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

4812

2011-2012 Regular Sessions

I N S E N A T E

April 27, 2011

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the public authorities law, in relation to claims against certain entities based upon use of an electronic toll collection system

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

Section 1. Section 2985 of the public authorities law is designated as title 11-A of article 9 and a new title heading is added to read as follows:

ELECTRONIC TOLL COLLECTION

S 2. Title 11-A of article 9 of the public authorities law is amended by adding two new sections 2985-a and 2985-b to read as follows:

S 2985-A. ELECTRONIC TOLL COLLECTION DISPUTES. ANY DISPUTE RELATING TO CHARGES IMPOSED BY AN ELECTRONIC TOLL COLLECTION SYSTEM MADE BY AN ACCOUNT HOLDER MAY BE BROUGHT IN THE COUNTY COURT IN THE COUNTY IN WHICH SUCH ACCOUNT HOLDER RESIDES, OR IN THE CIVIL COURT OF THE CITY OF NEW YORK IF THE ACCOUNT HOLDER RESIDES WITHIN ITS JURISDICTION OR IN A DISTRICT COURT HAVING JURISDICTION OVER SUCH ACCOUNT HOLDER.

S 2985-B. CONTRACTS FOR USE OF ELECTRONIC TOLL COLLECTION. ANY CONTRACT OR AGREEMENT BETWEEN A CONSUMER AND A PUBLIC AUTHORITY WHICH PROVIDES FOR USE OF A SYSTEM OR DEVICE FACILITATING ELECTRONIC TOLL COLLECTION SHALL CLEARLY STATE THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE LEGAL ENTITY WITH WHICH THE CONSUMER IS CONTRACTING FOR SERVICE. ANY SUCH CONTRACT OR AGREEMENT SHALL ALSO CLEARLY STATE, IN A SEPARATE SECTION, HOW AND WHERE A CONSUMER MAY CHALLENGE ANY CHANGES MADE ON HIS OR HER ACCOUNT. SUCH NOTICE SHALL INCLUDE SPECIFIC CONTACT INFORMATION RELATING TO SETTLING DISPUTES RELATING TO CHARGES AS WELL AS IDENTIFYING THE COURT IN WHICH A CLAIM MAY BE BROUGHT, THE STATUTE OF LIMITATIONS FOR SUCH CLAIM AND ANY STEPS WHICH A CLAIMANT MAY BE REQUIRED TO TAKE BEFORE MAKING A CLAIM.

S 3. This act shall take effect immediately.

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

LBD02110-01-1