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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair  
2025 - 2026 Regular Session

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### SB 953 (Niello) - Driving record: points: vehicular manslaughter

**Version:** April 6, 2026

**Urgency:** No

**Hearing Date:** April 27, 2026

**Policy Vote:** TRANS. 12 - 0

**Mandate:** No

**Consultant:** Mark McKenzie

**Bill Summary:** SB 953 would require the Department of Motor Vehicles (DMV) to assign two violation points on the record of a driver for a vehicular manslaughter violation if a court dismisses the charge after the driver successfully completes court-ordered misdemeanor diversion.

#### **Fiscal Impact:**

- The DMV would incur unknown significant costs, at least in the low hundreds of thousands of dollars, to implement this bill by January 1, 2027. Specifically, DMV would incur significant one-time costs to modify its core legacy IT systems, or build a separate stand-alone temporary solution to receive, maintain, and disclose dismissed vehicular manslaughter violations. DMV may also incur additional ongoing costs to the extent it may be required to hold hearings for drivers prior to the assessment of violation points, and to take subsequent licensing actions based on points assessed from a dismissed violation. See Staff Comments. (Motor Vehicle Account)

**Background:** DMV assigns violation points against a driver's license record for convictions of certain traffic offenses to identify an individual as a negligent operator. Violation points vary with the gravity of the offense; for example, a "fix-it" ticket does not count for any violation points, a traffic infraction involving the safe operation of a vehicle, such as most speeding tickets, counts for one violation point, and convictions for more serious violations, such as driving while under the influence of alcohol or drugs, vehicular manslaughter, and speeding in excess of 100 miles per hour, count for two violation points. DMV may suspend a driver's license for six months if a person receives four points in one year, six points in two years, or eight points in three years.

Existing law authorizes DMV to conduct an investigation to determine whether the privilege of any person to operate a motor vehicle should be suspended or revoked, or whether terms or conditions of probation should be imposed, in specified circumstances, including receiving information that a licensee has been involved as a driver in an accident causing death or personal injury or serious damage to property. Courts and law enforcement have existing methods of reporting offenders to DMV outside of the judicial process and not as part of a conviction. Specifically, law enforcement regularly submits fatal accident reports to DMV when a death occurs, and may request that DMV conduct a priority reexamination of a driver by filing a specified DS 699 form.

Existing law defines vehicular manslaughter as the unlawful killing of a human being without malice under the following circumstances:

- Driving a vehicle in the commission of an unlawful act, not amounting to a felony, and with gross negligence; or driving a vehicle in the commission of a lawful act which might produce death, in an unlawful manner, and with gross negligence. This explicitly excludes gross vehicular manslaughter while intoxicated.
- Driving a vehicle in the commission of an unlawful act, not amounting to a felony, but without gross negligence; or driving a vehicle in the commission of a lawful act which might produce death, in an unlawful manner, but without gross negligence.
- Knowingly causing or participating in a vehicular collision, or any other vehicular accident, for the purpose of presenting any false or fraudulent insurance claim, where the vehicular collision or vehicular accident was knowingly caused for financial gain and proximately resulted in the death of any person.

Existing law requires the assignment of two violation points on a driver's record for a conviction of a violation of vehicular manslaughter.

Existing law authorizes a judge to offer diversion to a misdemeanor defendant, over the objection of the prosecution, except in cases of stalking, domestic violence, and any offense requiring sex offender registration. Unlike other existing pre-plea diversion programs, court-initiated diversion contains no statutory requirements for the defendant to satisfy in order to be eligible, except that the defendant cannot have committed one of the crimes that are specifically excluded. The judge has broad authority to order the defendant to comply with terms, conditions, or programs that the judge deems appropriate based on the specific situation, but the case may not be diverted for a period exceeding 24 months. If it appears to the court that the defendant is not complying with the terms and conditions of diversion, after notice to the defendant, the court must hold a hearing to determine whether the criminal proceedings should be reinstated. If the court finds that the defendant has not complied with the applicable terms and conditions, it may end the diversion and order resumption of the criminal proceedings. If the defendant has complied with the imposed terms and conditions, the judge is required to dismiss the action against the defendant at the end of the period of diversion. Upon successful completion of the terms, conditions, or programs ordered by the court, the arrest upon which diversion was imposed shall be deemed to have never occurred, as specified.

As such, under current law, a violation for vehicular manslaughter is not reported to DMV, and points are not assigned to a driver's record, if the violation is dismissed as a result of the driver successfully completing court-ordered misdemeanor diversion.

**Proposed Law:** SB 953 would require the assignment of two violation points against a driver's record for a vehicular manslaughter violation in which the case was dismissed as a result of the driver successfully completing court-initiated misdemeanor diversion.

**Related Legislation:** AB 1662 (Wilson), which is currently pending in the Assembly Appropriations Committee, would require a court that has dismissed a case as a result of a person successfully completing court-ordered misdemeanor diversion related to specified Vehicle Code violations (including vehicular manslaughter) to transmit that information to the DMV, and require DMV to assess points on the driver's record.

**Staff Comments:** This bill would allow the DMV and insurance companies to continue to assess a person's risks as a driver by ensuring all vehicular manslaughter violations

are reported to a driver's record, including violations that are dismissed upon successful completion of court-ordered misdemeanor diversion.

The DMV does not currently receive data on dismissed violations from the courts, either as a result of diversion or other reasons for dismissal. Information on the number of vehicular manslaughter violations that are dismissed upon completion of court-ordered diversion is currently unavailable.

According to the DMV, resources are fully committed to current IT modernization efforts (the Digital eXperience Platform Project, or DXP), and coordinating implementation of this bill within DXP may delay the IT efforts necessary to implement the bill and/or increase DXP Platform costs. To implement this bill by January 1, 2027, DMV would have to build a temporary solution outside of the core legacy systems, which will be costly, redundant, and will require the department to acquire new technology and services. Staff estimates that the DMV would incur significant costs, at least in the hundreds of thousands of dollars, to build a separate stand-alone temporary solution to receive, maintain, and disclose dismissed vehicular manslaughter violations.

The Motor Vehicle Account (MVA) is the primary funding source for the California Highway Patrol and DMV. The MVA has had a structural deficit since the 2021-22 fiscal year, with expenditures exceeding revenues by approximately \$60 million in the current year, and approximately \$112 million in the budget year (projected). Absent further actions to address the MVA fund condition, approving any new proposals that increase MVA expenditures would exacerbate the current structural imbalance of the fund. The Budget Summary published for the Governor's proposed 2026-27 Budget notes 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."

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