

ACLU OF RI POSITION: OPPOSE/AMEND

**TESTIMONY ON 26-H 8098,
RELATING TO MOTOR AND OTHER VEHICLES—SUPER SPEEDER
ACCOUNTABILITY ACT
April 28, 2026**

This legislation would establish as a sentencing requirement for certain speeding and other traffic violations the installation of an “intelligent speed assistance (ISA) device.” This device would regulate a driver’s speed to prevent them from exceeding the posted speed limit. The ACLU of Rhode Island does not question the laudable goal of this legislation, which is to improve pedestrian and driver safety and ensure safer streets while also potentially avoiding deleterious license suspensions for drivers, but we are constrained to oppose this legislation as written for a number of reasons, which we delineate below:

- **Disproportionate impact on lower-income individuals.** This program will have a disproportionate impact on lower-income individuals. In part, this will be because those with financial resources will be in a better position to retain legal counsel and work to plead to offenses that skirt the definition of an “eligible offender.” More to the point, the bill requires, without exception, that the driver bear the entire cost of “leasing, installing, removing and maintaining the ISA device.” [Page 3, lines 11-12] Leaving aside installation and removal costs, the estimated daily user fee alone would amount to approximately \$1,500 in a year.¹

It is worth noting that this bill is based on model legislation created by Families for Safe Streets (FSS) which includes a section regarding “program affordability” to provide discounts for low-income individuals, but that provision is completely missing from this legislation. At the same time, the model bill’s promise of program affordability is largely hollow anyway. It proposes a program to “partially offset the costs of the device,” but relies on vague references to “discounts” for drivers deemed low-income that are unlikely to sufficiently ease the financial burden on often-indigent individuals.² As a result, individuals who cannot afford to partake in this program will likely be left with no choice but to “cede” their driving privileges and accept suspension of their license. [Page 4, lines 14-16].

¹<https://static1.squarespace.com/static/669fcee090c90f72984dfed4/t/690a5d2709e1a9176925aed9/1762286887441/Stopping+Super+Speeders+-+White+Paper+Final.pdf>

²<https://static1.squarespace.com/static/669fcee090c90f72984dfed4/t/697bcf2e6f11947cfbf49ecf/1769721646893/Stop+Super+Speeders+Model+Legislation+Nov+2025.pdf>

But as the bill’s legislative findings note, a majority of people with suspended licenses continue to drive during the suspension period, often forced to drive illegally to avoid losing their job or other sources of income. This likely scenario in many instances – of people ultimately dropping out of the program due to its cost – will end up having the effect of undermining the key purpose of the bill. The lack of a more meaningful approach to addressing the cost issue thus seems quite problematic from our perspective.

- **Lack of emergency override provision.** A recent report from Families for Safe Streets noted the importance of including a “limited, auditable override function” on the device for safety reasons.³ This is particularly vital for emergency situations where exceeding the speed limit may be necessary, such as needing to get to a hospital when transporting someone in labor or experiencing a medical emergency. There are any number of other situations in which the need to accelerate and go faster than the speed limit could be the safest way to avoid an accident or clear the way for an emergency vehicle. Without an override feature, the device could occasionally create serious risks rather than prevent them. However, the bill does not mandate the inclusion of an override mechanism in approved ISA devices.
- **31-27.2-2(2). Application to non-speeders.** The bill specifies that individuals punished under the so-called Colin Foote Act, R.I.G.L. 31-27-24, are subject to the ISA installation requirement. [Page 2, line 17; Page 3, line 3] But that law is a habitual offender statute for various driving violations, and a person can be sentenced under it without ever having committed a speeding violation. Offenses like leaving the lane of travel, rolling through a stop sign, or failing to use a turn signal can get one sentenced under that law. Under this bill, however, those drivers would still be required to use and pay for a speed-limiting device.⁴
- **31-27.2-3(a). Mandatory sentencing.** The ACLU has long raised concerns, as a matter of public policy, about mandatory sentencing that eliminates the important safety valve of judicial discretion. Under this bill, however, if a driver falls within the category of “eligible offender,” the district court or traffic tribunal, no matter what the circumstances, must impose use of the device (and require its maintenance on a vehicle for at least 12 months) as a condition of license reinstatement. [Page 2, lines 31-32]
- **31-27.2-4. Criminal background check for installers and providers.** Unlike the model FSS legislation, this bill contains a gratuitous requirement that ISA installers and providers

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⁴ Even its application solely to speeders is not without question in terms of its impact. We appreciate that the bill deems excessive speeding to be twenty or thirty miles over the speed limit, depending on level of the posted speed limit, rather than the ten or twenty miles suggested in the model bill. But considering the recent experience of Middletown drivers with the initiation of speed cameras tickets there, leading to literally thousands of citations in just a few months, the impact of this law could be greater than it might first seem. “Middletown Speed Cameras Spark Outrage as Drivers Rack Up Tickets,” Savanna Dunning, *Providence Journal*, March 18, 2026. <https://www.providencejournal.com/story/news/crime/2026/03/18/middletown-ri-speed-cameras-lead-to-long-lines-to-challenge-fines/89196834007/>

undergo, and submit the results of, a criminal background check to maintain eligibility as an installer. [Page 3, lines 21-23] The ACLU opposes the imposition of broad-based criminal record checks on individuals seeking to enter the workforce because of the unnecessarily harsh impact they often have on those who have been justice-involved. The General Assembly acknowledged this fact when it passed the Fair Chance Licensing law, R.I.G.L. § 28-5.1-14, six years ago. It is unclear to us why a bill designed to address the problem of speeding drivers would impose an open-ended criminal record check requirement on third parties who have done nothing wrong.

- **31-27.2-8. Data collection and retention.** While the model FSS legislation requires the ISA systems to “only collect the data necessary to support key functions such as confirming compliance,” and further requires data collection “to minimize storage of sensitive or location data,” the bill contains neither of these data collection limitations. In any event, other than to determine that emergency overrides were used properly, if they were included in the system, it is difficult to understand why any data is being collected to “confirm compliance” in the first place. After all, the device itself is designed by its very operation to confirm compliance.

In addition, neither the bill nor the model legislation clearly establishes what specific data the ISA devices *would* collect or how long that data would be retained. This should be spelled out. We cannot see a reason for any data to be maintained for more than a few days, but it could be stored indefinitely under the legislation. Otherwise, the privacy concerns raised by implementation of this legislation are substantial.

- **31-27.2-8(b)(1 and 2). Expanded data disclosure.** These subsections allow for the disclosure of data collected by the device pursuant to court order or state statute or regulation. [Page 5, lines 6-9] As noted above, any data collected should be minimal and kept for extremely short periods of time so that there is little information to share should a court order demand release of information. But we are deeply troubled that this provision would also allow disclosure of collected information to unspecified third parties, and for unspecified reasons, solely by the adoption of an *administrative regulation*. As a result, the bill itself offers little consolation to those who are concerned about the potential misuse of this collected information for reasons far removed from its alleged purpose.⁵ We find this loophole very troublesome.

As this list attempts to demonstrate, we believe the bill raises a number of concerns in its well-intentioned effort to find an alternative to suspending the licenses of speeding drivers who may ignore the suspension. In light of these concerns, we urge that the legislation be given a lot more consideration and time to see how it works in other jurisdictions before jumping into the use of this new technology.

Thank you for considering our views.

⁵ As we have seen from the misuse of the location data obtained by so-called “automated license plate readers” for such purposes as immigration enforcement, a device like this that may be collecting and maintaining geolocation data of individuals is similarly fraught with potential abuses.