*** § 1642-b. Installation and operation of intelligent speed assistance devices; demonstration program in the city of New York.** 1. Definitions. For the purposes of this section, the following terms shall have the following meanings:

a. "Administering agency" shall mean one or more agencies and/or administrative tribunals designated by the mayor of a city having a population in excess of one million to administer an intelligent speed assistance device demonstration program authorized pursuant to this section; provided, however, that a non-governmental entity shall not be designated as an administering agency;

b. "Installation period" shall mean the mandatory period of time that an owner is required to install and maintain an intelligent speed assistance device pursuant to a local law or ordinance adopted pursuant to this section;

c. "Intelligent speed assistance device" shall mean a device installed on a motor vehicle utilizing technology to restrict the speed of the motor vehicle based on the maximum speed limits established pursuant to this chapter where such motor vehicle is being operated. Such technology shall allow for the manual override of such restrictions past the speed limit, if necessary, based on traffic conditions; and

d. "Owner" shall have the same meaning as provided in section one hundred twenty-eight of this chapter.

2. Establishment. Notwithstanding any provision of law to the contrary, the city of New York is hereby authorized and empowered to adopt and amend a local law or ordinance establishing a demonstration program authorizing the imposition of a requirement on the owner of a particular motor vehicle who has been found liable for monetary penalties for violations, in a school speed zone within such city, of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such posted maximum speed limits through the

installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter following entry of a final decision or decisions in response to sixteen notices of liability issued within a twelve month period to such owner with respect to such particular motor vehicle for failure of an operator thereof to comply with such posted maximum speed limits in a school speed zone within such city pursuant to such photo speed violation monitoring system demonstration program, to install and maintain an intelligent speed assistance device in accordance with the provisions of a local law or ordinance adopted pursuant to this section. Such local law or ordinance may provide for exemptions for certain categories of vehicles for which installation of an intelligent speed assistance device would not further the purposes of such demonstration program or which could otherwise impair public safety or general welfare. Provided, however, that the following shall be exempt from the demonstration program authorized pursuant to this section: (a) motor vehicles owned or leased by the state, a governmental entity, a public authority, a county, town, city, village or any other political subdivision of the state; (b) motor vehicles owned or leased by a business entity that are routinely operated by two or more of such entity's workers, provided, however, that if a business entity assigns a vehicle to a single worker, and during the period of such assignment the vehicle has been made subject to an order for installation of an intelligent speed assistance device as set forth in subdivision three of this section, such particular vehicle shall be subject to the provisions of this section; (c) licensed vehicles as defined in section 19-502 of the administrative code of the city of New York, regulated by the New York city taxi and limousine commission; and (d) authorized emergency vehicles. For purposes of this subdivision, the term "business entity" shall mean an entity organized under the laws of the state, or authorized to do business in the state, including but not limited to, business corporations, limited liability companies, partnerships, or not-for-profit corporations, but shall not include such entities organized or authorized that do not perform a bona fide business purpose, nor entities owned by a single person or household, including but not limited to single-member limited liability companies or single shareholder corporations.

3. Determination and notification. a. Whenever the administering agency determines that an owner of a particular motor vehicle has been found liable for monetary penalties following entry of a final decision or decisions in response to sixteen notices of liability issued within a period of twelve months with respect to such particular motor vehicle for failure of an operator thereof to comply with posted maximum speed limits in a school speed zone within such city when a school speed limit is in effect as provided in paragraphs one and two of subdivision (c) of section eleven hundred eighty of this chapter or when other speed limits are in effect as provided in subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter through the installation and operation of photo speed violation-monitoring systems in accordance with article thirty of this chapter, such administering agency shall order the installation of an intelligent speed assistance device on such motor vehicle and, except as otherwise provided in paragraph (b) of subdivision two of this section, on each other motor vehicle owned by such owner during the relevant installation period. Such administering agency shall send such owner no fewer than two written notices that they are required to install and maintain a functioning intelligent speed assistance device, of a model and type as specified pursuant to a local law or ordinance adopted pursuant to this section, for the applicable installation period as provided in subdivision four of this section. Such notifications shall include: (i) a date certain by which an intelligent speed assistance device must be installed; (ii) a statement that the owner must provide the administering agency with proof of compliance within thirty days of the date the owner is ordered to install such device and instructions for how to submit such proof; (iii) a statement that the owner shall be responsible for the cost of installing, maintaining, and removing such device absent a finding of financial inability to pay, the approximate cost to the owner of installing, maintaining, and removing such device, and that such costs may be paid in installments; (iv) information advising the owner of the manner and the time in which they may contest the order to install an intelligent speed assistance device; and (v) prominent warnings that failure to install such device and failure to submit proof of such compliance could result in a violation, registration suspension, and an extension of the installation period unless the administering agency

makes a finding of good cause for such failure. Such administering agency shall also offer an opportunity to each owner to formally contest an order to install an intelligent speed assistance device following the issuance of such order and prior to the date certain that such device must be installed pursuant to subdivision five of this section, and pursuant to published criteria to be considered in determining whether such order shall be upheld or withdrawn, which shall include whether such vehicles are exempt pursuant to subdivision two of this section, provided that: (A) such opportunity shall not permit such owner to contest any notices of liability previously adjudicated to finality where such owner was found liable for monetary penalties issued pursuant to section eleven hundred eighty-b of this chapter; and (B) following a proper contestation submission, the relevant installation period shall not commence until such contestation process has fully completed and such order shall have been upheld or withdrawn.

b. Following the failure of an owner to install an intelligent speed assistance device by the date certain required to be provided to such owner pursuant to paragraph (a) of this subdivision, an additional written notification shall be sent to such owner to notify them of such failure and of the statements and warning set forth in subparagraphs (ii), (iii), (iv) and (v) of such paragraph.

4. Installation and removal. a. An owner required to install and maintain an intelligent speed assistance device pursuant to a local law or ordinance adopted pursuant to this section shall install and maintain a functioning intelligent speed assistance device in accordance with the provisions of such local law or ordinance: (i) for a period of twelve months for the first time an owner is ordered to install an intelligent speed assistance device under this subdivision; (ii) for a period of twenty-four months the second time such owner is mandated to install an intelligent speed assistance device under this subdivision within a period of ten years of completing the first term of installation; (iii) for a period of thirty-six months the third time such owner is mandated to install an intelligent speed assistance device under this subdivision within a period of fifteen years of completing the first term of installation; and (iv) for the fourth or subsequent time such owner is

mandated to install an intelligent speed assistance device under this subdivision, a period of time not to conclude until such time as the administering agency approves such removal.

b. Upon the conclusion of the period in which an owner is required to install and maintain an intelligent speed assistance device, the administering agency of such city shall provide written notification authorizing the removal of such device to such owner and shall notify the commissioner in such manner and form as the commissioner may prescribe, and the commissioner shall remove any corresponding notation on each applicable registration record of such owner.

5. Monitoring of compliance and recording of condition. a. The owner of a motor vehicle required to install and maintain an intelligent speed assistance device pursuant to a local law or ordinance adopted pursuant to this section shall provide proof of installation to the administering agency of such city, in a manner provided by such local law or ordinance, within thirty days of the date certain that such device must be installed by such owner as ordered by the administering agency.

b. When the administering agency of such city imposes the condition specified in subdivision three of this section, it shall notify the commissioner in such manner and form as the commissioner may prescribe, and, if practicable, the commissioner shall note such condition on the owner's registration record of each motor vehicle subject to such condition.

c. A local law or ordinance adopted pursuant to this section shall provide for the monitoring of compliance of owners required to install and maintain an intelligent speed assistance device pursuant to a demonstration program established pursuant to this section.

6. Cost of installation and maintenance. a. The cost of installation, maintenance including repair and replacement, and removal of the intelligent speed assistance device shall be borne by the owner subject to such condition and such cost may be paid in installments at no charge to the owner. The administering agency shall offer such owners the

opportunity to enter into an installment payment plan at any time. Provided, however, that when the administering agency determines such owner is financially unable to afford such cost, such cost shall be waived. An owner shall be presumptively deemed to be financially unable to afford such cost if the owner's household income is at or below two hundred percent of the federal poverty level as documented.

b. The service provider of the device shall be responsible for the installation, calibration, maintenance, and removal of such device. The service provider shall also be responsible for providing written user instructions and device guidelines to owners whose vehicles are equipped with such devices.

7. Privacy. a. A local law or ordinance adopted pursuant to this section shall include measures to protect the privacy of owners required to install and maintain intelligent speed assistance devices and to enforce such measures. Such measures shall include:

(i) encryption of information and data created, collected, recorded, or otherwise captured by intelligent speed assistance devices installed and maintained by owners including, but not limited to, personally identifiable information, geolocation data, and any data and information shared between administering agencies and the manufacturers and service providers of such devices;

(ii) de-identifying or aggregating of motor vehicle geolocation data;

(iii) restricting the information obtained by the administering agency from intelligent speed assistance devices to only that which is strictly necessary to monitor compliance by an owner required to install and maintain an intelligent speed assistance device;

(iv) creation of a framework in accordance with state law for data collection, storage, sharing, and destruction that adheres to the restrictions provided in this subdivision;

(v) methods to inform owners required to install and maintain intelligent speed assistance devices of what data is collected, how it is used, and with whom it may be shared;

(vi) oversight procedures to enforce compliance with the privacy protection measures under this subdivision and any local law or ordinance adopted pursuant to this section including but not limited to

security audits to ensure consistent application and ongoing compliance of the administering agency, intelligent speed assistance device manufacturers and service providers; and

(vii) information security standards including identifying and assessing internal and external security risks, physical access controls, up-to-date anti-malware software, and documented incident response procedures.

b. Information and data created, collected, recorded, or otherwise captured by intelligent speed assistance devices shall be for the exclusive use of the city of New York for the sole purpose of monitoring compliance with the requirement of an owner to install and maintain an intelligent speed assistance device, and shall be destroyed by such city upon the completion of the term of such installation and maintenance. Notwithstanding the provisions of any other law, rule or regulation to the contrary, information and data from an intelligent speed assistance device shall not be open to the public, nor subject to civil or criminal process or discovery, nor used by any court or administrative or adjudicatory body in any action or proceeding therein except that which is necessary for the monitoring of compliance pursuant to this section, and no public entity or employee, officer or agent thereof shall disclose such information, except that such information and data shall be available for inspection and copying and use by the motor vehicle owner for so long as such information and data are required to be maintained or are maintained by such public entity, employee, officer or agent.

c. No person, firm, association, partnership, limited liability company, corporation, manufacturer or service provider shall sell, share, transfer, publish, lease, release, or otherwise make available to any third party any personally identifiable information or any information and data created, collected, recorded, or otherwise captured by intelligent speed assistance devices installed and maintained by owners pursuant to a local law adopted pursuant to this section, and shall destroy such information and data upon the completion of the term of such installation and maintenance. For the purposes of this paragraph, "third party" shall not include an administering agency.

8. Certification and standards. a. The administering agency shall approve intelligent speed assistance devices and service providers of intelligent speed assistance devices pursuant to a local law or ordinance adopted pursuant to this section and shall publish a list of approved devices and service providers which shall be publicly available. Service providers approved by the administering agency shall be required to be qualified to install, calibrate, service, and remove approved intelligent speed assistance devices, and shall comply with the privacy requirements of subdivision seven of this section and any local law or ordinance adopted pursuant to this section.

b. After consultation with manufacturers of intelligent speed assistance devices, the administering agency shall promulgate regulations regarding standards for, and use of, intelligent speed assistance devices. Such standards shall include provisions for device calibration and shall also include, but not be limited to, requirements that the devices:

(i) have features that make circumventing or bypassing the device difficult and that do not interfere with the normal or safe operation of the motor vehicle, provided that the manual override referenced in paragraph c of subdivision one of this section shall not be considered a feature to circumvent or bypass the device;

(ii) work accurately and reliably in an unsupervised environment;

(iii) resist tampering and give evidence if tampering is attempted;

(iv) minimize inconvenience to users of the motor vehicle;

(v) operate reliably over the range of motor vehicle environments and motor vehicle manufacturing standards; and

(vi) are manufactured by a party covered by product liability insurance and liability insurance against installation and maintenance errors.

9. Circumvention of intelligent speed assistance device; installation. a. No person shall tamper with or circumvent an otherwise operable intelligent speed assistance device. A first violation of this paragraph shall be a traffic infraction punishable by a fine of not less than fifteen hundred dollars nor more than twenty-five hundred dollars and

the commissioner shall suspend the registration of the motor vehicle subject to the tampered or circumvented device pursuant to paragraph (a) of subdivision four-i of section five hundred ten of this chapter for twelve months and the relevant installation period shall be extended by six months. A subsequent violation of this paragraph shall be a traffic infraction punishable by a fine of not less than fifteen hundred dollars nor more than twenty-five hundred dollars and the commissioner shall suspend the registration of the motor vehicle subject to the tampered or circumvented device pursuant to paragraph (a) of subdivision four-i of section five hundred ten of this chapter for a period of twelve months and the relevant installation period shall be extended by twelve months.

b. No person required to install an intelligent speed assistance device pursuant to a local law or ordinance adopted pursuant to this section shall fail to install such device and provide proof of such installation to the administering agency within thirty days of the date certain that such device must be installed by such owner as ordered by the administering agency, absent a finding by the administering agency of good cause for that failure. A violation of this paragraph shall be a traffic infraction punishable by a fine of not less than fifteen hundred dollars nor more than twenty-five hundred dollars. Upon the failure by an owner to install such device and provide proof of such installation to the administering agency within forty-five days of the date certain that such device must be installed by such owner as ordered by the administering agency, absent a finding by the administering agency of good cause for that failure, the commissioner shall suspend the registration of the relevant motor vehicle pursuant to paragraph (b) of subdivision four-i of section five hundred ten of this chapter.

c. Notwithstanding the provisions of any other law, rule or regulation to the contrary, following entry of a final decision or decisions in response to three notices of liability issued to an owner of a particular motor vehicle for failure of an operator thereof to comply with posted maximum speed limits in a school speed zone within the city of New York pursuant to a photo speed violation monitoring system demonstration program in accordance with article thirty of this chapter after having failed to comply with an order to install an intelligent

speed assistance device on such motor vehicle pursuant to a local law or ordinance adopted in accordance with this section by the date ordered shall constitute a traffic infraction punishable by a fine of not less than fifteen hundred dollars nor more than twenty-five hundred dollars; provided, however, that no traffic violation shall occur if any such notice of liability is issued following the expiration of the relevant installation period and authorization of the removal of the intelligent speed assistance device in accordance with subdivision four of this section. Following final adjudication of such traffic infraction the relevant installation period shall be extended by twelve months.

d. Following an order by the administering agency to a motor vehicle owner to install an intelligent speed assistance device with respect to such vehicle, the commissioner may, in their discretion, deny a registration or renewal application to any other person for the same vehicle and may deny a registration or renewal application for any other motor vehicle registered in the name of the applicant where the commissioner has determined that such registrant's intent has been to evade the purposes of this section and where the commissioner has reasonable grounds to believe that such registration or renewal will have the effect of defeating the purposes of this section. Such denial shall only remain in effect until the administering agency has sent the owner written notification authorizing the removal of such intelligent speed assistance device.

10. Warning label. The local law or ordinance adopted pursuant to this section shall provide for the design of a warning label which the manufacturer or service provider shall affix to each intelligent speed assistance device upon installation in the state. The label shall contain a warning that any person tampering or circumventing the device is guilty of a violation and may be subject to civil liability.

11. Reporting of program results. a. By July first, two thousand twenty-eight and every two years thereafter in which the demonstration program is operable, the administering agency shall submit a report to the governor, the temporary president of the senate, the speaker of the assembly, and the chairs of the senate and assembly transportation

committees on the results of any demonstration program authorized by subdivision two of this section. Such report shall include at minimum and with respect to the preceding twenty-four months:

(i) the aggregate number of motor vehicle owners ordered to install an intelligent speed assistance device in accordance with subdivision three of this section, the aggregate number of such motor vehicles subject to such orders in total, and in the aggregate by county within New York state and within any other state;

(ii) the aggregate number of contestations elected by motor vehicle owners in accordance with paragraph a of subdivision three of this section and the percentage of such contestations resulting in (A) an upheld or (B) a withdrawn order;

(iii) in the aggregate, the number of motor vehicle owners authorized to remove such device, the number of motor vehicles to which such removal authorization applies, and the relevant installation period for each such device, pursuant to subdivision four of this section, which shall be anonymized;

(iv) in the aggregate, the number of motor vehicle owners for whom the cost of device installation was waived pursuant to subdivision six of this section;

(v) the list of service providers of intelligent speed assistance devices approved pursuant to subdivision eight hereof;

(vi) the aggregate number of violations for paragraphs a and b of subdivision nine of this section that were adjudicated and the results of such adjudications including breakdowns of dispositions made;

(vii) the number and amount of fines imposed, and the aggregate number of registrations suspended, for violations of paragraphs a and b of subdivision nine of this section; and

(viii) the effectiveness and adequacy of the demonstration program to determine the impact on speeding violations and prevention of crashes.

b. Such report shall also be made publicly available on the website of the New York city department of transportation.

* NB Effective May 26, 2027

* NB Repealed July 1, 2032