

4251

2009-2010 Regular Sessions

I N S E N A T E

April 20, 2009

Introduced by Sens. SCHNEIDERMAN, DIAZ, PARKER -- (at request of the Thruway Authority) -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to theft of services; to amend the public authorities law, in relation to the imposition of penalties and administrative fees for toll evaders; and to amend the vehicle and traffic law, in relation to the suspension of a registration of a toll evader

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 3 of section 165.15 of the penal law is amended
2 to read as follows:
3 3. With intent to obtain railroad, subway, bus, air, taxi or any other
4 public transportation service OR TO USE ANY HIGHWAY, PARKWAY, ROAD,
5 BRIDGE OR TUNNEL without payment of the lawful charge OR TOLL therefor,
6 or to avoid payment of the lawful charge OR TOLL for such transportation
7 service which has been rendered to him OR HER OR FOR SUCH USE OF ANY
8 HIGHWAY, PARKWAY, ROAD, BRIDGE OR TUNNEL, he OR SHE obtains or attempts
9 to obtain such service OR USE or avoids or attempts to avoid payment
10 therefor by force, intimidation, stealth, deception or mechanical
11 tampering, or by unjustifiable failure or refusal to pay; or
12 S 2. Section 2985 of title 11 of article 9 of the public authorities
13 law is designated title 12 and such title is amended by adding a new
14 title heading to read as follows:
15 TOLL COLLECTIONS
16 S 3. Subdivision 5 of section 2985 of the public authorities law, as
17 added by chapter 379 of the laws of 1992, is amended to read as follows:
18 5. An owner found liable for a violation of toll collection regu-
19 lations pursuant to this section shall for a first violation thereof be
20 liable for a monetary penalty not to exceed [fifty] ONE HUNDRED dollars
21 or two times the toll evaded whichever is greater; for a second

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

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1 violation thereof both within eighteen months be liable for a monetary
2 penalty not to exceed [one] TWO hundred dollars or five times the toll
3 evaded whichever is greater; for a third or subsequent violation thereof
4 all within eighteen months be liable for a monetary penalty not to
5 exceed [one] THREE hundred [fifty] dollars or ten times the toll evaded
6 whichever is greater. ONE-HALF OF SUCH MONETARY PENALTIES COLLECTED
7 SHALL BE PAID TO THE PUBLIC AUTHORITY WHOSE TOLL COLLECTION REGULATIONS
8 WERE VIOLATED. IN ADDITION TO SUCH PENALTIES, THE OWNER SHALL ALSO BE
9 LIABLE TO THE PUBLIC AUTHORITY, WHOSE TOLL COLLECTION REGULATIONS WERE
10 VIOLATED, FOR FULL RESTITUTION OF TOLL REVENUES LOST AS A RESULT OF SUCH
11 VIOLATION.

12 S 4. Paragraphs (a) and (b) of subdivision 7 of section 2985 of the
13 public authorities law, as added by chapter 379 of the laws of 1992, are
14 amended to read as follows:

15 (a) A notice of liability shall be sent by first class mail to each
16 person alleged to be liable as an owner for a violation of toll
17 collection regulations. Such notice shall be mailed no later than [thir-
18 ty] NINETY days after the alleged violation. Personal delivery on the
19 owner shall not be required. A manual or automatic record of mailing
20 prepared in the ordinary course of business shall be prima facie
21 evidence of the mailing of the notice.

22 (b) A notice of liability shall contain the name and address of the
23 person alleged to be liable as an owner for a violation of toll
24 collection regulations pursuant to this section, the registration number
25 of the vehicle involved in such violation, the location where such
26 violation took place, the date and time of such violation, THE TOLL
27 AMOUNT EVADED and the identification number of the photo-monitoring
28 system which recorded the violation or other document locator number.

29 S 5. Section 2985 of the public authorities law is amended by adding a
30 new subdivision 15 to read as follows:

31 15. IN ADDITION TO ANY MONETARY LIABILITY THAT MAY BE IMPOSED PURSUANT
32 TO THIS SECTION, EVERY PUBLIC AUTHORITY WHICH OPERATES A TOLL HIGHWAY,
33 BRIDGE AND/OR TUNNEL FACILITY IS HEREBY AUTHORIZED AND EMPOWERED TO
34 IMPOSE AN ADMINISTRATIVE FEE OR FEES ON THE OWNER OF A VEHICLE THAT HAS
35 VIOLATED TOLL COLLECTION REGULATIONS.

36 S 6. Subdivision 4-d of section 510 of the vehicle and traffic law, as
37 added by chapter 379 of the laws of 1992, is amended to read as follows:

38 4-d. Suspension of registration for failure to answer or pay penalties
39 with respect to certain violations. Upon the receipt of a notification
40 from a court or an administrative tribunal, OR FROM A PUBLIC AUTHORITY,
41 OR ANY OTHER PUBLIC ENTITY IMPOSING SUCH VIOLATIONS, IN THE MANNER AND
42 FORM PRESCRIBED BY THE COMMISSIONER, that an owner of a motor vehicle
43 failed to appear on the return date or dates or a new subsequent
44 adjourned date or dates or failed to pay any penalty imposed by a court
45 or failed to comply with the rules and regulations of an administrative
46 tribunal following entry of a final decision or decisions, in response
47 to [five] THREE or more notices of liability or other process, issued
48 within an eighteen month period charging such owner with a violation of
49 toll collection regulations in accordance with the provisions of section
50 two thousand nine hundred eighty-five of the public authorities law or
51 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
52 seventy-four of the laws of nineteen hundred fifty, OR OTHER COMPARABLE
53 LAW, the commissioner or his OR HER agent shall suspend the registration
54 of the vehicle or vehicles involved in the violation or the privilege of
55 operation of any motor vehicle owned by the registrant. Such suspension
56 shall take effect no less than thirty days from the date on which notice

1 thereof is sent by the commissioner to the person whose registration or
2 privilege is suspended and shall remain in effect until such registrant
3 has appeared in response to such notices of liability or has paid such
4 penalty or in the case of an administrative tribunal, the registrant has
5 complied with the rules and regulations following the entry of a final
6 decision or decisions.
7 S 7. This act shall take effect on the one hundred eightieth day after
8 it shall have become a law.