

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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

AN ACT to amend the public authorities law and the public service law, in relation to methods of payments to public utilities

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

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

4     S 2855. Electronic method of payment; periodic charges. 1. Notwith-  
5     standing the provisions of any law to the contrary, if any authority  
6     shall offer any electronic method of payment for tolls, fares, fees,  
7     rentals, or other charges, including but not limited to a system called  
8     E-ZPass, such authority shall not impose any periodic administrative or  
9     other charge for the privilege of using such electronic method of  
10    payment for such charges. Nothing in this section shall be construed to  
11    prohibit any authority from making any charge for extra services  
12    requested by a holder of such electronic method of payment, any charge  
13    for lost or damaged equipment, or for defaults, such as charges for  
14    dishonored checks. The authority shall not enter any agreement with  
15    bondholders that would require the imposition of administrative or other  
16    periodic charges relating to electronic methods of payment prohibited by  
17    this section.

18    2. NO AUTHORITY OFFERING ANY ELECTRONIC METHOD OF PAYMENT SHALL IMPOSE  
19    ANY PERIODIC ADMINISTRATIVE OR OTHER CHARGE FOR FAILURE TO USE SUCH  
20    METHOD OF PAYMENT OR OTHERWISE IMPOSE ADDITIONAL ADMINISTRATIVE OR OTHER  
21    CHARGES FOR DELIVERING PAYMENT THROUGH NON-ELECTRONIC MEANS. NOTWITH-  
22    STANDING ANY PROVISIONS OF LAW TO THE CONTRARY, AUTHORITIES SHALL BE  
23    PROHIBITED FROM IMPOSING ANY PERIODIC ADMINISTRATIVE OR OTHER CHARGE,  
24    EXCEPTING AMOUNTS DUE AND INTEREST ON ACCOUNTS OUTSTANDING WHEN SUCH

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

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INTEREST IS COMPUTED AND APPLIED IN ACCORDANCE WITH THE LAWS OF THIS STATE, FOR METHOD OF PAYMENT ON ANY ACCOUNT. NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO PROHIBIT ANY AUTHORITY FROM MAKING ANY CHARGE FOR EXTRA SERVICES REQUESTED BY AN ACCOUNT HOLDER, ANY CHARGE FOR LOST OR DAMAGED EQUIPMENT, OR FOR DEFAULTS, SUCH AS CHARGES FOR DISHONORED CHECKS. THE AUTHORITIES SHALL NOT ENTER ANY AGREEMENT WITH BONDHOLDERS THAT WOULD REQUIRE THE IMPOSITION OF ADMINISTRATIVE OR OTHER PERIODIC CHARGES RELATING TO METHODS OF PAYMENT.

S 2. Section 2 of the public authorities law is amended by adding a new subdivision 7 to read as follows:

7. "PUBLIC UTILITY AUTHORITIES" SHALL MEAN ANY ENTITY ESTABLISHED PURSUANT TO ARTICLE FIVE OF THIS CHAPTER.

S 3. Title 1 of article 5 of the public authorities law is amended by adding a new section 999 to read as follows:

S 999. GENERAL PROVISIONS. NO PUBLIC UTILITY AUTHORITY OFFERING ANY ELECTRONIC METHOD OF PAYMENT SHALL IMPOSE ANY PERIODIC ADMINISTRATIVE OR OTHER CHARGE FOR FAILURE TO USE SUCH METHOD OF PAYMENT OR OTHERWISE IMPOSE ADDITIONAL ADMINISTRATIVE OR OTHER CHARGES FOR DELIVERING PAYMENT THROUGH NON-ELECTRONIC MEANS. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT ANY PUBLIC UTILITY AUTHORITY FROM MAKING ANY CHARGE FOR EXTRA SERVICES REQUESTED BY AN ACCOUNT HOLDER, ANY CHARGE FOR LOST OR DAMAGED EQUIPMENT, OR FOR DEFAULTS, SUCH AS CHARGES FOR DISHONORED CHECKS. THE PUBLIC UTILITY AUTHORITIES SHALL NOT ENTER ANY AGREEMENT WITH BONDHOLDERS THAT WOULD REQUIRE THE IMPOSITION OF ADMINISTRATIVE OR OTHER PERIODIC CHARGES RELATING TO METHODS OF PAYMENT.

S 4. The public service law is amended by adding a new section 6 to read as follows:

S 6. BILLING BY ENTITIES GOVERNED BY THE PUBLIC SERVICE COMMISSION. NO ENTITY GOVERNED BY THE PUBLIC SERVICE COMMISSION OFFERING ANY ELECTRONIC METHOD OF PAYMENT SHALL IMPOSE ANY PERIODIC ADMINISTRATIVE OR OTHER CHARGE FOR FAILURE TO USE SUCH METHOD OF PAYMENT OR OTHERWISE IMPOSE ADDITIONAL ADMINISTRATIVE OR OTHER CHARGES FOR DELIVERING PAYMENT THROUGH NON-ELECTRONIC MEANS. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT ANY ENTITY GOVERNED BY THE PUBLIC SERVICE COMMISSION FROM MAKING ANY CHARGE FOR EXTRA SERVICES REQUESTED BY AN ACCOUNT HOLDER, ANY CHARGE FOR LOST OR DAMAGED EQUIPMENT, OR FOR DEFAULTS, SUCH AS CHARGES FOR DISHONORED CHECKS. ENTITIES GOVERNED BY THE PUBLIC SERVICE COMMISSION SHALL NOT ENTER ANY AGREEMENT WITH BONDHOLDERS THAT WOULD REQUIRE THE IMPOSITION OF ADMINISTRATIVE OR OTHER PERIODIC CHARGES RELATING TO METHODS OF PAYMENT.

S 5. This act shall take effect immediately.