

Date of Hearing: June 29, 2026

ASSEMBLY COMMITTEE ON TRANSPORTATION

Lori D. Wilson, Chair

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

SENATE VOTE: 33-0

SUBJECT: Driving record: points: vehicular manslaughter

SUMMARY: Imposes two points on a person's drivers record if they had a misdemeanor vehicular manslaughter violation dismissed by a judge after the completion of diversion.

EXISTING LAW:

- 1) Authorizes the DMV to suspend, revoke, or refuse to issue a driver's license if a person accumulates a certain number of points on their driving record, as follows:
 - a) Provides that a person whose driving record shows a violation point count of four or more points in 12 months, six or more points in 24 months, or eight or more points in 36 months shall be prima facie presumed to be a negligent operator of a motor vehicle, except as otherwise specified. (Vehicle Code Section (VEH) 12810.5)
 - b) Requires the DMV, in making a negligent operator determination, to give due consideration to the amount of use or mileage traveled in the operation of a vehicle if the person requests and appears at a DMV hearing. (VEH 12810.5)
 - c) Authorizes the DMV to require a negligent operator whose driving privilege is suspended or revoked to submit proof of financial responsibility, as specified. (VEH 12810.5)
 - d) Authorizes the DMV to suspend or revoke the privilege of any person to operate a vehicle upon any grounds that authorizes the refusal to issue a license, including when a person is deemed a negligent operator. (VEH 13359, 12809)
 - e) Authorizes the DMV to refuse to issue or renew a driver's license if the DMV determines the applicant is a negligent or incompetent operator of a vehicle. (VEH 12809)
 - f) Provides that whenever the DMV has discretionary authority to suspend or revoke the privilege of a person to operate a vehicle, the DMV may in lieu of suspension or revocation, place the person on probation, as specified, and issue a restricted driver's license as a condition of probation where that person is presumed to be a negligent operator. (VEH 14250, 12812)
 - g) Provides that the point count, for purposes of determining if a driver is a negligent operator, is determined as follows:
 - i) Violations that receive one point:

- (1) Any traffic conviction involving the safe operation of a vehicle upon the highway, except as specified. (VEH 12810)
 - (2) A traffic accident in which the DMV deems the operator responsible. (VEH 12810)
 - (3) A conviction for failing to properly secure a child under eight years old in a rear seat in an appropriate child passenger restraint system, as specified. (VEH 12810)
 - (4) A conviction for transporting a child between eight and 16 years old, without properly securing that child in an appropriate child passenger restraint system, as specified. (VEH 12810)
- ii) Convictions that receive two points:
- (1) A hit and run resulting in only property damage, or a hit and run resulting in injury or death to another person.
 - (2) Driving under the influence (DUI), DUI causing bodily injury to another, or driving a vehicle with a blood alcohol content (BAC) of .05 or more, for a person under the age of 21, even where a chemical test was not made to determine that person's BAC, as specified.
 - (3) Reckless driving.
 - (4) Intoxicated vehicular manslaughter, without gross negligence.
 - (5) Vehicular manslaughter, with or without gross negligence.
 - (6) Fleeing or attempting to elude a peace officer where the pursued vehicle is driven in willful or wanton disregard for the safety of persons or property, including where this offense causes serious bodily injury or death.
 - (7) Driving a vehicle upon a highway, except to the right of an intermittent barrier or dividing section which separates two or more lanes of opposing traffic.
 - (8) Driving a vehicle on a highway at a speed greater than 100 miles per hour.
 - (9) Engaging in a motor vehicle speed contest or exhibition of speed or aiding and abetting a motor vehicle exhibition of speed.
 - (10) Engaging in a motor vehicle speed contest that proximately causes specified injuries to another person.
 - (11) Driving on a highway for the purpose of transporting explosives, except as specified.
 - (12) Driving on a suspended or revoked license, driving on a license that was suspended or revoked due to a DUI, DUI causing bodily injury, reckless driving, or refusal or failure to complete a chemical test or alcohol screening test, or

accumulating a driving record that results from driving when a person has a suspended or revoked license. (VEH 12810)

iii) Provides that a conviction for only one violation arising from one occasion of arrest or citation shall be counted in determining the violation point count. (VEH 12810)

2) Establishes Court-Initiated Misdemeanor Diversion, as follows:

- a) Authorizes a judge in the superior court in which a misdemeanor is being prosecuted to, at the judge's discretion, and over the objection of a prosecuting attorney, offer diversion to a defendant. (Penal Code Section (PEN) 1001.95)
- b) Authorizes a judge to continue a diverted case for a period not to exceed 24 months and to order the defendant to comply with terms, conditions, or programs that the judge deems appropriate based on the defendant's specific situation. (PEN 1001.95)
- c) Requires the judge, if the defendant has complied with the imposed terms and conditions, to dismiss the action against the defendant at the end of the period of diversion. (PEN 1001.95)
- d) Requires the court, if it appears to the court that the defendant is not complying with the terms and conditions of diversion, after notice to the defendant, to hold a hearing to determine whether the criminal proceedings should be reinstated. (PEN 1001.95)
- e) Authorizes the court, if it finds that the defendant has not complied with the terms and conditions of diversion, to end the diversion and order resumption of the criminal proceedings. (PEN 1001.95)
- f) Provides that a defendant may not be offered diversion for any of the following current charged offenses:
 - i) Any offense for which a person, if convicted, would be required to register as a sex offender;
 - ii) Any offense involving domestic violence, as specified; and,
 - iii) Stalking. (PEN 1001.95)
- g) Requires a defendant who is diverted under court-initiated diversion to complete all of the following to have their action dismissed:
 - i) Complete all conditions ordered by the court.
 - ii) Make full restitution, although a defendant's inability to pay restitution due to indigence shall not be grounds for denial of diversion or a finding that the defendant has failed to comply with the terms of diversion.
 - iii) Comply with a court-ordered protective order, stay-away order, or order prohibiting firearm possession, if applicable. (PEN 1001.95)
- h) Provides that upon successful completion of the terms, conditions, or programs ordered by the court pursuant to court-initiated misdemeanor diversion, the arrest upon which diversion was imposed shall be deemed to have never occurred, and the defendant may

indicate, in response to any question concerning their prior criminal record, that they were not arrested. (PEN 1001.95)

- i) Prohibits a record pertaining to an arrest resulting in successful completion of the terms, conditions, or programs ordered by the court from, without the defendant's consent, being used in any way that could result in the denial of any employment, benefit, license, or certificate. (PEN 1001.97)
- j) Requires the defendant to be advised that, regardless of their successful completion of diversion, the arrest upon which the diversion was based may be disclosed by the Department of Justice in response to a peace officer application request and that completion of diversion does not relieve them of the obligation to disclose the arrest in response to a direct question contained in a questionnaire or application for a position as a peace officer. (PEN 1001.97)

FISCAL EFFECT: According to Senate Appropriations Committee:

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. (Motor Vehicle Account)

COMMENTS: In California, if you run a stop sign, you can receive a negligent operator point on your driver's license. If you run a stop sign and kill someone and go through the misdemeanor diversion program, no negligent operator points are assessed on your driving record.

According to the National Highway Traffic Safety Administration, 39,474 people died in traffic collisions in California between 2014 and 2023. 10,034 of those deaths were pedestrians, and 12,056 of those deaths were alcohol related. 4,270 of those deaths were drivers under the age of 21. In the United States, motor vehicle crashes account for 20% of all children's and adolescent deaths. In 2023, the primary crash factor in California was the influence of alcohol, followed by improper turns, failure to yield, speeding, and other violations.

Except for driving while using a cell phone, all moving violations are eligible for a negligent operator point for the first offense. Most offenses permit a person to take traffic violator school to avoid a point on their license if they have no prior offense on their record within the previous 18 months.

In addition to traffic fines, another method to encourage compliance with road rules includes assessing negligent operator points on a driver's license. The point system is used by DMV to determine if a driver should be considered a negligent operator. DMV may suspend or revoke a person's driving privilege for being a negligent operator. Negligent operator points are also used by insurance companies to assess a driver's risk. Drivers with two points on their license lose the "good driver" discount required by law and can have their insurance premiums increase by at least 20%.

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 DUIs, 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. 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 4.62% 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 8.04% reduction in crash-involved drivers.

Most driving offenses in the vehicle code are a single point. The two-point violations are generally misdemeanor offenses. Misdemeanor offenses, which are eligible for diversion, are distinct from most traffic offenses in the fact that most require a prosecutor to prove mens rea, or "a guilty mind." For traffic infractions, prosecutors do not need to prove you knew you were speeding or knew you ran a stop sign. However, to be eligible for the jail time that comes with a misdemeanor offense, prosecutors must prove some sort of intent along with bad driving behavior.

Examples of two-point misdemeanor eligible offenses include reckless driving (driving with a willful and wanton disregard for human life), motor vehicle speed contests, motor vehicle exhibitions of speed (including sideshows and street takeovers), vehicular manslaughter (where a person violated a rule of the road and as a result killed someone but lacked the intent to kill them and was not intoxicated), fleeing from a police officer, hit and run causing only property damage, and driving on a suspended or revoked driver's license. Unlike one-point offenses, two-point offenses are not eligible for traffic violator schools.

AB 3234 (Ting), Chapter 334, Statutes of 2020, created a court-initiated misdemeanor diversion program. Since then, all of the offenses above, except DUIs, have become eligible for misdemeanor diversion, allowing some of the more serious driving offenses to not appear on a person's driving record, including ones that resulted in killing someone, while still placing points on their record for more minor offenses like failing to use a turn signal.

This bill would still permit a person to be eligible for misdemeanor diversion, while allowing the state and insurance companies to continue to assess their risks as a driver by keeping their driving offenses on their driving record for vehicular manslaughter.

According to the author, "SB 953 is a narrowly tailored bill that requires all vehicular manslaughter convictions to be reported to the Department of Motor Vehicles (DMV). This requirement applies even when a defendant is granted Misdemeanor Diversion. In such cases, the conviction would still be reported to the DMV and reflected on the individual's driving record as a two-point violation. Misdemeanor Diversion programs are intended to provide rehabilitation for individuals. However, under current law, when a driver receives Misdemeanor Diversion for

a vehicular manslaughter conviction, the offense is effectively removed from both their criminal record *and* their driving record. As a result, serious offenses like vehicular manslaughter may never appear on a driver's record, while comparatively minor infractions, such as speeding tickets, do. This creates a significant public safety gap: drivers can commit multiple high-risk or fatal driving offenses without the DMV ever receiving notice, preventing appropriate license suspension or revocation. A speeding ticket should not carry more visible consequences on a driving record than vehicular manslaughter. Two points added to the driving record ensures that drivers are held accountable for dangerous conduct on the road."

The *California District Attorneys Association*, writing in support, argues "SB 953... would amend Section 12810 of the California Vehicle Code to ensure that drivers who commit vehicular manslaughter suffer a two-point penalty on their license, even if they participate in a misdemeanor diversion program.

"According to an ongoing CalMatters investigation, over the past decade nearly 40,000 people have died and more than 2 million have been injured on California roads. Since 2010, California has seen more than a 60% increase in traffic fatalities. Impaired driving, distracted driving, chronic speeders, and overall recklessness behind the wheel have all contributed to this disturbing increase in traffic fatalities and accidents. SB 953 helps reverse this trend by ensuring that violators who kill behind the wheel do not have their driving slate wiped clean.

"SB 953 rightly recognizes that the devastation of a fatal accident warrants increased vigilance by the DMV for those convicted of vehicular manslaughter. By ensuring that violators cannot simply have their driving record wiped clean, SB 953 better reflects the severity of the crime, will help accelerate license suspensions for those who pose a real and present danger on the road, and will make our roads safer."

ACLU California Action, writing in opposition, argues "Current law allows a judge to offer a defendant diversion in misdemeanor vehicular manslaughter cases when the judge determines that diversion is appropriate. If the bill is passed, people who complete a diversion program would, nonetheless, be assessed points on their license. The Legislature should not increase DMV costs, increase court costs, and burden families to pursue an approach that undermines a proven way to improve public safety outcomes.

"Diversion is an "exit ramp" to the criminal legal system – which "minimize[s] people's exposure to the criminal legal system." Pretrial diversion programs allow people charged with crimes to complete a rehabilitation program in lieu of prosecution. Upon successful completion of the program, the judge dismisses their case. Under California Penal Code section 1001.95, judges have the discretion to offer diversion to people charged with most misdemeanors. Diversion is a crucial criminal justice tool: it can clear court calendars and reduce jail and prison overcrowding. Diversion also advances public safety – research shows that diversion programs cut recidivism by half. SB 953 will require funding for increased crosstalk between DMV and courts while undermining these benefits, straining an already overburdened criminal legal system and diminishing public safety.

"Moreover, receiving points on a driving record can have devastating consequences for Californians and their families. Numerous studies have found a direct correlation between driving and employment. A task force report to the Governor of New Jersey cited research finding 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...”

Committee comments. DMV has raised with the committee challenges related to implementation of this bill, including how the offenses will be reported to the DMV when a conviction of the offense has not occurred. The author should continue to work with DMV to receive technical assistance on how to best implement this bill should it continue to move through the process. DMV already has a communication system established with courthouses across the state on reporting offenses to be included on a person’s driving record.

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.”

Related and previous legislation. AB 1662 (Wilson) of 2026 would provide that if a defendant's case is dismissed because they completed misdemeanor diversion and the case involved a violation that ordinarily requires points to be added to the defendant's driving record, the DMV must assess points on the defendant's driving record. AB 1662 passed out of Senate Public Safety Committee and is pending before Senate Transportation Committee.

AB 1685 (Lackey) of 2026 would increase the number of points that must be added to a person’s driving record, from one to three, for the crime of gross vehicular manslaughter while intoxicated, as specified. AB 1685 has been referred to the Senate Public Safety Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

American Automobile Association of Northern California, Nevada & Utah
Arcadia Police Officers' Association
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 District Attorneys Association
California Narcotic Officers' Association
California Reserve Peace Officers Association

California State Sheriffs' Association
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
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
Safety and Advocacy for Empowerment
Streets for All
The California Baptist Capitol Ministry

Opposition

ACLU California Action
Debt Free Justice California
Friends Committee on Legislation of California

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