

Date of Hearing: August 5, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 953 (Niello) – As Amended April 6, 2026

Policy Committee:	Public Safety	Vote:	9 - 0
	Transportation		15 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill requires the Department of Motor Vehicles (DMV) to assign two violation points to the driving record of a person for a vehicular manslaughter violation in which the case was dismissed as a result of the person successfully completing court-initiated misdemeanor diversion, the same point value that applies to a conviction for the offense.

FISCAL EFFECT:

- 1) Significant one-time DMV costs, ranging from the high hundreds of thousands of dollars to several million dollars (Motor Vehicle Account), to implement this bill by January 1, 2027, by modifying the DMV's systems or building a separate temporary solution outside the department's core systems to receive, maintain, and disclose records of dismissed vehicular manslaughter violations. The DMV does not currently receive information from the courts regarding dismissed violations, whether resulting from diversion or otherwise. According to the DMV, actual costs will depend on the complexity of the required information technology changes, whether a temporary solution must be developed outside the department's core systems, and the volume of dismissed violations reported by the courts.
- 2) Potential ongoing DMV costs of an unknown amount (Motor Vehicle Account) to conduct hearings to the extent drivers are entitled to challenge the assessment of negligent operator points or subsequent licensing actions based on a dismissed violation. The DMV cannot currently estimate these costs because the department does not know how many cases dismissed under Penal Code section 1001.95 would be reported each year.

The department reports the department's information technology resources are fully committed to the DMV's Enterprise Modernization Project, and that meeting the January 1, 2027 implementation date would likely require a temporary solution outside core systems, resulting in duplicative programming, procurement of new technology and services, and Project Approval Lifecycle review, while incorporating this bill's requirements into the modernization project instead would likely delay implementation and increase overall project costs.

The Motor Vehicle Account, the primary funding source for the DMV and the California Highway Patrol, has operated with a structural deficit since 2021-22, with expenditures exceeding revenues by approximately \$60 million in the current year and a projected \$112 million in the budget year. The administration projects the account will become insolvent as soon as 2028-29 and has indicated it will continue to limit new workload or initiatives, including those with delayed implementation dates that create additional cost pressures over time.

COMMENTS:

- 1) **Purpose.** According to the author, the bill is a narrowly tailored measure requiring vehicular manslaughter violations to be reflected on a driver's record even when the defendant completes misdemeanor diversion. The author states that under current law, when a driver receives misdemeanor diversion for a vehicular manslaughter offense, the offense is effectively removed from both the criminal record and the driving record, creating a public safety gap in which serious offenses may never appear on a driver's record while comparatively minor infractions do. This bill is author-sponsored.
- 2) **Background.** The DMV assigns violation points to a driver's record for specified traffic offenses to identify negligent operators; a driver presumed to be a negligent operator (four points in 12 months, six in 24 months, or eight in 36 months) may have their driving privilege suspended or revoked. A conviction for vehicular manslaughter currently carries two points. Under existing law, courts report qualifying convictions to the DMV by transmitting an abstract of the record within five days of conviction. Because court-initiated misdemeanor diversion results in a dismissal rather than a conviction, and does not require a guilty plea, a vehicular manslaughter violation resolved through diversion is not currently reported to the DMV and no points are assessed. This bill closes that gap by requiring two points to be assigned when a vehicular manslaughter case is dismissed following completion of diversion. As a practical matter, the bill reaches only misdemeanor-eligible offenses: vehicular manslaughter with ordinary negligence, and gross vehicular manslaughter where charged as or reduced to a misdemeanor. Vehicular manslaughter for financial gain (a felony) and felony gross vehicular manslaughter are not eligible for misdemeanor diversion. Because the bill assigns points, and potentially triggers a license suspension, based on a violation for which culpability was never adjudicated, a driver whose license is suspended on this basis could challenge the suspension on due process grounds. To the extent the bill is challenged in court, any defense costs would be borne by the Department of Justice.
- 3) **Support and Opposition.** This bill is supported by the California District Attorneys Association, numerous law enforcement associations, and traffic-safety organizations, which argue the bill ensures drivers who kill behind the wheel do not have their driving record wiped clean and helps accelerate license suspensions for dangerous drivers. The bill is opposed by ACLU California Action, the Western Center on Law & Poverty, and other organizations, which argue the bill increases DMV and court costs, undermines the benefits of diversion, and imposes license-related consequences that can cause job loss and other hardship.
- 4) **Related Legislation.** AB 1662 (Wilson) requires the court, when granting diversion to a defendant who would have had an abstract of record forwarded to the DMV if they had been convicted, to instead direct the prosecuting attorney to ensure the arresting agency provides notice to the DMV of the arrest or incident. This bill is pending in Senate Appropriations.

AB 1685 (Lackey) increases the points assessed for gross vehicular manslaughter while intoxicated from one to three. This bill is also pending in Senate Appropriations.