S T A T E O F N E W Y O R K

7304

2009-2010 Regular Sessions

I N A S S E M B L Y

March 27, 2009

Introduced by M. of A. ALESSI -- read once and referred to the Committee on Transportation

AN ACT to amend the public authorities law, in relation to establishing an office of E-ZPass dispute resolution and dispute resolution process for claims of erroneous collection charges by E-ZPass customers

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

Section 1. The public authorities law is amended by adding two new sections 2857 and 2859 to read as follows:

S 2857. OFFICE OF E-ZPASS DISPUTE RESOLUTION. 1. THERE SHALL BE AN OFFICE OF E-ZPASS DISPUTE RESOLUTION TO HANDLE FORMAL APPEALS FOR CLAIMS OF ERRONEOUS COLLECTION CHARGES.

2. THE GOVERNOR SHALL APPOINT A DISPUTE RESOLUTION OFFICER TO HEAR CLAIMS OF ERRONEOUS CHARGES BROUGHT BY E-ZPASS CUSTOMERS.

3. THE GOVERNOR SHALL SET COMPENSATION FOR SUCH OFFICER UPON APPROVAL OF THE LEGISLATURE.

4. THE OFFICER MAY HIRE INDIVIDUALS TO RUN THE OFFICE WITH THE APPROVAL OF THE GOVERNOR.

5. THE OFFICE SHALL CREATE RULES AND REGULATIONS TO ADMINISTER THE DISPUTE RESOLUTION PROCESS ESTABLISHED IN SECTION TWENTY-EIGHT HUNDRED FIFTY-NINE OF THIS TITLE.

S 2859. E-ZPASS; DISPUTE RESOLUTION PROCESS. E-ZPASS CUSTOMERS MAY BRING A CLAIM OF ERRONEOUS COLLECTION CHARGES THROUGH THE FOLLOWING PROCESS:

1. THE INDIVIDUAL MUST FILE A COMPLAINT WITH THE OFFICE OF E-ZPASS DISPUTE RESOLUTION;

2. THE OFFICE OF E-ZPASS DISPUTE RESOLUTION SHALL HOLD A HEARING WITHIN THIRTY DAYS OF RECEIPT OF THE COMPLAINT;

3. THE AGGRIEVED PERSON SHALL HAVE THE OPPORTUNITY TO BE HEARD EITHER IN PERSON OR IN WRITING THROUGH DOCUMENTATION AND OTHER EVIDENCE;

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

LBD10791-01-9

4. THE OFFICE OF E-ZPASS DISPUTE RESOLUTION SHALL ENSURE THERE IS A RECORDING OF ANY ORAL TESTIMONY THAT IS TAKEN;

5. A DECISION SHALL BE RENDERED WITHIN THIRTY DAYS OF THE HEARING.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.