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AB-981 Vehicles: active intelligent speed assist devices. (2025-2026)

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AMENDED IN ASSEMBLY APRIL 28, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 981

Introduced by Assembly Member Gipson

February 20, 2025

An act to add *and repeal* Division 11.6 (commencing with Section 23700) ~~to~~ *of* the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 981, as amended, Gipson. Vehicles: active intelligent speed assist devices.

Existing law requires, until January 1, 2026, a person who has been convicted on or after January 1, 2019, of driving a motor vehicle under the influence of an alcoholic beverage, as specified, to install for a period of time, as ordered by the court, an ignition interlock device (IID) on the vehicle they operate. Installation of an IID is discretionary for a first offender, as specified. Existing law also requires persons convicted of driving under the influence of a drug to install an IID. Existing law specifies periods for which a person convicted of one or more prior driving-under-the-influence violations is required to install an IID, as specified. A violation of the Vehicle Code is a crime punishable as an infraction, unless otherwise specified.

This bill would ~~impose~~ *require the Department of Motor Vehicles to establish, until January 1, 2033, a pilot program in the Counties of Los Angeles, San Diego, Fresno, Sacramento, and Kern that would impose* a similar requirement for persons convicted of specified driving offenses relating to excessive speed, reckless driving, and exhibitions of speed to install for a period of time, as ordered by the court, a certified active intelligent speed assist device (ISA) on any vehicle the person operates. The bill would similarly make the installation of an ISA discretionary for a first offender, as specified. The bill would establish periods for which a person convicted of one or more prior ~~driving-under-the-influence violations~~ *specified driving offenses* is required to install an ISA, as specified. The bill would require the Department of Motor Vehicles to create a verification installation form to be submitted by persons subject to these provisions. The bill would impose a fee schedule to be adopted by certified ISA manufacturers and their agents for the ISA and other related costs. By creating new crimes related to the installation and maintenance of an ISA, this bill would impose a state-mandated local program. *The bill would require, by July 1, 2030, the department to report data to the Transportation Agency regarding the implementation and efficacy of the pilot program, as specified, and require the Transportation Agency to report to the Legislature on the outcomes of the pilot program by July 1, 2031.*

This bill would make legislative findings and declarations as to the necessity of a special statute for the Counties of Los Angeles, San Diego, Fresno, Sacramento, and Kern.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Division 11.6 (commencing with Section 23700) is added to the Vehicle Code, to read:

DIVISION 11.6. Sentencing for Other Driving Offenses

23700. Notwithstanding any other provision of law, the Department of Motor Vehicles shall establish a pilot program in the Counties of Los Angeles, San Diego, Fresno, Sacramento, and Kern to reduce the number of violations of Sections 23103, 23109, 22348, and 23582 as follows:

(a) In addition to any other requirement imposed by law, a court shall notify a person convicted *in the County of Los Angeles, San Diego, Fresno, Sacramento, or Kern* of a violation listed in subdivision (h) that they are required to install a functioning, certified active intelligent speed assist device on any vehicle that the person operates and that they are prohibited from operating a motor vehicle unless that vehicle is equipped with a functioning, certified active intelligent speed assist device in accordance with this section.

(b) The Department of Motor Vehicles, upon receipt of the court's abstract of conviction for a violation listed in subdivision (h), shall inform the convicted person of the requirements of this section, including the term for which the person is required to have a device installed. The records of the department shall reflect the mandatory use of the device for the term required and the time when the device is required to be installed by this code.

(c) The department shall advise the person that installation of a functioning, certified active intelligent speed assist device on a vehicle does not allow the person to drive without a valid driver's license.

(d) (1) A person who is notified by the department pursuant to subdivision (b) shall do all of the following:

(A) Arrange for each vehicle operated by the person to be equipped with a functioning, certified active intelligent speed assist device by a certified active intelligent speed assist device provider.

(B) Provide to the department proof of installation by submitting a verification installation form to be developed by the department.

(C) Pay a fee, determined by the department, that is sufficient to cover the costs of administration of this section.

(2) A person who is notified by the department pursuant to subdivision (b) is exempt from the requirements of this subdivision until the time they purchase or have access to a vehicle if, within 30 days of the notification, the person certifies to the department all of the following:

(A) The person does not own a vehicle.

(B) The person does not have access to a vehicle at their residence.

(C) The person no longer has access to the vehicle they were driving at the time they were arrested for a violation that subsequently resulted in a conviction for a violation listed in subdivision (h).

(D) The person acknowledges that they are only allowed to drive a vehicle that is equipped with a functioning, certified active intelligent speed assist device.

(E) The person acknowledges that they are required to have a valid driver's license before they can drive.

(F) The person acknowledges that they are subject to the requirements of this section when they purchase or have access to a vehicle.

(e) In addition to any other restrictions the department places on the driver's license record of the convicted person when the person is issued a restricted driver's license, the department shall place a restriction on the driver's license record of the person that states the driver is restricted to driving only vehicles equipped with a functioning, certified active intelligent speed assist device for the applicable term.

(f) (1) A person who is notified by the department pursuant to subdivision (b) shall arrange for each vehicle with a functioning, certified active intelligent speed assist device to be serviced by the installer at least once every 60 days in order for the installer to recalibrate and monitor the operation of the device.

(2) The installer shall notify the department if the device is removed or indicates that the person has attempted to remove, bypass, or tamper with the device, or if the person fails three or more times to comply with any requirement for the maintenance or calibration of the active intelligent speed assist device.

(g) The department shall monitor the installation and maintenance of the active intelligent speed assist device installed pursuant to subdivision (d).

(h) A person is required to install a functioning, certified active intelligent speed assist device pursuant to this section for the applicable term, as follows:

(1) A person convicted of a violation of subdivision (a) of Section 23103, subdivision (a) of Section 23109, or subdivision (b) of Section 22348 shall be required to do the following, as applicable:

(A) Upon a conviction with no priors punishable under Section 23103, 23109, or 22348, the court may order installation of a functioning, certified active intelligent speed assist device on any vehicle that the person operates and prohibit that person from operating a motor vehicle unless that vehicle is equipped with a functioning, certified active intelligent speed assist device. If the court orders the active intelligent speed assist device restriction, the term shall be determined by the court for a period not to exceed six months from the date of conviction. The court shall notify the department of the conviction and shall specify the terms of the active intelligent speed assist device restriction. The department shall place the restriction on the driver's license record of the person that states the driver is restricted to driving only vehicles equipped with a functioning, certified active intelligent speed assist device for the applicable term.

(B) Upon a conviction with one prior punishable under Section 23103, 23109, or 22348, the person shall install a functioning, certified active intelligent speed assist device in the vehicle, as ordered by the court, that is operated by that person for a mandatory term of 12 months.

(C) Upon a conviction with two priors punishable under Section 23103, 23109, or 22348, the person shall install a functioning, certified active intelligent speed assist device in the vehicle, as ordered by the court, that is operated by that person for a mandatory term of 24 months.

(D) Upon a conviction with three or more priors punishable under Section 23103, 23109, or 22348, the person shall install a functioning, certified active intelligent speed assist device in the vehicle, as ordered by the court, that is operated by that person for a mandatory term of 36 months.

(2) A person convicted of a violation of Section 23104, paragraph (2) of subdivision (e) of Section 23109, or subdivision (a) of Section 23582 shall install a functioning, certified active intelligent speed assist device, as follows:

(A) Upon a conviction with no priors punishable under Section 23109 or 23582, the person shall install a functioning, certified active intelligent speed assist device in the vehicle, as ordered by the court, that is operated by that person for a mandatory term of 12 months.

(B) Upon a conviction with one prior punishable under Section 23109 or 23582, the person shall install a functioning, certified active intelligent speed assist device in the vehicle, as ordered by the court, that is operated by that person for a mandatory term of 24 months.

(C) Upon a conviction with two priors punishable under Section 23109 or 23582, the person shall install a functioning, certified active intelligent speed assist device in the vehicle, as ordered by the court, that is operated by that person for a mandatory term of 36 months.

(D) Upon a conviction with three or more priors punishable under Section 23109 or 23582, the person shall install a functioning, certified active intelligent speed assist device in the vehicle, as ordered by the court, that is operated by that person for a mandatory term of 48 months.

(i) If a person fails to comply with any of the requirements regarding active intelligent speed assist devices, the period in which the person was not in compliance shall not be credited toward the mandatory term for which the active intelligent speed assist device is required to be installed.

(j) (1) Every manufacturer and manufacturer's agent certified by the department to provide active intelligent speed assist devices shall adopt the following fee schedule that provides for the payment of the costs of the certified active intelligent speed assist ~~device by offenders~~ device, the administration of the program, installation of the device, service, recalibration and monitoring of

the device as required by paragraph (1) of subdivision (g), and any other costs associated with the device by persons subject to this ~~chapter~~ *division* in amounts commensurate with that person's income relative to the federal poverty level, as defined in Section 127400 of the Health and Safety Code:

(A) A person with an income at ~~100~~ *125* percent of the federal poverty level or below and who provides income verification pursuant to paragraph (2) is responsible for ~~10~~ *5* percent of the cost of the ~~manufacturer's~~ standard active intelligent speed assist device ~~program costs, and any additional costs accrued by the person for noncompliance with program requirements identified in paragraph (1).~~

(B) A person with an income at ~~101 to 200~~ *126 to 225* percent of the federal poverty level and who provides income verification pursuant to paragraph (2) is responsible for ~~25~~ *20* percent of the cost of the ~~manufacturer's~~ standard active intelligent speed assist device ~~program costs, and any additional costs accrued by the person for noncompliance with program requirements identified in paragraph (1).~~

(C) A person with an income at ~~201 to 300~~ *226 to 325* percent of the federal poverty level and who provides income verification pursuant to paragraph (2) is responsible for ~~50~~ *40* percent of the cost of the ~~manufacturer's~~ standard active intelligent speed assist device ~~program costs, and any additional costs accrued by the person for noncompliance with program requirements identified in paragraph (1).~~

(D) A person who is receiving CalFresh benefits and who provides proof of those benefits to the manufacturer or manufacturer's agent or authorized installer is responsible for ~~50~~ *40* percent of the cost of the ~~manufacturer's~~ standard active intelligent speed assist device ~~program costs, and any additional costs accrued by the person for noncompliance with program requirements identified in paragraph (1).~~

(E) A person with an income at ~~301 to 400~~ *326 to 425* percent of the federal poverty level and who provides income verification pursuant to paragraph (2) is responsible for ~~90~~ *80* percent of the cost of the ~~manufacturer's~~ standard active intelligent speed assist device ~~program costs, and any additional costs accrued by the person for noncompliance with program requirements identified in paragraph (1).~~

(F) All other offenders are responsible for 100 percent of the ~~cost costs~~ of the active intelligent speed assist ~~device~~ *device identified in paragraph (1).*

(G) The manufacturer is responsible for the ~~percentage of costs~~ *costs identified in paragraph (1)* that the offender is not responsible for pursuant to subparagraphs (A) to (E), inclusive.

(2) The active intelligent speed assist device provider shall verify the offender's income to determine the ~~cost costs~~ of the active intelligent speed assist device ~~pursuant to this subdivision identified in paragraph (1)~~ by verifying one of the following documents from the offender:

(A) The previous year's federal income tax return.

(B) The previous three months of weekly or monthly income statements.

(C) Employment Development Department verification of unemployment benefits.

(3) At any point during which a device is installed and in use, an individual shall be permitted to apply for reduced costs and shall be credited for any previously paid costs that were in excess of the fee schedule set forth in paragraph (1). An individual shall also be permitted to apply for reduced costs based on a change of income.

(4) (A) The active intelligent speed assist device provider shall post conspicuously on its internet website and contracts the information set forth in this subdivision. Prior to an individual's execution of a contract for an active intelligent speed assist device, the provider shall also give verbal notification of the fee schedule and how to apply for reduced costs.

(B) Installation service and repair providers shall post conspicuously in their place of business and verbally inform a person of the information set forth in this subdivision prior to installation and servicing of the device.

(C) A copy of the information set forth in this subdivision shall also be provided to an individual together with the court order requiring the installation of an active intelligent speed assist device.

(D) The department shall post the information set forth in this subdivision on its internet website. The department shall also include the information included in this subdivision in any mailed notice of revocation or suspension that notifies an individual of the requirement to install an active intelligent speed assist device.

(k) The requirements of this section shall apply only to a person who is convicted *in the County of Los Angeles, San Diego, Fresno, Sacramento, or Kern* for a violation of Section 23103, 23104, 23109, 22348, or 23582 that occurred on or after January 1,

23701. (a) On or before July 1, 2030, the Department of Motor Vehicles shall report data to the Transportation Agency regarding the implementation and efficacy of this division for the period covering January 1, 2026, to January 1, 2030, inclusive.

(b) The data described in subdivision (a) shall, at a minimum, include all of the following:

(1) The number of individuals who were required to have a certified active intelligent speed assist device installed as a result of the program and who killed or injured anyone in a crash relating to violations of Section 23103, 23109, 22348, or 23582.

(2) The number of individuals who were required to have a certified active intelligent speed assist device installed as a result of the program and who were convicted of Section 23103, 23109, 22348, or 23582 during the term in which the person was required to have the certified active intelligent speed assist device installed.

(3) The number of injuries and deaths resulting from motor vehicle crashes relating to violations of Section 23103, 23109, 22348, or 23582 during the reporting period and during periods of similar duration prior to the implementation of the program.

(4) The number of individuals who have been convicted more than one time for violations of Section 23103, 23109, 22348, or 23582 during the reporting period and during periods of similar duration prior to the implementation of the program.

(5) Any other information requested by the Transportation Agency to assess the continued effectiveness of the certified active intelligent speed assist device program in reducing recidivism for violations of Sections 23103, 23109, 22348, and 23582.

(c) The Transportation Agency may contract with educational institutions to obtain and analyze the data required by this section.

(d) (1) The Transportation Agency shall conduct an assessment of the program based on the data provided pursuant to subdivision (b) and shall report to the Legislature on the outcomes of the program by no later than July 1, 2031.

(2) The assessment shall include recommendations on how to further reduce violations of Sections 23103, 23109, 22348, and 23582.

(e) The report described in subdivision (d) shall be submitted in compliance with Section 9795 of the Government Code.

23702. This division shall remain in effect only until January 1, 2033, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2033, deletes or extends that date.

SEC. 2. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the need to reduce the high number of speed-related traffic violations in the Counties of Los Angeles, San Diego, Fresno, Sacramento, and Kern.

~~SEC. 2.~~ **SEC. 3.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.