

# STATE OF NEW YORK

7979

2023-2024 Regular Sessions

## IN ASSEMBLY

August 18, 2023

Introduced by M. of A. GALLAGHER -- read once and referred to the  
Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring  
the installation of intelligent speed assistance devices for repeated  
violation of maximum speed limits

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. The vehicle and traffic law is amended by adding a new  
2 section 119-c to read as follows:

3 § 119-c. Intelligent speed assistance device. A device, also referred  
4 to as a "speed limiter", which is installed in a motor vehicle and  
5 utilizes technology to cap the speed of a motor vehicle at five miles  
6 per hour more than the speed limit in a specific zone. The technology  
7 shall allow for slight acceleration past the speed limit, if necessary,  
8 based on traffic conditions.

9 § 2. Subdivision (h) of section 1180 of the vehicle and traffic law is  
10 amended by adding a new paragraph 6 to read as follows:

11 6. (i) Upon a conviction for a violation of subdivision (b), (c), (d),  
12 (f) or (g) of this section which results in an accumulation of eleven or  
13 more points on the driving record of any person for violations that  
14 occurred during the preceding eighteen month period, the court shall, in  
15 addition to any other fines, imprisonment, conditional discharge or  
16 license suspension or revocation, mandate that the person have installed  
17 an intelligent speed assistance device, otherwise known as a speed limi-  
18 ter, in any motor vehicle owned or operated by such person for a minimum  
19 period of twelve months or for any period of license suspension or revo-  
20 cation, whichever is later.

21 (ii) Where a person who has accumulated eleven points on their driving  
22 record in the preceding eighteen month period does not appear in court,  
23 the commissioner shall send a written notice that such person is  
24 required to install a speed limiter on any motor vehicle operated by

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 such person until the end of their license suspension or revocation, or  
2 conditional discharge or for a minimum of twelve months whichever is  
3 longer. The person shall provide proof of installation within ten days  
4 of receiving the notice. If the person fails to provide such proof of  
5 installation, the commissioner shall suspend their license, modify an  
6 existing order of suspension or direct the permanent revocation of the  
7 license of a person with a previously revoked license.

8 (iii) Upon the finding of owner liability for failure of an operator  
9 to comply with certain posted maximum speed limits through a photo speed  
10 violation monitoring system, where such person has received six or more  
11 notices of liability; or the finding of owner liability for failure of  
12 an operator to comply with traffic-control indications through use of a  
13 traffic-control signal photo violation-monitoring device, where such  
14 person has received six or more notices of liability, during the preced-  
15 ing twelve month period, the court shall, in addition to any other  
16 finer, imprisonment, conditional discharge or license suspension or  
17 revocation, mandate that the person have installed an intelligent speed  
18 assistance device, otherwise known as a speed limiter, in any motor  
19 vehicle owned or operated by such person for a minimum period of twelve  
20 months or for any period of license suspension or revocation, whichever  
21 is later.

22 (iv) A person who is required to install a speed limiter under this  
23 paragraph shall also be required to demonstrate safe driving practices  
24 to the satisfaction of the commissioner prior to the removal of such  
25 device. The court, at the recommendation of the commissioner, may  
26 extend the required speed limiter period for up to an additional thir-  
27 ty-six months for failure to demonstrate safe driving practices pursuant  
28 to an evaluation designed by the commissioner. This evaluation may  
29 include a written driving test or a road test that evaluates knowledge  
30 of and ability to execute safe driving practices as well as consider-  
31 ation of a driver's record during the period of speed limiter installa-  
32 tion, including accrual of traffic violations and notices of liability  
33 from traffic-control signal photo violation-monitoring devices or photo  
34 speed violation monitoring systems. Other subjective factors may not be  
35 considered in the design of the evaluation by the commissioner or deci-  
36 sion by the court.

37 (v) The cost of installing and maintaining a speed limiter shall be  
38 borne by the person subject to such condition unless the court deter-  
39 mines such person is financially unable to afford such cost whereupon  
40 such cost may be imposed pursuant to a payment plan or waived. At the  
41 end of the required installation period a speed limiter device shall be  
42 returned to the department.

43 (vi) The commissioner shall create a list of approved intelligent  
44 speed assistance devices or speed limiters.

45 (vii) Where a person who is ordered by a court to install a speed  
46 limiter is not the owner of the motor vehicle they operate they shall  
47 get a notarized statement from the vehicle's owner confirming the  
48 installation. If an individual owns or operates multiple motor vehi-  
49 cles, they shall install a speed limiter in each one. The provisions of  
50 this paragraph shall not apply to any authorized emergency vehicle.

51 (viii) Proof of installation of a speed limiter required under this  
52 paragraph shall occur within ten days of the court order. Within thirty  
53 days after the initial installation the device shall be inspected by the  
54 department to ensure the device is properly calibrated and installed.  
55 The device shall subsequently be inspected every sixty days to determine  
56 continued compliance.

1 (ix) A violation of any provision of this paragraph, or a finding that  
2 any person has assisted a driver to violate this paragraph, shall be a  
3 class A misdemeanor punishable by up to one year in jail and the revoca-  
4 tion of any conditional discharge.

5 (x) (A) The commissioner shall submit a report every twenty-four  
6 months to the governor and the legislature with the following informa-  
7 tion about the speed limiter program under this paragraph:

8 (1) Number of individuals actively required to have speed limiters  
9 installed in motor vehicles they own or operate.

10 (2) Number of motor vehicles required to have speed limiters  
11 installed.

12 (3) Number of fee waivers approved to waive the entire fee for  
13 installing a speed limiter.

14 (4) Number of individuals put on a payment plan for their speed limi-  
15 ter.

16 (5) Number of speeding tickets issued to individuals with speed limi-  
17 ters installed.

18 (6) Number of other traffic law infractions committed by individuals  
19 with speed limiters installed, organized by category or type of traffic  
20 violation.

21 (7) Number of reported accidents involving individuals with speed  
22 limiters installed.

23 (8) Number of known individuals who have not complied with the  
24 provisions of this paragraph, separated by three categories: not  
25 initially installing a device as required, removing the device before a  
26 follow-up inspection, and being cited for not having a device properly  
27 installed during a traffic stop.

28 (B) Such report shall also be made publicly available on the depart-  
29 ment of transportation and department of motor vehicles websites.

30 § 3. This act shall take effect on the sixtieth day after it shall  
31 have become a law; provided, however, that subparagraph (iii) of para-  
32 graph 6 of subdivision (h) of section 1180 of the vehicle and traffic  
33 law, as added by section two of this act, shall take effect one year  
34 after such effective date.