STATE OF NEW YORK

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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, FORREST, SEPTIMO, LUNSFORD, DE LOS SANTOS, TAYLOR -- 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 -- 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 and the general municipal 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 which is installed in a motor vehicle and utilizes technology to limit the speed of a motor vehicle at five miles per hour more than the maximum speed limits established pursuant to title eight and article thirty of this chapter. 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 or convictions 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

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

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record of any person for violations of such subdivisions that occurred during the preceding eighteen month period, the commissioner shall, in addition to the imposition of any fine or period of imprisonment or sanction set forth in this chapter, order a hearing by the administrative tribunal created pursuant to article two-a of this chapter, or by a traffic violations bureau created pursuant to section three hundred seventy of the general municipal law, or, if there be none, by the court having jurisdiction over traffic infractions where the violation occurred or over a criminal charge relating to traffic or a traffic infraction to determine whether such person shall install and maintain an intelligent speed assistance device under this paragraph. The procedure of such hearing shall be governed by the provisions of the applicable law or regulation that govern such tribunal, bureau, or court. Whenever the tribunal, bureau or court finds, after such hearing, that such person has accumulated eleven or more points within the preceding eighteen month period, the tribunal, bureau or court shall order the installment of an intelligent speed assistance device in any motor vehicle owned or operated by such person for a minimum period of time as prescribed in subparagraph (iii) of this paragraph. The person shall then provide proof of installation as outlined in subparagraph (iv) of this paragraph and pursuant to such order. The period of time prescribed in subparagraph (iii) of this paragraph shall commence on the date of the installation of the intelligent speed assistance device.

(ii) (A) 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 pursuant to section eleven hundred eighty-b of this article, where such person has been found liable for notices of liability for no less than sixteen notices of liability for such vehicle for failure to comply with such limits within the past twelve months, the commissioner shall order a hearing by the administrative tribunal created pursuant to article two-a of this chapter to determine whether such person shall install and maintain an intelligent speed assistance device under this paragraph. The procedure of such hearing shall be governed by the provisions of the applicable law or regulation. Whenever the tribunal finds, after such hearing, that such person has been found liable for notices of liability for no less than sixteen notices of liability within the past twelve months, the tribunal shall order the installment of an intelligent speed assistance device in any motor vehicle owned or operated by such person for a minimum period of time as prescribed in subparagraph (iii) of this paragraph. The person shall then provide proof of installation as outlined in subparagraph (iv) of this paragraph and pursuant to such order. The period of time prescribed in subparagraph (iii) of this paragraph shall commence on the date of the installation of the intelligent speed assistance device.

(B) Notwithstanding any provisions of this paragraph to the contrary, where a municipality does not utilize a photo speed violation monitoring system pursuant to section eleven hundred eighty-b of this title, such municipality may require the installation of an intelligent speed assistance device under this paragraph for the top one percent of persons who receive notices of liability for failure to comply with posted maximum speed limits as documented through the use of a photo speed violation-monitoring system. Where a person has been found liable for sufficient notices of liability at such threshold for failure to comply with such limits within the past twelve months, the commissioner shall order a hearing by the traffic violations bureau created pursuant

to section three hundred seventy of the general municipal law, or, if there be none, by the court having jurisdiction over traffic infractions where the violation occurred or over a criminal charge related to traffic or a traffic infraction, to determine whether such person shall install and maintain an intelligent speed assistance device under this paragraph. The procedure of such hearing shall be governed by the provisions of the applicable law or regulation. Whenever the tribunal finds, after such hearing, that such person has been found liable for such notices of liability within the past twelve months, the tribunal shall order the installment of an intelligent speed assistance device in any motor vehicle owned or operated by such person for the minimum period of time as prescribed in subparagraph (iii) of this paragraph. The person shall then provide proof of installation as outlined in subparagraph (iv) of this paragraph and pursuant to such order. The period of time prescribed in subparagraph (iii) of this paragraph shall commence on the date of the installation of the intelligent speed assistance device.

(iii) Where a person is mandated to install an intelligent speed assistance device for the first time under this subdivision, such person shall be required to install such device in any motor vehicle owned or operated by such person for a period of twelve months. At the conclusion of the twelve-month period, provided that the person has successfully completed the term of installation with no further violations described in subparagraph (i) or (ii) of this paragraph, the commissioner shall provide a letter authorizing the removal of such device. Where a person is mandated to install an intelligent speed assistance device a second time under this subdivision within ten years of completing the first term of installation, such person shall be required to install such device in any motor vehicle owned or operated by such person for a period of twenty-four months. At the conclusion of the twenty-four month period, provided that the person has successfully completed the term of installation with no further violations described in subparagraph (i) or (ii) of this paragraph, the commissioner shall provide a letter authorizing the removal of such device. Where a person is mandated to install an intelligent speed assistance device a third time under this subdivision within fifteen years of completing the first term of installation, such person shall be required to install such device in any motor vehicle owned or operated by such person for a period of thirty-six months. A person who is mandated to install an intelligent speed assistance device for a fourth or subsequent time under this subparagraph shall not remove such device until such time as the commissioner approves such removal.

(iv) Proof of installation of a speed limiter required under this paragraph shall occur within ten days of the tribunal, bureau or court order described in subparagraphs (i) and (ii) of this paragraph.

(v) The cost of installing, leasing, maintaining, and removing an intelligent speed assistance device shall be borne by the person subject to the tribunal, bureau or court order described in subparagraphs (i) and (ii) of this paragraph, unless such tribunal, bureau or court determines that such person is unable to financially afford the cost of the device, in which case such cost may be imposed pursuant to payment plan or waived. A person shall be presumptively unable to afford the cost of the device if they receive public assistance benefits under the social services law. 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 installed. The

commissioner shall promulgate regulations governing the monitoring of compliance by the department of persons ordered to install and maintain intelligent speed assistance devices.

(vi) At the end of the required installation period a device shall be returned to the qualified service provider that installed the device. If deemed to be in working order after being returned to such qualified service provider, the device may be installed on any other motor vehicle required to have such device installed under this paragraph.

(vii) The commissioner shall create a list of approved intelligent speed assistance devices and update such list no less that once every two years. 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 and shall update such list no less than once every two years.

(ix) The commissioner shall promulgate regulations governing the monitoring of compliance by the department of persons ordered to install and maintain intelligent speed assistance devices, including but not limited to reporting by the vendor of the intelligent speed assistance device on tampering, unauthorized removal, or other similar violations.

(x) The commissioner shall develop a method by which a peace officer may easily determine by visual inspection of a motor vehicle whether such vehicle is required to have an intelligent speed assistance device installed. For the purposes of this subdivision, "peace officer" has the same meaning as in section 2.10 of the criminal procedure law.

(xi) (A) No person shall tamper with or circumvent an otherwise operable intelligent speed assistance device.

(B) No person subject to the order described in subparagraph (i) or (ii) of this paragraph shall operate a motor vehicle without such device, including but not limited to operating a motor vehicle without the ordered device after the ten day installation period.

(C) No vehicle owner shall operate, or permit another person to operate, a motor vehicle that they own without an intelligent speed assistance device when such vehicle is mandated to have such device.

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

(xii) A violation of any provision of this paragraph, or a finding that any person has assisted a driver to violate this paragraph, may be charged with a class A misdemeanor.

(xiii) This paragraph shall not apply to motor vehicles operated by a person subject to an order to install and maintain an intelligent speed assistance device as described in subparagraph (i) or (ii) of 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 intelligent speed assistance device under this paragraph is not a motor vehicle owned by the employer for purposes of the exemption provided in this subparagraph.

(xiv) (A) The commissioner shall submit a report every twenty-four months on the results of the use of the program to the governor, the

temporary president of the senate and the speaker of the assembly beginning on or before June first next succeeding the effective date of this paragraph. Such report shall include without limitation the following information:

(1) Number of individuals actively required to have intelligent speed assistance devices installed in motor vehicles they own or operate on an annual basis, disaggregated by the number of individuals required to install intelligent speed assistance devices under subparagraph (i) of this paragraph and the number of individuals required to install intelligent speed assistance devices for failure to comply with certain posted maximum speed limits through a photo speed violation monitoring system under subparagraph (ii) of this paragraph.

(2) Number of motor vehicles required to have intelligent speed assistance devices installed on an annual basis.

(3) Number of fee waivers approved to waive the entire fee for installing an intelligent speed assistance device on an annual basis.

(4) Number of individuals placed on a payment plan for an intelligent speed assistance device on an annual basis.

(B) To the extent the information is maintained by the department of motor vehicles in this state, the report shall include the following information about the intelligent speed assistance device program under this paragraph, on an annual basis:

(1) Number of speeding tickets issued to individuals with intelligent speed assistance devices installed.

(2) Number of other traffic infractions committed by individuals with intelligent speed assistance devices installed, organized by category or type of traffic infraction.

(3) Number of reported accidents involving individuals with intelligent speed assistance devices 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.

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

§ 3. The purchase or lease of equipment for a demonstration program established pursuant to paragraph 6 of subdivision (h) of section 1180 of the vehicle and traffic law, as added by section two of this act, shall be subject to the provisions of section 103 of the general municipal law.

§ 4. The section heading and paragraph (c) of subdivision 1 of section 514 of the vehicle and traffic law, the section heading as amended by chapter 406 of the laws of 2001 and paragraph (c) of subdivision 1 as amended by chapter 892 of the laws of 1983, are amended to read as follows:

Certifying convictions, findings of liability, forfeitures and nonappearances to the commissioner and recording convictions and findings of liability.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this subdivision, the commissioner may prescribe time limitations for the reporting of judgments of conviction or findings of liability and transmission of such license that are longer than those prescribed by this section for any courts to which this section is applicable.

§ 5. Subdivision 3 of section 241 of the vehicle and traffic law, as added by chapter 437 of the laws of 1979, is amended to read as follows:

3. A judgment entered pursuant to the provisions of this section shall remain in full force and effect for eight years notwithstanding any other provision of law. **Upon entry of a final determination imposing monetary liability upon a person as a motor vehicle owner for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter pursuant to a demonstration program established pursuant to sections eleven hundred eighty-b, eleven hundred eighty-f or eleven hundred eighty-g of this chapter, the hearing examiner or clerk thereof shall within fifteen days certify the finding of liability to the commissioner in such form and in such manner as may be prescribed by the commissioner, who shall record the same in their office. If any such finding of liability shall be reversed upon appeal therefrom, or shall be vacated, or set aside, the person whose finding of liability has been so reversed, vacated, or set aside may serve on the commissioner a certified copy of the appropriate order and the commissioner shall thereupon record the same in connection with the record of such finding of liability. Provided, however, that the commissioner may prescribe time limitations for the reporting of judgments or findings of liability regarding the imposition of monetary liability upon a person as a motor vehicle owner for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter pursuant to a demonstration program established pursuant to sections eleven hundred eighty-b, eleven hundred eighty-f or eleven hundred eighty-g of this chapter that are longer than those prescribed by this section for any bureau to which this section is applicable.**

§ 6. Section 373 of the general municipal law, as added by chapter 530 of the laws of 1932, and as renumbered by chapter 281 of the laws of 1934, is amended to read as follows:

§ 373. Records. A traffic violations bureau as herein authorized shall keep a record of all violations of which each person has been guilty, whether such guilt was established in court or in the bureau, and also a record of all fines collected and the disposition thereof. It shall also perform such other or additional duties and keep such other or additional records as shall be prescribed by the court and/or the local legislative body. **Upon a judgment of conviction of any person for any violation or set of violations of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of the vehicle and traffic law or a final determination imposing monetary liability upon a person as a motor vehicle owner for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of the vehicle and traffic law pursuant to a demonstration program established pursuant to sections eleven hundred eighty-f or eleven hundred eighty-g of the vehicle and traffic law, the court or bureau or clerk thereof shall within fifteen days certify the facts of the case to the commissioner of the department of motor vehicles in such form and in such manner as may be prescribed by such commissioner, who shall record the same in their office. Such certificate shall be presumptive evidence of the facts recited therein. If any such conviction shall be reversed upon appeal therefrom, or shall be vacated or set aside, the person whose conviction has been so reversed, vacated, or set aside may serve on the commissioner a certified copy of the appropriate order and such commissioner shall thereupon record the same in connection with the record of such conviction. Provided, however, that such commissioner may prescribe time limitations for the reporting of judgments of conviction and transmission of such license**

that are longer than those prescribed by this section for any courts or bureaus to which this section is applicable.

§ 7. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that subparagraph (ii) 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.