

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY CONCURRENT RESOLUTION

NO. 52

**Introduced by Assembly Member McKinnor
(Coauthors: Assembly Members Gipson and Jackson)**

March 12, 2025

Relative to safe driver incentives.

LEGISLATIVE COUNSEL'S DIGEST

ACR 52, as introduced, McKinnor. Safe driver incentive programs.

This measure would urge the Insurance Commissioner to take steps to make optional safe driver incentive programs available for insurance use in California.

Digest Key

Fiscal Committee: yes

Bill Text

WHEREAS, California voters passed Proposition 103 in 1988 to ensure fair automobile insurance rates and more control over the premiums they pay. The initiative mandated that auto insurers rely primarily on three controllable driver factors: driving safety record, annual miles driven, and years of driving experience; and

WHEREAS, Proposition 103 did not define the term “driving safety record.” More than 30 years ago, the Department of Insurance issued regulations defining this term in the only feasible manner existing at the time: a driver’s motor vehicle record (MVR) kept at the Department of Motor Vehicles. Auto insurers use MVR data about past driving events to calculate premiums, including when a driver causes a crash, receives a ticket, or is cited for other moving violations, such as driving under the influence or reckless driving; and

WHEREAS, Technology has been developed since the 1990s that allows drivers to monitor their own driving behaviors and receive real-time feedback that shows their risk based on highly credible predictors, including behaviors such as speeding, hard braking, overly rapid acceleration, and distracted driving. These programs are known commercially as “safe driver incentives”; and

WHEREAS, California is the only state in the country that prohibits drivers from choosing if they would like their auto insurance premiums to include calculations based upon an approved safe driver incentive program, even if they could pay less by including those calculations; and

WHEREAS, Safe driver incentive programs can lead to improved driving behaviors by providing understandable feedback that helps drivers to recognize and change their dangerous driving behaviors. This feedback contributes to reducing the frequency and severity of accidents, which is critically important because the rate of traffic fatalities reached a 20-year high in 2022; and

WHEREAS, Moving violations only account for part of a driver's overall behavior, and there is a public concern about differing traffic enforcement rates for minorities, as showcased in recent research by Stanford and Harvard universities. California should allow drivers to choose to have their insurance premiums be based in part on actual driving behaviors as measured through a safe driver incentive program to reduce the emphasis on traffic stops and moving violations; and

WHEREAS, Driving within the speed limit and reducing the amount of hard braking and sudden accelerations reduce the auto emissions for each trip. While California is pursuing greater electric vehicle presence on the road, steps to reduce the impact of gasoline-powered vehicles on the road remains imperative; and

WHEREAS, California has led the charge on consumer rights and privacy protection, and could do so with a safe driver incentive program. A policy allowing the use of this type of program in California would need to conform to the principles established by the California Consumer Privacy Act of 2018 (Title 1.81.5 (commencing with Section 1798.100) of Part 4 of Division 3 of the Civil Code). Those principles would include an opt-in structure, right to request information, right to correct information, and a right to opt out at any time; and

WHEREAS, The Insurance Commissioner has the authority to interpret Proposition 103 to allow an additional method for insurers to calculate a "driving safety record" for purposes of rating; and

WHEREAS, The commissioner may adopt rulemaking to permit the use of voluntary, opt-in safe driver incentive programs in California; and

WHEREAS, The Legislature has an interest in ensuring California consumers have access to programs that provide greater equity, road safety, and environmental protection in a manner that safeguards their privacy and security; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby urges the Insurance Commissioner to take steps necessary to make optional safe driver incentive programs available for insurance use in California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Department of Insurance and to the author for appropriate distribution.