

1 (G) "RAIL CARRIER" MEANS A RAIL CARRIER AS THAT TERM IS DEFINED IN 49
2 U.S.C. S. 10102.

3 (H) "TARIFF" MEANS A MARINE TERMINAL OPERATOR SCHEDULE AS THAT TERM IS
4 DEFINED IN 46 C.F.R. 525.2.

5 (I) "USER" MEANS:

6 (1) ANY PERSON, COMPANY, OR OTHER ENTITY THAT IS NAMED AS THE SHIPPER
7 OR CONSIGNEE ON THE OCEAN COMMON CARRIER BILL OF LADING ISSUED FOR
8 EXPORT OR IMPORT CARGO, OR ANY PERSON OWNING OR ENTITLED TO THE
9 POSSESSION, OR HAVING A PAST OR FUTURE INTEREST IN, THE EXPORT OR IMPORT
10 CARGO;

11 (2) IN THE CASE OF NEGOTIABLE BILLS OF LADING, ANY OTHER PERSON,
12 COMPANY, OR OTHER ENTITY THAT IS A BONA FIDE HOLDER OF THE BILL OF
13 LADING OR WHO IS ENTITLED TO RECEIVE DELIVERY OF EXPORT CARGO OR IMPORT
14 CARGO; OR

15 (3) ANY OTHER BAILOR OF EXPORT OR IMPORT CARGO.

16 2. NOTWITHSTANDING ANY LAW, RULE, REGULATION, OR EXISTING TARIFF TO
17 THE CONTRARY, THE PORT AUTHORITY SHALL NOT ASSESS A USER, OCEAN COMMON
18 CARRIER, MARINE TERMINAL OPERATOR, CARRIER, OR RAIL CARRIER A CARGO
19 FACILITY CHARGE ON IMPORT AND EXPORT CARGO LEAVING ANY MARINE FACILITY
20 OWNED OR OPERATED BY THE PORT AUTHORITY, EXCEPT THAT THE PORT AUTHORITY
21 MAY ASSESS A USER, OCEAN COMMON CARRIER, MARINE TERMINAL OPERATOR,
22 CARRIER, OR RAIL CARRIER A CARGO FACILITY CHARGE UPON WRITTEN MUTUAL
23 AGREEMENT BETWEEN THE USER, OCEAN COMMON CARRIER, MARINE TERMINAL OPERA-
24 TOR, CARRIER, OR RAIL CARRIER AND THE PORT AUTHORITY.

25 S 2. This act shall take effect upon the enactment into law by the
26 state of New Jersey of legislation having an identical effect with this
27 act, but if the state of New Jersey shall have already enacted such
28 legislation, then it shall take effect immediately; and provided that
29 the waterfront commission shall notify the legislative bill drafting
30 commission upon the occurrence of the enactment of the legislation
31 provided for in section one of this act in order that the commission may
32 maintain an accurate and timely effective data base of the official text
33 of laws of the state of New York in furtherance of effecting the
34 provisions of section 44 of the legislative law and section 70-b of the
35 public officers law.