



**NOTE:** The intent of this model legislation is to promote uniform adoption across jurisdictions to ensure continuity for those jurisdictions that have chosen to implement an Intelligent Speed Assistance (ISA) program and to support interstate reciprocity between participating jurisdictions.

While jurisdictions retain discretion in establishing administrative penalties for ISA program violations, greater alignment with consistent, nationally recognized penalty frameworks enhances program consistency and supports effective interstate reciprocity.

As a result of creating continuity, policymakers should understand that, by the nature of adopting an ISA program, increased severity in terms of criminal penalties and consequences for qualifying offenses may be applied to habitual and excessive speeders.

# MODEL INTELLIGENT SPEED ASSISTANCE ACT

*Uniform Legislation for Interstate Reciprocity and Program Continuity*

## **SECTION 1. SHORT TITLE**

This Act shall be known and may be cited as the "Intelligent Speed Assistance Act" or "ISAA."

## **SECTION 2. LEGISLATIVE PURPOSE AND FINDINGS**

**(a) Findings.** The [Legislature/General Assembly/Council] finds that:

- (1) Speeding is a contributing factor in approximately 29 percent of all traffic fatalities in the United States, resulting in over 12,000 deaths annually, as documented by the National Highway Traffic Safety Administration;
- (2) Traditional enforcement methods including fines, license points, and suspensions have proven insufficient to deter the most dangerous repeat speeders;
- (3) Approximately 75 percent of drivers with suspended licenses continue to drive, creating ongoing public safety risks, as documented in research published by the National Cooperative Highway Research Program;
- (4) Intelligent Speed Assistance (ISA) technology provides a proven, cost-effective alternative to license suspension that maintains individual mobility while protecting public safety;
- (5) Intelligent Speed Assistance technology has demonstrated significant safety benefits in municipal fleet pilot programs, including a 64 percent reduction in speeding in New York City's program, as documented by the New York City Department of Citywide Administrative Services in partnership with the U.S. Department of Transportation Volpe National Transportation Systems Center;
- (6) Interstate travel is common, and drivers subject to ISA requirements in one jurisdiction frequently operate vehicles in other jurisdictions;

- (7) Lack of uniformity in ISA programs creates enforcement gaps, administrative burdens, and reduced public safety outcomes when drivers cross state lines;
- (8) A uniform approach to ISA program requirements, data sharing, and interstate reciprocity will maximize public safety benefits while minimizing administrative complexity.

**(b) Purpose.** The purposes of this Act are to:

- (1) Establish a uniform Intelligent Speed Assistance Program applicable to repeat and egregious speed violators;
- (2) Provide an alternative to driver license suspension that maintains mobility while ensuring public safety;
- (3) Create uniform violation standards and program requirements to ensure continuity when participants travel or relocate between jurisdictions;
- (4) Establish clear lines of authority for program administration and enforcement;
- (5) Protect participant privacy while enabling necessary data sharing for program integrity;
- (6) Ensure program sustainability through participant-funded cost recovery;
- (7) Enable interstate reciprocity and data exchange;
- (8) Establish uniform penalties for tampering and noncompliance.

## **SECTION 3. DEFINITIONS**

As used in this Act:

**"Approved Service Provider"** means a person, firm, or business entity certified by the [State Motor Vehicle Agency] to install, service, tune, monitor, and remove active ISA devices in accordance with standards established under this Act.

**"Driver Record"** means the record maintained by the [State Motor Vehicle Agency] or obtained from another jurisdiction through the National Driver Register, the Commercial Driver License Information System (CDLIS), or the State to State (S2S) verification service containing information about a person's driver history including convictions, restrictions and suspensions.

**"Dynamic Speed Zone"** means an area where speed limits are adjusted based upon certain conditions.

**"Enrollment"** means the date that the restricted credential is issued. The participant shall have an active ISA device installed prior to issuance of restricted credential.

**"Failure to Maintain"** means the participant's failure to keep the active ISA device in proper working order at all times. This includes, but is not limited to, any loss of device power for twenty-four (24) continuous hours or more, or any device lockout.

**"Active ISA Device" or "Intelligent Speed Assistance Device"** means an aftermarket device that actively prevents a motor vehicle from exceeding the applicable speed limit and does not interact with the braking system and is installed in or integrated with a motor vehicle. Active ISA devices determine the applicable speed limit and prevent the vehicle from exceeding that limit, excluding Dynamic Speed zones, using technology such as, but not limited to, integrated location-based technology, digital mapping data, and/or camera-based sign recognition. Active ISA devices include all necessary components for installation, operation, monitoring, and data transmission.

**"ISA Program" or "Program"** means the Intelligent Speed Assistance Program established under this Act.

**"Participant"** means a person required to install and maintain an active ISA device and who is restricted to operating only vehicles equipped with an active ISA device pursuant to this Act.

**"Participating Jurisdiction"** means any state, territory, or the District of Columbia that has enacted substantially similar legislation to this Act.

**"Program Violation"** means tampering with, circumventing, removing the device, or other activities as defined by the State Motor Vehicle Agency.

**"Qualifying Offense"** means: (1) a conviction of speeding of 100 miles per hour or more; (2) a conviction for reckless driving by speed; (3) a conviction for racing or speed contest; (4) [A jurisdiction defined number of convictions] for speeding violations [as defined by the jurisdiction] within [a jurisdictions defined period of time]; (5) accumulation of demerit points or convictions resulting in suspension or revocation for speed-related convictions within [a jurisdiction defined period of time]; or (6) any substantially similar conviction or administrative action in another jurisdiction involving excessive speed; [or any other state qualifying offense]. **"State Motor Vehicle Agency"** means the [Department of Motor Vehicles/Department of Transportation/Motor Vehicle Administration] or other agency designated to administer the ISA Program.

**"Tampering"** means any act intended to disable, circumvent, or interfere with the proper operation of an active ISA device, including but not limited to: unauthorized removal; physically damaging the device; disconnecting electrical connections; installing signal jammers or GPS blockers; altering or manipulating software.

**"Tune"** means the process by which the ISA acquires vehicle data necessary for proper functionality.

## **SECTION 4. ESTABLISHMENT OF INTELLIGENT SPEED ASSISTANCE PROGRAM**

**(a) Program Creation.** The Intelligent Speed Assistance Program is hereby established within the State Motor Vehicle Agency.

**(b) Program Administrator.** The State Motor Vehicle Agency shall serve as Program Administrator and shall:

- (1) Establish a program for active ISA device approval;
- (2) Approve service providers;
- (3) Maintain records of all Program participants;
- (4) Coordinate with courts and law enforcement regarding participant enrollment and compliance;
- (5) Exchange participant data with other Participating Jurisdictions; and
- (6) Establish procedures for Program requirements;

**(c) Rulemaking Authority.** The State Motor Vehicle Agency may adopt rules necessary to implement this Act, including but not limited to:

- (1) Specifications for active ISA devices;
- (2) Standards and procedures for approved service providers;
- (3) Active ISA device installation, transfer, inspection and or/removal;
- (4) Data security, retention, and privacy protocols;
- (5) Procedures for interstate data exchange;

- (6) Affordability program requirements;
- (7) Compliance monitoring and violation reporting.

**(d) Authority to Modify Program Requirements.** The State Motor Vehicle Agency may modify an ISA requirement upon a showing of good cause, including:

- (1) Demonstrated compliance and absence of new speed violations;
- (2) Undue hardship not foreseeable at the time of program enrollment; or
- (3) Documented device malfunction or inability of an approved service provider to service the device in the enrolled individual's county of residence.

## **SECTION 5. NOTIFICATION OF REQUIRED PARTICIPATION AND ENROLLMENT**

- (a) Notification.** The State Motor Vehicle Agency shall notify any individual required to enroll in the ISA program that their licenses will be suspended unless the individual enrolls in the ISA program and remains in compliance with all program requirements.
- (b) Enrollment.** The participant shall have [a jurisdiction defined number of] days from the date of notice to enroll in the program and install an active ISA device as described in Section 6. Failure to respond within [a jurisdiction defined number of] days shall result in automatic license suspension.
- (c) Vehicle Coverage.** The participant shall ensure that every motor vehicle operated by the participant is equipped with an approved active ISA device during the enrollment period.
- (d) Restricted License.** Upon successful enrollment, the State Motor Vehicle Agency shall issue a credential with an S license restriction code to the ISA Program participant. The participant is prohibited from operating any motor vehicle not equipped with an approved and functioning active ISA device.
- (e) Driver Record.** Participating State Motor Vehicle Agencies shall record the following data as part of the driver record to include:
  - a. Full name, date of birth, and driver's license number;
  - b. Qualifying offense(s);
  - c. Program enrollment date and completion date;
- (f) Exception for Voluntary Installation of Active ISA Device.** Individuals who are not ISA restricted and/or business entities voluntarily installing the active ISA device are exempt from the requirements of this Act.

## **SECTION 6. DEVICE INSTALLATION AND DURATION OF ENROLLMENT**

**(a) Installation Timeline.** A participant shall install an approved active ISA device in any motor vehicle the participant operates within [a jurisdiction defined number of days] of the enrollment order. Approved service providers shall provide proof of installation to the State Motor Vehicle Agency and participant within this period.

**(b) Duration of Enrollment.** The participant shall maintain the active ISA device and remain in compliance for a minimum period of:

- (1) [365] days for first enrollment;
- (2) [730] days for a second enrollment;
- (3) [1,095] days for a third or subsequent enrollment;

This State shall recognize and enforce minimum enrollment periods imposed by any Participating Jurisdiction if both states are Participating Jurisdictions.

## **SECTION 7. UNIFORM TECHNICAL STANDARDS FOR ACTIVE ISA DEVICES**

**(a) Minimum Device Capabilities.** All active ISA devices approved for use in the Program shall:

- (1) Utilize technology integrated with speed limit data covering all mapped roadways;
- (2) Update speed limit data on a [frequency determined by the jurisdiction specific to approved service providers] basis;
- (3) Employ active ISA technology that prevents the vehicle from exceeding the applicable speed limit;
- (4) Allow for brief, temporary speed limit exceedances not to exceed 5 miles per hour above the posted limit for a cumulative duration not exceeding [a jurisdictionally defined frequency or limit];
- (5) Provide real-time monitoring to the service provider;
- (6) Provide a signal to the participant through the active ISA device as GPS and/or cellular reception permits
- (7) Record and transmit compliance data to approved service providers;
- (8) Be tamper-resistant and provide timely notification of tampering attempts;
- (9) Function in all weather conditions;
- (10) Function in geographic areas as GPS and/or cellular reception permits;
- (11) Not interfere with other vehicle safety systems;
- (12) Comply with all applicable federal motor vehicle safety standards;

**(b) Approval Process.** The State Motor Vehicle Agency shall establish an approval process for active ISA devices.

## **SECTION 8. INTERSTATE RECIPROCITY AND PROGRAM CONTINUITY**

**(a) Recognition of Other States' ISA Requirements.** This State shall recognize and enforce ISA Program requirements imposed by any Participating Jurisdiction if both states are Participating Jurisdictions.

**(b) Relocation to this State/Continuation of Program Requirements.** When a person subject to ISA Program requirements in another Participating Jurisdiction establishes legal residence in this State:

- (1) The person shall be deemed a participant in this State's ISA Program;
- (2) The person shall comply with all requirements of this Act as if originally enrolled in this State;
- (3) The remaining duration of the person's enrollment period shall continue uninterrupted.
- (4) The person shall notify the State Motor Vehicle Agency of their ISA Program status as part of establishing residence;
- (5) The State Motor Vehicle Agency shall assume administrative responsibility for the participant;
- (6) The enrollment period and all Program requirements shall continue without interruption;
- (7) The participant shall verify that their active ISA device meets this State's requirements within 30 days or install a compliant device;

- (8) The State Motor Vehicle Agency shall issue a credential with an S license restriction code to the ISA Program participant.

**(c) Suspension for Non-Participating Jurisdiction Relocation.** If a participant relocates to a non-participating jurisdiction and establishes residency:

- (1) The State Motor Vehicle Agency shall immediately suspend the person's driving privilege in this State;
- (2) The suspension shall remain in effect until the person returns to a Participating Jurisdiction and resumes Program participation; or the suspension shall remain in effect for the remainder of the ISA enrollment;

## **SECTION 9. INTERSTATE DATA EXCHANGE AND INFORMATION SHARING**

**(a) Information to be Shared.** Participating Jurisdictions shall exchange the following information about participants:

- (1) Full name, date of birth, and driver's license number;
- (2) Qualifying offense(s) and conviction date(s);
- (3) Program enrollment date and scheduled completion date;
- (4) Number of qualifying offenses;
- (5) History of ISA enrollment;
- (6) Program violations.

**(b) Secure Data Transmission.** All interstate data exchanges shall:

- (1) Utilize secure transmission protocols;
- (2) Comply with all applicable federal and state privacy laws;
- (3) Be limited to information necessary for Program administration and public safety;

## **SECTION 10. DATA COLLECTION AND RETENTION**

- (a) Data Collection.** Service providers shall only collect the following data
- (1) Device identification number;
  - (2) Vehicle identification number (VIN);
  - (3) Date, time, and duration of vehicle operation;
  - (4) Posted speed limit at vehicle location;
  - (5) Vehicle speed;
  - (6) Override events (date, time, duration);
  - (7) Tampering attempts or device malfunctions;
  - (8) Location coordinates (retained only for compliance verification; not used for general location tracking).

**(b) Data Retention.** Service providers are only required to retain program participation data for the duration of program participation or any period as defined by the State Motor Vehicle Agency and in compliance with state laws and regulations.

## **SECTION 11. PROGRAM FUNDING AND AFFORDABILITY**

**(a) Participant Cost Responsibility.** The participant shall pay the cost of leasing or buying, monitoring, and maintaining an active ISA device, and any administrative fees required by the State Motor Vehicle Agency, unless they qualify for an affordability program.

**(b) Affordability Program.**

- (1) A participant may petition the State Motor Vehicle Agency for a reduction of fees based on need;
- (2) Persons applying for the affordability program shall be deemed to qualify for such status by showing proof of enrollment in any of the following public assistance programs to the Department:
  - a. Temporary Assistance for Needy Families (TANF)
  - b. Supplemental Security Income (SSI)
  - c. Supplemental Nutritional Assistance Program (SNAP)
  - d. Low Income Home Energy Assistance Program (LIHEAP) or
  - e. If the individual's household income is at or below 150 percent of the federal poverty level as documented.
- (3) For qualifying participants:
  - (i) all fees under subsection (b) may be reduced for the first enrollment;
  - (ii) fees may be reduced for subsequent enrollments at the Agency's discretion;

**(d) ISA Program Fund.** There is hereby created the Intelligent Speed Assistance Program Fund, which shall consist of:

- (1) All administrative fees collected under this Section from participants;
- (2) Any grants or appropriations designated for the Program;
- (3) Application, program, and certification fees provided by approved service providers.

**(e) Fund Administration and Uses.**

- (1) The State Motor Vehicle Agency shall administer the Fund;
- (2) Fund monies shall be used for:
  - (i) subsidizing costs for eligible participants;
  - (ii) Program administration;
  - (iii) technology infrastructure;
  - (iv) interstate data exchange systems;
  - (v) public education about the Program;
- (3) Any Fund surplus remaining at the end of a fiscal year shall be carried forward to the next fiscal year and shall not revert to the general fund.

**(f) Initial Appropriation.** The [Legislature/General Assembly] shall appropriate such funds as necessary for initial ISA Program implementation, including technology infrastructure, rulemaking, and an affordability program.

## **SECTION 12. TAMPERING, NONCOMPLIANCE, AND ENFORCEMENT**

**(a) Tampering - Criminal Offense.**

- (1) Any person who has been convicted of tampering with an active ISA device shall be guilty of [insert level of offense here] and subject to [insert state requirement].
- (2) Upon conviction for tampering, the court shall extend the participant's enrollment period by an additional twelve (12) months.

**(b) Operating Without Active ISA Device.** Any participant who operates a motor vehicle not equipped with a functioning, approved active ISA device shall be guilty of [insert level of offense here] and subject to extend the participant's enrollment period by an additional twelve (12) months.

**(c) Failure to Enroll - Administrative Suspension.** If a participant fails to enroll in the ISA program within the timeframe required by Section 6(a), the State Motor Vehicle Agency shall immediately suspend the participant's license. The suspension shall remain in effect until the participant provides proof of installation and pays a reinstatement fee.

**(d) Failure to Maintain Requirement.** The State Motor Vehicle Agency shall establish regulations governing all participant failure to maintain the device in accordance with program requirements.

**(e) Monitoring and Reporting.** Approved service providers shall provide reports as determined by the State Motor Vehicle Agency.

**(f) Evidence of Device Installation.** Participants shall carry service provider-issued evidence of an active ISA device installation at all times when operating a vehicle.

**(g) Interstate Violation Reporting.** Any violation of Program requirements discovered in a Participating Jurisdiction shall be reported to the participant's home jurisdiction within [x] business days. The home jurisdiction shall take enforcement action pursuant to its laws.

## **SECTION 13. SERVICE PROVIDER APPROVAL**

**(a) Certification Required.** No person, firm, or business entity may install, service, remove or monitor active ISA devices under this Program without approval by the State Motor Vehicle Agency.

**(b) Approval.** To receive approval, service providers shall:

- (1) Demonstrate technical competency in active ISA device installation and maintenance;
- (2) Maintain liability insurance in amounts determined by the State Motor Vehicle Agency;
- (3) Employ or contract with technicians that have appropriate training and background checks;
- (4) Maintain secure data systems;
- (5) Provide services in a geographically distributed manner to enable participant access;
- (6) Provide 24-hour, 7-day toll free emergency phone number for customer support and will service within [x] hours;
- (8) Submit to reporting requirements and periodic audits by the State Motor Vehicle Agency;
- (9) Comply with pricing as established by the State Motor Vehicle Agency pursuant to rules adopted under Section 4(c);



- (10) Maintain records in compliance with the State Motor Vehicle Agency's document retention policy pursuant to Section 10(b).

## **SECTION 14. LIABILITY LIMITATIONS**

- (a) **State Immunity.** The State, its agencies, and employees shall not be liable for any damages, injuries, or deaths resulting from active ISA device operation, malfunction, or participant actions while subject to Program requirements.
- (b) A manufacturer, distributor or retailer of a motor vehicle is not liable for any loss, injury, or damages caused by the design, manufacture, installation, improper installation, use, or misuse of an aftermarket ISA Device. However, liability does exist if the manufacturer, distributor or retailer of a motor vehicle knowingly engages in a repair or update to the aftermarket ISA Device and such repair or update proximately causes loss, injury or damage.
- (c) Nothing in this chapter requires a manufacturer, distributor or retailer of a motor vehicle to manufacture, distribute, or offer for sale a motor vehicle that includes or is compatible with an aftermarket ISA Device.
- (d) Nothing in this chapter prohibits a lessor or lienholder from requiring that a motor vehicle lessee or owner notify the lessor or lienholder that an aftermarket ISA Device has been installed on a motor vehicle that is subject to a lease or finance agreement.
- (e) Service provider and its affiliates, and their directors, officers, and employees shall not be liable for any loss, injury, or damages arising from or caused by the negligence or willful misconduct of the participant or a third party, including, without limitation, participant's use, operation, or maintenance of the ISA Device inconsistently with the service provider's guidelines and instructions or participant's or third party's installation, removal, repair, or update of the ISA Device."

## **SECTION 15. IMPLEMENTATION AND TIMELINE**

The State Motor Vehicle Agency shall implement the ISA program after establishing necessary rules, regulations, and infrastructure for the ISA Program including participant tracking, interstate data exchange, and compliance monitoring.

## **SECTION 16. EFFECTIVE DATE**

This Act shall take effect on [INSERT DATE].