Date of Hearing: July 2, 2024

ASSEMBLY COMMITTEE ON PRIVACY AND CONSUMER PROTECTION
Rebecca Bauer-Kahan, Chair
SB 961 (Wiener) – As Amended June 21, 2024

SENATE VOTE: 22-13

SUBJECT: Vehicles: safety equipment

SYNOPSIS

According to UC Berkeley's Safe Transportation Research and Education Center, in 2021, 35 percent of all motor vehicle fatalities in California were speeding-related. There is a clearly established relationship between speed and collision propensity and severity. Currently, neither state nor federal law nor vehicle safety standards require motor vehicles to be equipped with intelligent speed assistance (ISA) technologies. The author argues that while such technologies are employed in some passenger vehicles and truck fleets, requiring the technology in all new vehicles manufactured or sold in California would greatly improve safety by reducing instances of speeding. The purpose of this bill is to decrease the number of vehicle-related fatalities by alerting drivers through a brief, one-time visual and audio signal when they are exceeding the posted speed limit.

ISA technologies use sensors such as GPS or cameras to monitor a vehicle's speed and provide real-time feedback or intervention to ensure adherence to speed limits. "Active" ISA technologies include accelerator resistance to make speeding more difficult or engine management systems that automatically prevent speeding above the limit. "Passive" ISA methods include providing drivers with basic information about the posted speed limit or providing a visual, audible, and/or haptic feedback warning when the limit is exceeded.

Considerations related to the impact of requiring ISA systems in vehicles on improving traffic safety are under the purview of the Transportation Committee. Concerns about that policy are discussed at length in their analysis.

Under the jurisdiction of this Committee are the potential privacy risks associated with requiring ISA systems to be installed in vehicles. Given that the vast majority, if not all, of new cars are already equipped with GPS technology that is capable of monitoring the location and speed of the vehicle, along with a myriad of other devices in the car that monitor and surveil the driver, passengers, and passersby, it seems that repurposing some of the information collected for use in an ISA system is unlikely to further erode the privacy of the driver and passengers.

This bill is co-sponsored by the California Bicycle Coalition, Streets for All, and Walk San Francisco and supported by a number of traffic safety organizations. Registered opposition to the bill comes from the California Chamber of Commerce, the New Car Dealers Association, the Alliance for Automotive Innovation, and a number of other industry organizations. The bill passed the Transportation Committee on a 9-4-2 vote.

SUMMARY: Requires that all new passenger vehicles, motortrucks, and buses commencing with the model year 2030 that are manufactured or sold in the state be equipped with a passive intelligent speed assistance (ISA) system. Specifically, **this bill**:

1) Defines "passive intelligent speed assistance system" as an integrated vehicle system that determines the speed limit on the roadway the vehicle is traveling on, and utilizes a brief, one-time visual and audio signal to alert the driver each time they exceed the speed limit by more than 10 miles per hour (mph).

2) Clarifies that if an ISA receives conflicting speed limits for the same area, the system shall utilize the higher speed limit.

3) States that the bill does not preclude a manufacturer from implementing any of the following:

   a) Providing alternative types of feedback to the driver, including vibrations or pedal resistance.

   b) Providing repetitive, successive, or on-going warnings each time the vehicle exceeds the speed limit.

   c) Providing additional warnings or feedback to the driver if the driver is travelling less than 10 miles per hour above the speed limit and/or greater than 10 miles an hour above the speed limit.

   d) Addition supplemental or additional warnings that differ from the system required in 1).

4) Exempts passenger vehicles that are not equipped with either GPS or a front-facing camera.

5) Exempts authorized emergency vehicles from these provisions and requires that passive ISA systems are capable of being fully disabled by the manufacturer or franchisee but only in vehicles sold as authorized emergency vehicles.

EXISTING LAW:

1) Defines a "motor vehicle" as a vehicle that is self-propelled, excluding wheelchairs, motorized tricycles, or motorized quadricycles, if operated by a person who, by reason of physical disability, is otherwise unable to move about as a pedestrian. (Veh. Code § 415(a).)

2) A "new vehicle" is defined as a vehicle constructed entirely from new parts that has never been the subject of a retail sale, or registered with the department, or registered with the appropriate agency or authority of any other state, District of Columbia, territory or possession of the United States, or foreign state, province, or country. (Veh. Code § 430)

3) Imposes safety requirements for motor vehicle equipment including specifications for headlights, brakes, windshields, mirrors, horns, and tires. (Veh. Code §§ 24000-28160)

4) Preempts a State or a political subdivision from prescribing a motor vehicle safety standard that is not identical to existing federal law, unless a federal motor vehicle safety standard is in effect, in which case, a State or a political subdivision may impose a higher performance requirement than that required by the otherwise applicable federal standard on a motor vehicle or equipment for the State's own use. (49 U.S.C. §301)

FISCAL EFFECT: As currently in print, this bill is keyed fiscal.

COMMENTS:

1) **Background.** Intelligent speed assistance (ISA) technologies use sensors such as GPS or cameras to monitor a vehicle's speed and provide real-time feedback or intervention to ensure adherence to speed limits. "Active" ISA technologies include accelerator resistance to make speeding more difficult or engine management systems that automatically preventing speeding above the limit. "Passive" ISA methods include providing drivers with basic information about the posted speed limit or providing a visual, audible, and/or haptic feedback warning when the limit is exceeded.

ISA technology has been explored in various forms for over two decades. Research generally shows that ISA systems offer clear safety benefits such as reducing overall driving speed, speed variability, and the proportion of time the speed limit was exceeded.

According to the Transportation Committee analysis of this bill:

> In the United States, the federal government does not currently have any requirements for vehicles to be equipped with ISA systems. The National Traffic Safety Board (NTSB) has called on NHSTA to require ISA systems that, at a minimum, warn a driver when a vehicle is speeding and to incentivize adoption of ISA through the New Car Assessment Program (NCAP). In 2016, NHSTA issued a joint notice of proposed rulemaking with the Federal Motor Carrier Safety Administration (FMCSA) regarding requiring (non-intelligent) speed limiters to be placed on commercial motor vehicles. On January 28th of this year FMCSA stated that it intends to prepare a supplemental notice of proposed rulemaking to be released in May. On April 3rd NHSTA sent a letter to the NTSB responding to their request to require passive intelligent speed assistance systems on all new vehicles. In that letter, NHSTA stated they are currently working on two ISA research projects this year. The studies will assess the capabilities and limitations of technologies and assess consumer acceptance and effectiveness of the technology.
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> Absent action from federal regulators, states and local governments have also begun experimenting with their own policies. New York City's Department of Citywide Administrative Services began a pilot program in August of 2022, equipping city fleet vehicles with ISA technology. Since the launch of that program the 50 fleet vehicles utilizing ISA have driven over 133,400 miles and traveled within speed limit parameters 99% of the time. They also observed a 36% reduction in hard braking events, an indicator of unsafe driving.
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> In January 2024, Washington, D.C.'s city council instituted an ISA program that would allow its DMV to install ISA systems in the cars of drivers whose license was suspended or revoked for excessive speeding. The bill must still undergo congressional review before being enacted.

2) **Purpose of the bill.** According to UC Berkeley's Safe Transportation Research and Education Center, in 2021, 35 percent of all motor vehicle fatalities in California were speeding-related.[1] There is a clearly established relationship between speed and collision severity. Currently, neither state nor federal law nor vehicle safety standards require motor vehicles to be equipped

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[1] UC Berkeley - Safe Transportation Research and Education Center. *2023 SafeTREC Traffic Safety Facts: Speeding-Related and Other Crashes*, https://safetrec.berkeley.edu/2023-safetrec-traffic-safety-facts-speeding-related-and-other-crashes.

with intelligent speed assistance technologies. The author argues that while such technologies are employed in some passenger vehicles and truck fleets, requiring the technology in all new vehicles manufactured or sold in California would greatly improve safety by reducing instances of speeding. The purpose of this bill is to decrease the number of vehicle-related fatalities by alerting drivers through a one-time, visual and audio signal when they are exceeding the posted speed limit.

3) **Author's statement.** According to the author:

> Traffic fatalities have risen alarmingly in California and across the nation, with speeding being a significant contributor to this public health crisis. Technologies exist that can help reduce speeding in vehicles, including passive intelligent speed assistance systems that warn drivers when they are exceeding a specified speed threshold above the posted speed limit. These technologies are recommended by the National Transportation Safety Board, supported by the American Automobile Association, and are already being widely implemented by many American auto manufacturers. California should do everything it can to improve traffic safety and prevent fatalities on our roads - that includes improving vehicle safety standards in the face of federal inaction. By requiring a phased-in implementation of passive intelligent speed assistance technology on all passenger vehicles manufactured or sold in California, SB 961 works to tackle the traffic safety crisis.

4) **Analysis.** Considerations related to the impact of requiring ISA systems in vehicles on improving traffic safety are under the purview of the Transportation Committee. Concerns about that policy are discussed at length in their analysis.

Under the jurisdiction of this Committee are the potential privacy risks associated with requiring ISA systems to be installed in vehicles. Given that the vast majority, if not all, of new cars are already equipped with GPS technology that is capable of monitoring the location and speed of the vehicle and the speed at which it is travelling, along with a myriad of other devices in the car that are monitoring and surveilling the driver, passengers, and passersby, arguably it seems that repurposing some of the information collected for use in an ISA system is unlikely to further erode the privacy of the driver and passengers.

5) **Related legislation.** SB 1313 (Ashby, 2024) prohibits vehicles from being equipped with a device that is designed for, or being used for, neutralizing, disabling, or otherwise interfering with a direct driver monitoring system. That bill is scheduled to be heard in this Committee on the same day as this bill.

SB 1379 (Min, 2024) requires a vehicle manufacturer to separate access to remote vehicle technology from a vehicle no later than two days after receiving a separation request from a survivor of domestic violence. That bill is scheduled to be heard in this Committee on the same day as this bill.

ARGUMENTS IN SUPPORT: A coalition of supporters that includes the co-sponsors for the bill, California Bicycle Coalition, Streets for All, and Walk San Francisco, argue:

> SB 961 addresses California's traffic safety crisis by requiring – by model year 2032 – every passenger vehicle, truck, and bus manufactured or sold in the state to be equipped with Passive ISA – defined as a vehicle system that uses, at a minimum, the GPS location of a vehicle to determine the speed limit of the roadway segment the vehicle is traveling on and

provide and audio and visual alerts while the vehicle is exceeding the speed limit by 10 miles per hour. SB 961 includes a phase-in requirement for 50% of all such vehicles manufactured or sold in the state by model year 2029 to be equipped with Passive ISA. SB 961 also requires the State's Office of Fleet and Asset Management (OFAM) to establish a pilot program that equips state vehicles with Active ISA – a system that would limit the ability of a vehicle to accelerate beyond a specified threshold related to the speed limit. SB 961 requires OFAM to equip the vehicles with Active ISA for a minimum of 12 months, and report the results of the pilot program to the legislature by January 1, 2027, and annually thereafter until 2030. This pilot program will help advance understanding of the Active ISA while implementing Passive ISA throughout the state, helping address our traffic safety crisis.

ARGUMENTS IN OPPOSITION: Arguing in opposition to the bill, a coalition that includes the California Chamber of Commerce, states:

Through the National Highway Traffic Safety Administration (NHTSA) and the National Traffic and Motor Vehicle Safety Act, federal law establishes comprehensive safety standards for all vehicles sold in the United States. By mandating its own specific speed notification system, SB 961 risks setting a dangerous precedent for state-level intervention, potentially creating a patchwork of conflicting regulations across the country. This could ultimately harm both consumer choice and industry stability.

Furthermore, NHTSA currently regulates the use of intelligent speed assistance systems, and while it has not yet mandated them, it is actively evaluating the technology's safety and feasibility. Imposing California-specific requirements now could hinder these ongoing federal assessments and disrupt the nation's long-established regulatory framework for motor vehicle safety features.

REGISTERED SUPPORT / OPPOSITION:

Support

CalBike (co-sponsor)
Streets For All (co-sponsor)
Walk SF (co-sponsor)
AAA Northern California, Nevada & Utah
America Walks
American Academy of Pediatrics, California
Automobile Club of Southern California
Bike East Bay
Bike LA
Car-Lite Long Beach
Center Community Action & Environmental Justice
City of Goleta
Cleanearth4kids.org
Conor Lynch Foundation
East Bay for Everyone
Everybody's Long Beach
Families for Safe Streets USA
Long Beach Bike Co-op

Los Angeles Walks
Marin County Bicycle Coalition
Move LA
National Safety Council
Pedal Movement
Physicians for Social Responsibility
Safe Routes Partnership
San Francisco Bay Area Families for Safe Streets
San Francisco Bicycle Coalition
SoCal Families for Safe Streets
Streets are For Everyone (SAFE) (UNREG)
The League of American Bicyclists
Transbay Coalition
Transform
Vision Zero Network
Youth Climate Strike Los Angeles

Support If Amended

Alameda-Contra Costa Transit District (AC Transit)

Opposition

Abate of California - Motorcyclists Rights & Safety Organization
Alliance for Automotive Innovation
California Chamber of Commerce
California Fuels and Convenience Alliance
California Manufacturers & Technology Association
California Manufacturers and Technology Association
California New Car Dealers Association
CMDA-California Motorcycle Dealers Association
Oakland Privacy
Shasta; County of
Specialty Equipment Market Association (SEMA)
Truck and Engine Manufacturers Association

Oppose Unless Amended

Motorcycle Industry Council

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