STATE OF NEW YORK

7835

2023-2024 Regular Sessions

IN SENATE

December 22, 2023

Introduced by Sen. LIU -- 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 motor vehicles sold, licensed or registered in the state to be equipped with an immobilizer

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

Section 1. Section 375 of the vehicle and traffic law is amended by adding a new subdivision 55 to read as follows:

55. Immobilizer required. (a) Any motor vehicle sold, licensed or registered in the state shall be equipped with an immobilizer.

(b) Such immobilizer shall meet the following criteria:

(1) such immobilizer system shall arm automatically within a period of not more than one minute after the disarming device is removed from the vehicle, if the vehicle remains in a mode of operation other than accessory mode or on throughout that period;

(2) if the disarming device is a keypad or biometric identifier, such immobilizer system shall arm automatically within a period of not more than one minute after the motors used for the vehicle's propulsion are turned off, if the vehicle remains in a mode of operation other than accessory mode or on throughout that period;

(3) such immobilizer system shall arm automatically not later than two minutes after such immobilizer system is disarmed, unless:

(i) action is taken for starting one or more motors used for the vehicle's propulsion;

(ii) disarming requires an action to be taken on the engine start control or electric motor start control, the engine stop control or electric motor stop control, or the ignition switch; or

(iii) disarming occurs automatically by the presence of a disarming device and the device is inside the vehicle;

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

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(4) if armed, such immobilizer system shall prevent the vehicle from moving more than 9.8 feet under its own power by inhibiting the operation of at least one electronic control unit and shall not have any impact on the vehicle's brake system except that it may prevent regenerative braking and the release of the parking brake;

(5) during the disarming process, a code shall be sent to the inhibited electronic control unit in order to allow the vehicle to move under its own power;

(6) it shall not be possible to disarm such immobilizer system by interrupting its normal operating voltage;

(7) when the normal starting procedure requires that the disarming device mechanically latch into a receptacle and the device is physically separate from the ignition switch key, one or more motors used for the vehicle's propulsion shall start only after the device is removed from that receptacle;

(8) (i) such immobilizer system shall have a minimum capacity of fifty thousand code variants, shall not be disarmed by a code that can disarm all other immobilizer systems of the same make and model; and

(ii) shall not have the capacity to process more than five thousand codes within twenty-four hours;

(9) if such immobilizer system uses rolling or encrypted codes, it may conform to the following criteria instead of the criteria set out in clause (ii) of subparagraph eight of this paragraph:

(i) the probability of obtaining the correct code within twenty-four hours shall not exceed four percent; and

(ii) it shall not be possible to disarm such system by re-transmitting in any sequence the previous five codes generated by the system;

(10) such immobilizer system shall be designed so that when tested as installed in the vehicle neither the replacement of an original immobilizer system component with a manufacturer's replacement component nor the addition of a manufacturer's component can be completed without the use of software, and it is not possible for the vehicle to move under its own power for at least five minutes after the beginning of the replacement or addition of a component referred to in subparagraph one of this paragraph;

(11) such immobilizer system's conformity to subparagraph ten of this paragraph shall be demonstrated by testing that is carried out without damaging the vehicle;

(12) subparagraph ten of this paragraph does not apply to the addition of a disarming device that requires the use of another disarming device that is validated by the immobilizer system;

(13) such immobilizer system shall be designed so that it can neither be bypassed nor rendered ineffective in a manner that would allow a vehicle to move under its own power, or be disarmed, using one or more of the tools and equipment listed in subparagraph fourteen of this paragraph:

(i) within a period of less than five minutes when tested as installed in the vehicle; or

(ii) within a period of less than two and one-half minutes when bench-tested outside the vehicle; and

(14) during a test pursuant to subparagraph thirteen of this paragraph, only the following tools or equipment may be used:

(i) scissors;

(ii) wire strippers;

(iii) wire cutters and electrical wires;

(iv) a hammer;

(v) a slide hammer;
(vi) a chisel;
(vii) a punch;
(viii) a wrench;
(ix) a screwdriver;
(x) pliers;
(xi) steel rods and spikes;
(xii) a hacksaw;
(xiii) a battery operated drill;
(xiv) a battery operated angle grinder; and
(xv) a battery operated jigsaw.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.