STATE OF NEW YORK

2299--C

2025-2026 Regular Sessions

IN ASSEMBLY

January 16, 2025

Introduced by M. of A. GALLAGHER, SEAWRIGHT, HEVESI, SIMONE, SIMON, GONZALEZ-ROJAS, SHIMSKY, TAPIA, RAGA, KELLES, R. CARROLL, SHRESTHA, McDONALD, VALDEZ, MAMDANI, VANEL, ALVAREZ, WIEDER, EPSTEIN, BORES, DAVILA, P. CARROLL, REYES, ROSENTHAL, MITAYNES, BURROUGHS, LASHER, BURDICK, GLICK, O'PHARROW -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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 any violation or set of violations 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 of such subdivisions that occurred during the preceding twenty-four month period, the court shall, in addition to any

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

LBD05518-07-5

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 as a result of any violation or set of violations of subdivision (b), (c), (d), (f), or (g) of this section in the preceding twenty-four month period does not appear in court, the commissioner shall send a written notice, by first class mail to the address of such person on file with the department or at the current address provided by the United States postal service, that such person is required to 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. The person shall provide proof of installation as outlined in subparagraph (iv) of this paragraph. If the person fails to provide such proof of installation, the commissioner may suspend their license, modify an existing order of suspension, or order the revocation of their license or driving privileges.

(iii) Upon the finding of vehicle 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 for such vehicle for failure to comply with such limits within the past twelve months; or for a finding of vehicle 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 for such vehicle for failure to comply with such indications within the past twelve months, the commissioner shall send a written notice, by first class mail to the address of such person on file with the department or at the current address provided by the United States postal service, that such person is required to 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. The New York city department of finance and any other local authorities collecting information related to notices of liability for failure of an operator to comply with certain posted maximum speed limits through a photo speed violation-monitoring system or failure of an operator to comply with traffic-control indications through use of a traffic-control signal photo violation-monitoring device shall regularly provide the commissioner with any and all information, data, or documentation which the commissioner deems necessary to identify and notify persons who have received sufficient notices of liability to require the installation of an intelligent speed assistance device as provided herein.

(iv) Proof of installation of a speed limiter required under this paragraph shall occur within ten days of the court order. If a person ordered to have a speed limiter device installed under this paragraph is unable to financially afford the cost of the speed limiter, they may request in writing, within ten days of receiving the notification from the commissioner, a payment plan or to have payment for the device waived. Proof of installation of a speed limiter required under this paragraph shall then occur within ten days of receiving a written notice of a determination from the commissioner as to whether

such person will be granted a payment plan or have payment for the device waived. Within thirty days after the initial installation of an intelligent speed assistance device, the device shall be inspected by a qualified service center to ensure the device is properly calibrated and installed. The commissioner shall promulgate regulations governing the monitoring of compliance by the department of persons ordered to install and maintain speed limiters.

(v) A person who is required to install a speed limiter under this paragraph shall request removal of the device from the department upon the end of their mandated period of use of the speed limiter. Upon receiving this request, the commissioner may require such person to complete a written driving test and a road test administered pursuant to subdivision four of section five hundred two of this chapter prior to having the intelligent speed assistance device removed. The commissioner may deny the request to remove the device based upon the individual's performance on the written driving test, the road test, or as a result of their driving record during the period of speed limiter use.

(vi) The cost of installing and maintaining a speed limiter shall be borne by the person subject to such condition unless the court or the commissioner 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 a qualified service provider, as established by subparagraph (viii) of this paragraph. If deemed to be in working order after being returned to a qualified service center, the device may be installed on any other motor vehicle required to have a speed limiter installed.

(vii) The commissioner shall create a list of approved intelligent speed assistance devices. Approved intelligent speed assistance devices must be capable of accurately detecting speed limits across road and weather conditions, and the commissioner may promulgate any rules and regulations necessary to further ensure that devices operate reliably.

(viii) The commissioner shall create a list of service providers which are qualified to install, service, inspect, and remove approved intelligent speed assistance devices. This list may include any installation/service providers, as defined in 9 NYCRR 358.3, which are approved for the installation, servicing, and removal of ignition interlock devices installed pursuant to section eleven hundred ninety-eight of this title.

(ix) (A) No person shall tamper with or circumvent an otherwise operable speed limiter.

(B) No person subject to a court ordered speed limiter shall operate a motor vehicle without such device.

(C) In addition to any other provisions of law, any person convicted of a violation of clause (A) or (B) of this subparagraph shall be guilty of a class A misdemeanor.

(x) 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.

(xi) This paragraph shall not apply to motor vehicles operated by a person subject to a court ordered speed limiter under this paragraph where such person is required to operate such vehicle in the course and scope of such person's employment and such vehicle is owned by such person's employer. A motor vehicle owned by a business entity where such business entity is owned or partly owned or controlled by a person otherwise subject to a court ordered speed limiter under this paragraph

is not a motor vehicle owned by the employer for purposes of the exemption provided in this subparagraph.

(xii) (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, disaggregated by the number of individuals required to install speed limiters under subparagraph (i) of this paragraph, the number of individuals required to install speed limiters for failure to comply with certain posted maximum speed limits through a photo speed violation monitoring system under subparagraph (iii) of this paragraph, and the number of individuals required to install speed limiters for failure to comply with traffic-control indications through use of a traffic-control signal photo violation-monitoring device under subparagraph (iii) of this paragraph.

(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.

(B) As available to the commissioner, they shall also include the following information about the speed limiter program under this paragraph:

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

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

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

(4) 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.

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

(xiii) The commissioner may promulgate any rules and regulations necessary to implement the provisions of this paragraph.

§ 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.