
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: SB 1198 **Hearing Date:** March 24, 2026
Author: Menjivar
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Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Vehicles: reckless driving: impoundment*

HISTORY

Source: The Burbank Armenian Association

Prior Legislation: AB 3085 (Gipson), Ch. 504, Stats. of 2024
AB 2186 (Wallis), Ch. 502, Stats. of 2023
AB 1407 (Freidman), vetoed by the Governor, 2019

Support: 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 Narcotic Officers' Association; California Police Chiefs Association; California Reserve Peace Officers 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; Streets for All

Opposition: ACLU California Action; Felony Murder Elimination Project; Justice2Jobs Coalition; La Defensa; Lawyers Committee for Civil Rights of the San Francisco Bay Area; Local 148 Los Angeles County Public Defender's Union; San Francisco Public Defender

PURPOSE

The purpose of this bill to extend the duration that a court may suspend a driver's license for a conviction for reckless driving, and to require 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.

Existing law 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). (Veh. Code, §§ 13100 et. seq.)

Existing law 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.)

Existing law 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.)

Existing law imposes higher penalties whenever reckless driving of a vehicle proximately causes specified injuries to a person other than the driver. (Veh. Code, §§ 23104, 23105.)

Existing law 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.)

Existing law 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.)

Existing law 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.)

Existing law 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.)

Existing law 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.)

Existing law 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).)

Existing law 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).)

Existing law 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).)

Existing law 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).)

Existing law 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).)

Existing law 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 provides 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 of not less than 30 days and not more than 90 days upon a first conviction.

This bill requires the court, upon a second conviction for reckless driving under Vehicle Code Section 23013, to suspend the driver's license for a period of 6 months, and upon a subsequent conviction, for a period of not less than 3 years.

This bill 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.

This bill 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.

This bill 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.

This bill 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.

This bill 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:

- If the vehicle is a stolen vehicle.
- 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.
- 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.
 - The registered owner shall sign an affidavit under penalty of perjury that they were unaware that the driver was using the vehicle to engage in reckless driving.
 - This relief shall only be available to a registered owner of a vehicle once, and a registered owner of a vehicle is prohibited from using this relief for a second or any subsequent reckless driving arrest that involves the same driver and vehicle.
- If the legal owner or registered owner of the vehicle is a rental car agency.
- 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.

This bill 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.

This bill 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:

- 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.
- 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.

- The legal owner or the legal owner's agent presents foreclosure documents or an affidavit of repossession for the vehicle.

This bill 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.

This bill 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.

This bill 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.

This bill 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

1. Need for This Bill

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.

2. Impoundment Generally

SB 1758 (Kopp), Chapter 1221, Statutes of 1994, gave law enforcement a new tool to enforce Vehicle Code violations—the ability to impound someone's vehicle for driving while unlicensed or driving with a suspended license. After initial data showed that SB 1758 was effective in reducing convictions for driving without a license or with a suspended license, the Legislature

began expanding the violations for which a vehicle could be impounded.¹ AB 2288 (Aguiar), Chapter 884, Statutes of 1996 expanded vehicle impoundments to include speed contests, and SB 1489 (Perata) Chapter 411, Statutes of 2002, granted law enforcement the ability to impound a vehicle for reckless driving. Today, there are nearly three dozen bases upon which local authorities – primarily peace officers – may remove and impound a vehicle under the California Vehicle Code.

California Vehicle Code section 22651 sets forth the main circumstances under which local authorities may remove and impound a vehicle, including leaving a vehicle unattended, obstructing traffic so as to create a hazard, identifying a stolen or embezzled vehicle, blocking a private driveway or firefighting equipment (including a hydrant), during an arrest of a person driving or in control of a vehicle and the officer is required to take the person into custody, identifying a vehicle which has been issued five or more unaddressed parking citations, and leaving the vehicle parked or standing on a road for 72 or more consecutive hours in violation of a local ordinance authorizing removal.² Of particular relevance to this bill, existing law also authorizes a peace officer to seize and impound a vehicle incident to an arrest for reckless driving or engaging in a speed contest or an exhibition of speed, as will be discussed in greater length in Comment 3.³

After removing a vehicle, per one of the aforementioned reasons or otherwise, the officer is required to take the vehicle to “the nearest garage or place of safety or to a garage designated or maintained” by the officer’s employing agency, a process commonly referred to as “impoundment.”⁴ Impoundments can last anywhere from 24 hours to 30 calendar days depending on a variety of factors, and a vehicle’s registered owner can usually reclaim their impounded vehicle after a “storage hearing” by showing proof of registration and paying a specified fee.⁵ However, if a vehicle remains unclaimed for a certain length of time depending on the value of the vehicle, the keeper of that vehicle (usually the owner of the tow yard or impound lot, referred to as a “lienholder”), may dispose of the vehicle via a so-called “lien sale” or auction.

3. Existing Reckless Driving Penalties

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.⁶ 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

¹ DeYoung, David. “An evaluation of the specific deterrent effects of vehicle impoundment on suspended, revoked, and unlicensed drivers in California.” *Accident Analysis & Prevention*. Vol. 31, Issues 1-2, January 1999, pp. 45-53. An evaluation of the specific deterrent effects of vehicle impoundment on suspended, revoked, and unlicensed drivers in California - ScienceDirect

² Many local ordinances explicitly prohibit leaving a vehicle on any public street or parking facility for 72 or more consecutive hours and authorize removal pursuant to this Vehicle Code provision (Veh. Code, § 22651, subd. (k).) For example, see Roseville Municipal Code § 11.20.020, City of Roseville, CA Parking in General; for an example of a 72-hour notice, see VEHICLE-VIOLATION-NOTICE-2018.pdf

³ Veh. Code, § 23109.2

⁴ Veh. Code, § 22850.

⁵ Veh. Code, §§ 22850.3, 22850.5, 22851, 22851.3, 22852

⁶ Veh. Code, § 23013, subds. (a), (b).

intentionally ignore that risk.⁷ 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.⁸ 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.⁹ 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.¹⁰

Reckless driving can also result in negative consequences for the driver's license to operate a motor vehicle. In the context of the Negligent Operator Treatment System (NOTS), which assigns between 0-3 points to a driver's license for unsafe driving behavior with progressively restrictive penalties as more points are acquired, a conviction for reckless driving will earn the driver 2 points on their license.¹¹ In addition, unless revocation of a driver's license is otherwise required under existing law, a court may 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.¹² Existing law also makes it a misdemeanor for a person to drive on a license that has been suspended or revoked due to reckless driving¹³

As referenced in the prior comment, 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.¹⁴ 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. A separate but related law authorizes courts to issue a warrant ordering the impoundment of a vehicle that an officer has reasonable cause to believe was engaged in reckless driving in the officer's presence, provided the court is presented with an affidavit to that effect.¹⁵

4. Effect of This Bill

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

⁷ CALCRIM No. 2200. Reckless Driving. *Judicial Council of California Criminal Jury Instructions (2025 Edition)*. [CALCRIM No. 2200. Reckless Driving \(Veh. Code, § 23103\(a\) & \(b\)\) :: California Criminal Jury Instructions \(CALCRIM\) \(2025\) :: Justia](#)

⁸ *Ibid.*; *People v. Nowell* (1941) 45 Cal.App.2d Supp. 811.

⁹ Veh. Code, § 23103, subd. (c).

¹⁰ Veh. Code §§ 40008, 23104, 23105.

¹¹ Veh. Code § 12810, subd. (c).

¹² Veh. Code, § 13200.

¹³ Veh. Code, § 14601.

¹⁴ Veh. Code, § 23109.2, subd. (c.)

¹⁵ Veh. Code, § 14602.7

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. Each will be discussed in turn below.

As mentioned above, a court may suspend the driver's license of a person convicted of reckless driving for a period of 30, 60 or 180 days, depending on how many such convictions the person has received. This bill increases those discretionary suspension periods, providing that a court, for a first reckless driving conviction, may suspend a license for between 30 and 90 days. Further, the bill *requires* a court to suspend the driver's license for exactly 6 months upon a second conviction and for a minimum of 3 years for a third or subsequent conviction. It should be noted that the negative externalities of traffic crimes and attendant fees, particularly related to license suspension and revocation, are well documented, as opponents of this bill have pointed out. Namely, when a driver's license is suspended, the resulting inability to drive can lead to missed work or school, further financial hardship, and an inability to pay the original debt, causing fees to compound. These financial pressures often lead individuals to drive on a suspended license, which, as discussed previously, can result in steep penalties, trapping drivers in a spiral of debt and criminal liability from which escape is difficult.¹⁶ The Committee should consider whether the potential deterrent effects of increased license suspension penalties for reckless driving outweigh the possibility of driving more Californians into this penalty spiral. One potential solution may be to authorize the court to issue a restricted license that allows the convicted person to drive only for limited employment or educational purposes.

The other major provision of this bill proposes a new statute that is substantially similar to Section 23109.2, but which creates a somewhat different set of procedures and penalties for impoundments by a peace officer incident to an arrest for reckless driving.¹⁷ Specifically, the bill extends the period of impoundment from 30 days to between 60 and 90 days if the person arrested has a conviction for reckless driving that occurred within three years before the current offense. The bill also modifies the circumstances in Section 23109.2 under which the registered owner of an impounded vehicle may recover it prior to the conclusion of the impoundment period, namely by allowing the registered owner to provide evidence during a post storage hearing that the person alleged to have been driving the vehicle recklessly was not authorized by the owner to operate the vehicle. Moreover, similar to 23109.2, the bill allows for early release of the vehicle if the registered owner was neither the driver or a passenger at the time of the reckless driving or was unaware the driver was engaging in reckless driving, but in the latter scenario requires the owner to submit an affidavit that they were unaware of that conduct. The bill further specifies that this relief is only available once and may not be enjoyed again as to the same driver and vehicle. The Committee should consider whether the additional proof requirements proposed by this bill will have the intended effect of reducing reckless driving or will impose an undue burden on car owners who were unaware that their vehicle was being misused.

The reckless driving-specific impoundment scheme proposed by the bill raises various other questions that the author and Committee may wish to consider. First, as referenced in the prior comment, existing law authorizes a court to issue an impoundment warrant when a peace officer submits an affidavit that a vehicle was engaged in reckless driving. However, that statute caps

¹⁶ For a deeper dive on this issue, see "Not Just a Ferguson Problem: How Traffic Courts Drive Inequality in California." *Lawyer's Committee for Civil Rights* et al. Published 2015. [Not-Just-a-Ferguson-Problem-How-Traffic-Courts-Drive-Inequality-in-California-2015.pdf](#)

¹⁷ The bill specifies that VC § 23109.2 no longer applies to reckless driving arrests, only to arrests for engaging in speed contests or exhibitions of speed.

the impoundment period at 30 days regardless of whether the driver has prior convictions, and does not allow for early release to an owner when they can demonstrate that they were not driving or unaware that the vehicle was being used unlawfully. The author and Committee may wish to amend that statute to more closely reflect this bill and provide for more consistent application of the law. In addition, Section 23109.2 includes a provision specifying that in speed contest cases where a citation, notice or charges are dismissed or charges are never filed by the district attorney, neither the person charged with the violation nor the registered owner are responsible for towing and storing related charges, nor shall the vehicle be sold to satisfy those charges, and that the impounding agency is responsible for such costs. It is unclear why the original statute did not apply that indemnity – which is also absent from this bill – to impoundments based on reckless driving arrests, but the author and Committee may wish to amend this bill to include such a provision for the sake of consistency.

5. Argument in Support

According to the Peace Officers Research Association of California:

SB 1198 strengthens penalties for reckless driving by increasing the duration of driver's license suspensions for repeat offenses. By establishing clearer and more consistent consequences for individuals who engage in dangerous driving behavior, the bill helps deter conduct that poses a significant risk to public safety. Reckless driving endangers not only the individuals involved, but also other motorists, pedestrians, and responding law enforcement personnel. Repeat offenders, in particular, demonstrate a pattern of behavior that warrants stronger intervention. By requiring longer suspension periods for subsequent violations, this bill promotes accountability and helps remove dangerous drivers from California's roadways. Providing courts with clearer parameters for license suspension also supports consistent enforcement and reinforces the seriousness of reckless driving offenses.

6. Argument in Opposition

According to ACLU California Action:

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. Current law also authorizes a police officer to impound an individual's vehicle for up to 30 days. 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 and vehicle impoundment durations by 200-400%.

It is important to note that both license suspensions and vehicle impoundments have devastating consequences for entire families. The loss of a driver's license is a major threat to families' economic security [...] Likewise, vehicle impoundments punish entire families, not just the individual who violated the Vehicle Code. For example, a mother's car may be impounded because her child caused a violation while driving the car. This can have devastating impacts as tow and storage fees are often more than people can afford, and when an individual cannot pay the fees associated with the impoundment, the vehicle is sold at

auction. According to a 2018 federal report, 46% of American adults lack the savings necessary to cover an unanticipated expense of \$400 or more. But a report from the following year found that the average towing and storage fees in California for a vehicle that is held for just 3 days is nearly \$500. We should not punish families in this way, especially when vehicles are often key to a family's ability to get to work, go grocery shopping, pick children up from school, or get to the hospital in an emergency.

Moreover, SB 1198's impoundment scheme punishes the owner of the vehicle, regardless of if they were the driver at the time of the violation. Although the issues of tow and storage fees exist under the current scheme, current law allows a registered owner to retrieve their car before the impoundment period concludes if they can show that they were neither the passenger or the driver at the time of the violation or that they were unaware that the driver was using the vehicle. SB 1198 strictly limits this relief, stating that a registered owner can only avail themselves of this relief *once*. In doing so, SB 1198 unnecessarily punishes innocent registered owners and further exacerbates the issue of impoundments devastating families' economic stability. Additionally, this provision raises potential Due Process concerns as the State would be impounding innocent owners' vehicles, without any avenue for recourse, solely because of events outside of the innocent owner's knowledge or control.

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