

Date of Hearing: June 29, 2026

ASSEMBLY COMMITTEE ON TRANSPORTATION

Lori D. Wilson, Chair

SB 1198 (Menjivar) – As Amended June 24, 2026

SENATE VOTE: 32-0

SUBJECT: Vehicles: reckless driving: impoundment

SUMMARY: Extends the duration that a court may suspend a driver's license for a conviction for reckless driving. Specifically, **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 Department of Motor Vehicles (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, a violation of which authorizes a peace officer to immediately arrest and take that person into custody, and remove and seize the vehicle used in the offense, to be impounded for up to 30 days.
- 4) Establishes a standalone impoundment statute specific to reckless driving that provides that when a peace officer determines a person was engaged in reckless driving, the officer may immediately arrest and take into custody that person and cause the removal and seizure of the vehicle used in that offense, to be impounded for not more than 30 days.
- 5) Modifies the procedures governing a vehicle impounded for reckless driving pursuant to the above authority, as follows:
 - a) Requires an impounding agency to release a vehicle to the registered owner before the conclusion of the impoundment period if the person alleged to have been engaged in reckless driving was not authorized by the registered owner to operate the vehicle at the time of the offense, and requires the owner to provide evidence that the person did not have authorization to operate the vehicle, including, but not limited to, theft reports, documented history of unauthorized use, or communication denying use of the vehicle.
 - b) Requires the following, for the purpose of the existing requirement that an impounding agency release a vehicle to the registered owner before the conclusion of the impoundment period if the registered owner of the vehicle was neither the driver nor passenger of the vehicle at the time of the alleged reckless driving violation or was unaware that the driver was using a vehicle to engage in reckless driving:

- i. The owner shall submit a written, signed statement attesting that the registered owner was unaware that the driver was using the vehicle to engage in reckless driving.
 - ii. States that this relief shall only be available to a registered owner of a vehicle three times, and prohibits a registered owner from using this relief for a fourth or any subsequent arrest for reckless driving that involves the same driver and vehicle.
 - c) Requires, similar to the impoundment procedure for a speed contest, that if an impounding agency releases a vehicle to the registered owner before the conclusion of the applicable impoundment period because a citation or notice is dismissed, criminal charges are not filed because of insufficient evidence, or the charges are otherwise dismissed prior to the conclusion of the impoundment period, neither the person charged with reckless driving nor the registered owner of the vehicle is responsible for towing and storage charges nor shall the vehicle be sold to satisfy those charges.
- 6) Authorizes vehicle impoundment for reckless driving, as follows:
- a) Requires a magistrate presented with a peace officer affidavit establishing reasonable cause that a vehicle was an instrumentality used in the officer's presence in violation of specified crimes, including reckless driving, a speed contest, or an exhibition of speed, to issue a warrant authorizing an officer to immediately seize and remove the vehicle, to be impounded for up to 30 days. (VEH 14602.7, subd. (a)(1).)
 - b) Authorizes a peace officer who determines that a person engaged in reckless driving, a speed contest, or an exhibition of speed to immediately arrest and take into custody that person, cause the removal and seizure of the vehicle used in the offense, to be impounded for up to 30 days, subject to the following:
 - i. Requires that when such an impoundment occurs, the registered and legal owner of the vehicle or their agents be provided the opportunity for a storage hearing to determine the validity of the storage. (VEH, 23109.2, subds. (a) & (b).)
 - ii. Sets forth the circumstances under which an impounding agency must release a vehicle to the registered owner prior to the conclusion of the impoundment period, as well as the conditions that must be met for a vehicle to be released to the legal owner on or before the 30th day of impoundment. (VEH Code, 23109.2, subds. (c) & (d).)

EXISTING LAW:

- 1) Defines reckless driving as driving on a highway or off-street parking facility in willful or wanton disregard for the safety of persons or property and punishes this offense by five to 90 days in county jail or a fine of \$145 to \$1,000, or by both; (Vehicle Code (VEH) Section 23103.)
- 2) Punishes reckless driving proximately causing bodily injury to another by 30 days to six months in jail or a fine of \$220 to \$1,000, or by both; (VEH 23104, subd. (a).)

- 3) Punishes reckless driving that proximately causes great bodily injury to another person, who has previously been convicted of specified vehicle crimes, as a wobbler punishable by imprisonment for 16 months, or two or three years, or by 30 days to six months in county jail or a fine of \$220 to \$1,000, or by both; and, (VEH 23104, subd. (a).)
- 4) Punishes reckless driving that proximately causes specified injuries to another, as a wobbler, punishable by imprisonment for 16 months, or two or three years, or by 30 days to six months in county jail, a fine of \$220 to \$1,000, or by both. (VEH 23105.)
- 5) Authorizes a court to suspend a person's driver's license for a conviction of reckless driving for up to 30 days upon a first conviction, up to 60 days for a second conviction, and up to six months upon a third or subsequent conviction (VEH 13200).
- 6) Revokes a person's driver's license for reckless driving that caused bodily injury for one year (VEH 13350).
- 7) Revokes a person's driver's license for three years if the person has been convicted of three or more reckless driving or hit-and-run convictions over the course of a year. VEH 13351)
- 8) Places negligent operator 2 points on a person's driver's license for a conviction of reckless driving. (VEH 12810.5).
- 9) Provides that a person who received a specified number of negligent operator points receives a six month driver's license suspension and a one year probationary period (VEH 12810.5)

FISCAL EFFECT: Unknown

COMMENTS: Unlike most traffic offenses, which do not require the state to prove the intent of the driver when violating the law, reckless driving, a misdemeanor, requires a person to drive a vehicle upon a highway in willful or wanton disregard for the safety of persons or property. According to California Criminal Jury Instructions, "A person acts with wanton disregard for safety when (1) he or she is aware that his or her actions present a substantial and unjustifiable risk of harm, and (2) he or she intentionally ignores that risk. The person does not, however, have to intend to cause damage. [If you conclude that the defendant drove faster than the legal speed limit, that fact by itself does not establish that the defendant drove with wanton disregard for safety. You may consider the defendant's speed, along with all the surrounding circumstances, in deciding whether the defendant drove with wanton disregard for safety.]"

A person convicted of reckless driving receives two negligent operator points on their license. If the reckless driving caused bodily injury their license is revoked for a year. If they have three or more reckless driving and hit-and-run convictions within a year their license is revoked for three years. In addition, a court may suspend a person's driver's license for a conviction of reckless driving for up to 30 days upon a first conviction, up to 60 days for a second conviction, and up to six months upon a third or subsequent conviction.

An individual is considered a negligent operator if they receive four or more points in 12 months, six in 24 months, or eight in 36 months. In addition, a minor may receive a 30-day restriction on his or her license for two points in 12 months, or a suspension for three points in 12 months. Commercial drivers are allowed to receive two additional points; a violation received

while using a commercial vehicle carries 1.5 times the point count normally assessed. Except for driving under the influence (DUI) convictions, points remain on record for a total of 36 months.

The DMV sends out a series of warning letters once a person gets close to a driver's license suspension because of negligent operator points. If the person becomes a negligent operator, their license is suspended for six months and they are placed on probation for a year. If they receive any other points on their license during the probationary period their license is suspended for a year.

According to a DMV-commissioned report, *The Effectiveness of Theory Based Letters: An Evaluation of California's Negligent Operator Treatment System's Advisory Letters*, negligent operator points coupled with the warning letters have had a statistically significant reduction in traffic collisions. Level 1 warning letters, which are sent out when a person is two points away from having their license suspended, achieved a 4.6% reduction in crash-involved drivers. Level 2 warning letters, which are sent out when a person is one point away from a driver's license suspension, achieved an 8.0% reduction in crash-involved drivers.

According to the author, "For too long, reckless drivers have plagued California roads, claiming the lives of our beloved community members. Last year alone, nearly half of all collisions resulting in serious injury or death involved reckless driving. We must stand with the families whose lives have been forever changed by this inexcusable behavior. Standing with them means ensuring that reckless behavior behind the wheel is met with consequences serious enough to match the harm it causes. By increasing penalties for those who repeatedly engage in reckless driving, SB 1198 sends a clear message about the seriousness and the consequences of endangering oneself, pedestrians, bicyclists, and all other road users."

According to the Burbank Armenian Association, *the sponsor of this bill*, "Reckless driving continues to pose a serious and preventable threat to public safety across California and within our local communities. According to enforcement data from the Burbank and Glendale Police Departments, officers encounter approximately 9,900 speeding violations, 780 hit and run incidents, 100 reckless driving violations, and 40 street racing incidents each year, contributing to hundreds of collisions involving injury or death. This reflects a broader statewide crisis. In 2025 alone, California recorded 2,390 fatalities and more than 160,000 crashes involving injury or death, with reckless driving among the primary contributing factors.

"Current law does not provide sufficient tools to deter repeat reckless driving or ensure accountability. SB 1198 will strengthen enforcement, increase penalties for repeat offenders, and establish meaningful accountability measures to help prevent future tragedies."

The Los Angeles County Public Defenders Union, *writing in opposition to this bill*, argues "We must respectfully oppose your Senate Bill 1198, which would substantially increase the license suspension duration and vehicle impoundment duration for individuals convicted of reckless driving. We share the Legislature's goal of preventing future tragedies, but we urge the legislature to prioritize evidence-based solutions over more punitive measures that have produced mixed results and harm families. Reckless driving already carries numerous consequences under current law. Reckless driving is a misdemeanor punishable by a fine of up to \$1000 and 90 days of incarceration. If the violation results in injuries, the punishments are steeper. Moreover, a court may suspend an individual's license for up to 6 months. On a national

level, California's punishment scheme is the same or harsher than 31 other states. Despite this, SB 1198 would ratchet up the license suspension durations by 200-400%.

"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."

Committee comments: This bill doubles the length of time a court may suspend a driver's license for a first-time conviction of reckless driving from 30 to 60 days. It also removes judicial discretion for subsequent reckless driving convictions, requiring a mandatory one-month suspension of a person's driver's license upon a second conviction and a three-month mandatory suspension for a third offense, regardless of the amount of time that has passed between convictions. Even driving under the influence DUI convictions traditionally have a 10-year lookback period.

Under existing law, reckless driving comes with two negligent operator points. The conviction of two reckless driving charges in a three-year time period would already result in a six-month license suspension and one-year probationary period where a driver risks a yearlong suspension if they are determined to be at fault in a collision or receive another traffic ticket. Reckless driving that results in bodily injury comes with a one-year license revocation.

Implementing this bill will come with programming costs and challenges to the DMV.

According to the Legislative Analyst's Office (LAO), the Motor Vehicle Account (MVA), the primary funding source for DMV, has been experiencing a structural imbalance for many years, with expenditures consistently outpacing revenues. The state has been able to delay the account's insolvency through various budget adjustments, policy changes, and temporary transfers from other special funds. Several underlying causes of the MVA's structural deficit remain unaddressed, and the account is projected to become insolvent from the 2028-29 budget year onward. Moreover, given the scale of the state's projected budget shortfall in the coming years, relying on the General Fund or other special funds to help cover the MVA expenditure will be challenging. The LAO argues that every new expenditure from the account—especially those that are comparatively large—should be well justified and clear a high bar for approval.

In the Governor's proposed 2026-2027 budget, the Governor warned that "the Budget currently projects that the MVA will be insolvent as soon as 2028-29. Given the ongoing fiscal constraints in the MVA, the Administration will continue to limit new workload or initiatives, including those with delayed implementation dates that would create additional cost pressures over time."

DUI and other traffic laws traditionally do not have second and third offense consequences that go beyond ten years. As a result, the committee recommends amending this bill to only require the mandatory driver's license suspensions for second and third offenses if those offenses occurred within the prior ten years.

Related and prior legislation. AB 3 (V. Fong), Chapter 611, Statutes of 2021, allows a court to suspend a person's driver's license if they were convicted of a motor vehicle exhibition of speed and that charge stemmed from their participation in a motor vehicle sideshow.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Highway Patrolmen
Los Angeles County District Attorney's Office
Peace Officers Research Association of California
Streets for All

Opposition

ACLU California Action
Local 148 Los Angeles County Public Defender's Union

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