STATE OF NEW YORK

7621

2023-2024 Regular Sessions

IN SENATE

August 2, 2023

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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 Assembly, do enact as follows:

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

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

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

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

(ii) Where a person who has accumulated eleven points on their driving record in the preceding eighteen month period does not appear in court, the commissioner shall send a written notice that such person is 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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such person until the end of their license suspension or revocation, or conditional discharge or for a minimum of twelve months whichever is longer. The person shall provide proof of installation within ten days of receiving the notice. If the person fails to provide such proof of installation, the commissioner shall suspend their license, modify an existing order of suspension or direct the permanent revocation of the license of a person with a previously revoked license.

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

(iv) A person who is required to install a speed limiter under this paragraph shall also be required to demonstrate safe driving practices to the satisfaction of the commissioner prior to the removal of such device. The court, at the recommendation of the commissioner, may extend the required speed limiter period for up to an additional thirty-six months for failure to demonstrate safe driving practices pursuant to an evaluation designed by the commissioner. This evaluation may include a written driving test or a road test that evaluates knowledge of and ability to execute safe driving practices as well as consideration of a driver's record during the period of speed limiter installation, including accrual of traffic violations and notices of liability from traffic-control signal photo violation-monitoring devices or photo speed violation monitoring systems. Other subjective factors may not be considered in the design of the evaluation by the commissioner or decision by the court.

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

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

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

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

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

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

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

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

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

(4) Number of individuals put on a payment plan for their speed limiter.

(5) Number of speeding tickets issued to individuals with speed limiters installed.

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

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

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

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

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