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

8639

2011-2012 Regular Sessions

I N A S S E M B L Y

September 21, 2011

Introduced by M. of A. MAISEL -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to electronic payment of tolls, fares, fees, rentals and other charges to public authorities; and to regulate the electronic payment of tolls, fares, fees, rentals and other charges to the port authority of New York and New Jersey

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

Section 1. Section 2855 of the public authorities law, as added by section 1 of part KK of chapter 59 of the laws of 2006, is amended to read as follows:

S 2855. Electronic method of payment; periodic charges AND SURCHARGES. 1. Notwithstanding the provisions of any law to the contrary, if any authority shall offer any electronic method of payment for tolls, fares, fees, rentals, or other charges, including but not limited to a system called E-ZPass, such authority shall not impose any periodic administrative or other charge for the privilege of using such electronic method of payment for such charges. Nothing in this section shall be construed to prohibit any authority from making any charge for extra services requested by a holder of such electronic method of payment, any charge for lost or damaged equipment, or for defaults, such as charges for dishonored checks. The authority shall not enter any agreement with bondholders that would require the imposition of administrative or other periodic charges relating to electronic methods of payment prohibited by this [section] SUBDIVISION.

2. NOTWITHSTANDING THE PROVISIONS OF ANY LAW TO THE CONTRARY, IF ANY AUTHORITY SHALL OFFER ANY ELECTRONIC METHOD OF PAYMENT FOR TOLLS, FARES, FEES, RENTALS, OR OTHER CHARGES, INCLUDING BUT NOT LIMITED TO A SYSTEM CALLED E-ZPASS, SUCH AUTHORITY SHALL NOT IMPOSE ANY SURCHARGE OR OTHER ADDITIONAL CHARGE UPON OUT-OF-STATE RESIDENTS FOR THE PRIVILEGE OF USING

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

LBD13350-01-1

SUCH ELECTRONIC METHOD OF PAYMENT. THE AUTHORITY SHALL NOT ENTER ANY AGREEMENT WITH BONDHOLDERS THAT WOULD REQUIRE THE IMPOSITION OF CHARGES RELATING TO ELECTRONIC METHODS OF PAYMENT PROHIBITED BY THIS SUBDIVISION.

S 2. (a) As used in this section, "authority" shall mean the port authority of New York and New Jersey established pursuant to the interstate compact authorized by chapter 154 of the laws of 1921 of the state of New York and chapter 151 of the laws of 1921 of the state of New Jersey.

(b) Notwithstanding any provision of law to the contrary, if the authority shall offer any electronic method of payment for tolls, fares, fees, rentals, or other charges, including but not limited to a system called E-ZPass, such authority shall not impose any surcharge or other additional charge upon out-of-state residents for the privilege of using such electronic method of payment. The authority shall not enter any agreement with bondholders that would require the imposition of surcharge or other periodic charges relating to electronic methods of payment prohibited by this section.

S 3. This act shall take effect June 1, 2012 or the first of the second calendar month next succeeding the date on which it shall have become a law, whichever is later; provided, however, that section two of this act shall take effect upon the enactment into law by the state of New Jersey of legislation having an identical effect with section two of this act, but if the state of New Jersey shall have already enacted such legislation, section two of this act shall take effect immediately; provided that the port authority of New York and New Jersey shall notify the legislative bill drafting commission upon the occurrence of the enactment of the legislation provided for in section two of this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law; and provided further that nothing in this act shall be construed to apply to any action taken by an authority prior to the effective date of this act or to mean that any act taken by an authority prior to such effective date was outside of the legal powers of such authority.