or their agents, to be provided the opportunity for a storage hearing to determine the validity of the storage in accordance with existing law.
- 7) Requires an impounding agency to release a motor vehicle to the registered owner or their agent prior to the conclusion of the impoundment period under any of the following circumstances:
  - a) If the vehicle is a stolen vehicle.
  - b) If the person alleged to have been engaged in reckless driving was not authorized by the registered owner of the motor vehicle to operate the motor vehicle at the time of the commission of the offense. In this case, the registered owner shall provide evidence that the person did not have authorization from the registered owner to operate the vehicle, including, but not limited to, theft reports, documented history of unauthorized use, or communication denying use of the vehicle.
  - c) If the registered owner of the vehicle was neither the driver nor a passenger of the vehicle at the time of the alleged violation or was unaware that the driver was using the vehicle to engage in reckless driving.

- i. The registered owner shall submit a written, signed statement attesting that they were unaware that the driver was using the vehicle to engage in reckless driving.
  - ii. This relief shall only be available to a registered owner of a vehicle three times, and a registered owner of a vehicle is prohibited from using this relief for a fourth or any subsequent reckless driving arrest that involves the same driver and vehicle.
- d) If the legal owner or registered owner of the vehicle is a rental car agency.
- e) If, prior to the conclusion of the impoundment period, a citation or notice is dismissed, as specified, criminal charges are not filed by the district attorney because of a lack of evidence, or the charges are otherwise dismissed by the court.
- 8) Requires, if one of the above circumstances applies, a vehicle only be released if the registered owner or their agent presents a currently valid driver's license to operate the vehicle and proof of current vehicle registration, or if ordered by a court.
- 9) Provides that if a motor vehicle is released prior to the conclusion of the impoundment period pursuant to (7)(e) above, neither the person charged with reckless driving nor the registered owner of the motor vehicle is responsible for towing and storage charges nor shall the motor vehicle be sold to satisfy those charges.
- 10) Requires a vehicle seized under its provisions to be released to the legal owner of a vehicle, or the legal owner's agent, on or before the 30th day of impoundment if all the following conditions are met:
  - a) The legal owner is a motor vehicle dealer, bank, credit union, acceptance corporation, or other licensed financial institution legally operating in this state, or is another person, not the registered owner, holding a security interest in the vehicle.
  - b) The legal owner or the legal owner's agent pays all towing and storage fees related to the impoundment of the vehicle. Lien sale processing fees shall not be charged to a legal owner who redeems the vehicle on or before the 15th day of impoundment.
  - c) The legal owner or the legal owner's agent presents foreclosure documents or an affidavit of repossession for the vehicle.

- 11) Provides that the registered owner or their agent is responsible for all towing and storage charges related to the impoundment as well as specified administrative charges, except that if the person convicted of engaging in the reckless driving was not authorized by the registered owner of the motor vehicle to operate the motor vehicle at the time of the commission of the offense, the court must order the convicted person to reimburse the registered owner for any towing and storage charges related to the impoundment, and any administrative charges incurred by the registered owner to obtain possession of the vehicle, unless the court finds that the person convicted does not have the ability to pay all or part of those charges.
- 12) Specifies that if the vehicle is a rental vehicle, the rental car agency may require the person to whom the vehicle was rented to pay all towing and storage charges related to the impoundment and any administrative charges.
- 13) Specifies that the owner is not liable for any towing and storage charges related to the impoundment if acquittal or dismissal occurs, and that the vehicle may not be sold prior to the defendant's conviction.
- 14) Requires that a period when a vehicle is subjected to storage be included as part of the period of impoundment ordered by a court for a violation of the prohibition against speed contests in existing law.

### **Comments**

Existing law defines the crime of reckless driving as driving a vehicle on a highway (any publicly maintained street) or in an off-street parking facility in willful or wanton disregard for the safety of persons or property. A person acts with "wanton disregard for safety" when (1) they are aware that their actions present a substantial and unjustifiable risk of harm, and (2) they intentionally ignore that risk. Driving faster than the legal speed limit does not by itself establish that a person drove recklessly, but is instead considered a factor, along with all the surrounding circumstances, in making that determination. The crime of reckless driving is generally a misdemeanor punishable either by jail time between 5 and 90 days or a fine of between \$145 and \$1,000, or by both the fine and jail time. Certain aggravating factors, such as driving recklessly with the intent to capture a digital image or sound recording for a commercial purpose, causing specified injuries to another person while driving recklessly, or having a prior reckless driving conviction, can increase penalties significantly, sometimes rising to the level of a felony.

Unless revocation of a driver's license is otherwise required under existing law, existing law authorizes a court to suspend a driver's license for a period of up to 30 days for a first conviction for reckless driving, up to 60 days for a second conviction, and up to 6 months for any third or subsequent conviction. Existing law also makes it a misdemeanor for a person to drive on a license that has been suspended or revoked due to reckless driving. In addition, existing law authorizes a peace officer to seize and impound a vehicle when the officer arrests the vehicle's driver for reckless driving. Under this statute—Vehicle Code Section 23109.2—which applies to arrests for reckless driving, speed contests, and exhibitions of speed, a vehicle may be impounded for no longer than 30 days, and the registered and legal owner of the vehicle is afforded the opportunity for a storage hearing to determine the validity of the impoundment. Section 23109.2 sets forth several circumstances in which the registered owner of the vehicle may recover it before the conclusion of the impoundment period, including if the vehicle was stolen, if the owner was not in the car at the time of the violation or was unaware the vehicle was being driven recklessly, if the owner is a rental car company, or if reckless driving charges are ultimately dismissed or never filed by the district attorney. This statute also specifies that, except for specific situations, the registered owner is generally responsible for all impoundment-related fees, and that the vehicle may not be sold via lien sale prior to the defendant's conviction.

This bill consists of two major provisions – the first extends the duration that a court may suspend a driver's license after a reckless driving conviction, and the second creates a new impoundment statute adapted from Section 23109.2 that applies solely to arrests for reckless driving, leaving the 23109.2 to apply only to speed contests and exhibitions of speed. [For a more detailed discussion of the bill's provisions, see the analysis prepared by the Senate Committee on Public Safety].

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

According to the Senate Appropriations Committee:

DMV is undertaking an Enterprise Modernization Project and resources are fully committed to the project. Coordinating implementation of this bill within the project could delay implementation and/or increase costs by requiring the needed to be built outside the core legacy system. If DMV is required to implement this bill by January 1, 2027, the department will be required to build a temporary solution outside of the core legacy systems. Programming outside the core legacy systems will be costly,

redundant, and will require the department to acquire new technology and services.

The Motor Vehicle Account (MVA), the primary funding account for the DMV and the California Highway Patrol is facing insolvency. The LAO has noted that, “Until a plan is put in place to address MVA’s structural deficit, we recommend the Legislature set a high bar for considering approval of any proposals that create additional MVA cost pressures and accelerate the risk of insolvency.” The proposed Governor’s 2026-2027 Budget currently projects that the MVA will be insolvent as soon as 2028-29.

**SUPPORT:** (Verified 5/14/26)

Burbank Armenian Association (source)  
Arcadia Police Officers' Association  
Armenian National Committee of America Burbank Chapter  
Boys & Girls Club of Burbank and Greater East Valley  
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 Narcotic Officers' Association  
California Police Chiefs Association  
California Reserve Peace Officers Association  
City of Burbank Redevelopment Agency  
City of Malibu  
City of Pico Rivera  
Claremont Police Officers Association  
Corona Police Officers Association  
Culver City Police Officers' Association  
Fullerton Police Officers' Association  
Justice for Four Angels  
Los Angeles School Police Management Association  
Los Angeles School Police Officers Association  
Mid Valley Family YMCA  
Murrieta Police Officers' Association  
Newport Beach Police Association  
Palos Verdes Police Officers Association  
Peace Officers Research Association of California

Placer County Deputy Sheriffs' Association  
Pomona Police Officers' Association  
Riverside Police Officers Association  
Riverside Sheriffs' Association  
Streets are for Everyone  
Streets for All  
The East Valley Family YMCA  
West Valley Family YMCA

**OPPOSITION:** (Verified 5/14/26)

ACLU California Action  
All of US or None (HQ)  
California Attorneys for Criminal Justice  
Felony Murder Elimination Project  
Justice2Jobs Coalition  
La Defensa  
Lawyers Committee for Civil Rights of the San Francisco Bay Area  
Legal Services for Prisoners With Children  
Local 148 Los Angeles County Public Defender's Union  
San Francisco Public Defender

Prepared by: Alex Barnett / PUB. S. /  
5/18/26 15:21:15

\*\*\*\* **END** \*\*\*\*