

1687--A

Cal. No. 62

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sens. ZELDIN, LARKIN, MAZIARZ, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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.

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

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1 2. NO AUTHORITY OFFERING ANY ELECTRONIC METHOD OF PAYMENT SHALL IMPOSE  
2 ANY PERIODIC ADMINISTRATIVE OR OTHER CHARGE FOR FAILURE TO USE SUCH  
3 METHOD OF PAYMENT OR OTHERWISE IMPOSE ADDITIONAL ADMINISTRATIVE OR OTHER  
4 CHARGES FOR DELIVERING PAYMENT THROUGH NON-ELECTRONIC MEANS. NOTWITH-  
5 STANDING ANY PROVISIONS OF LAW TO THE CONTRARY, AUTHORITIES SHALL BE  
6 PROHIBITED FROM IMPOSING ANY PERIODIC ADMINISTRATIVE OR OTHER CHARGE,  
7 EXCEPTING AMOUNTS DUE AND INTEREST ON ACCOUNTS OUTSTANDING WHEN SUCH  
8 INTEREST IS COMPUTED AND APPLIED IN ACCORDANCE WITH THE LAWS OF THIS  
9 STATE, FOR METHOD OF PAYMENT ON ANY ACCOUNT. NOTHING IN THIS SUBDIVISION  
10 SHALL BE CONSTRUED TO PROHIBIT ANY AUTHORITY FROM MAKING ANY CHARGE FOR  
11 EXTRA SERVICES REQUESTED BY AN ACCOUNT HOLDER, INCLUDING FOR EXPEDITED  
12 AND SAME DAY PAYMENTS AND FOR THE PROCESSING AND HANDLING OF ELECTRONIC  
13 FUNDS TRANSFERS, ANY CHARGE FOR LOST OR DAMAGED EQUIPMENT, OR FOR  
14 DEFAULTS, SUCH AS CHARGES FOR DISHONORED CHECKS. THE AUTHORITIES SHALL  
15 NOT ENTER ANY AGREEMENT WITH BONDHOLDERS THAT WOULD REQUIRE THE IMPOSI-  
16 TION OF ADMINISTRATIVE OR OTHER PERIODIC CHARGES RELATING TO METHODS OF  
17 PAYMENT.

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

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

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

24 S 999. GENERAL PROVISIONS. NO PUBLIC UTILITY AUTHORITY OFFERING ANY  
25 ELECTRONIC METHOD OF PAYMENT SHALL IMPOSE ANY PERIODIC ADMINISTRATIVE OR  
26 OTHER CHARGE FOR FAILURE TO USE SUCH METHOD OF PAYMENT OR OTHERWISE  
27 IMPOSE ADDITIONAL ADMINISTRATIVE OR OTHER CHARGES FOR DELIVERING PAYMENT  
28 THROUGH NON-ELECTRONIC MEANS. NOTHING IN THIS SECTION SHALL BE  
29 CONSTRUED TO PROHIBIT ANY PUBLIC UTILITY AUTHORITY FROM MAKING ANY  
30 CHARGE FOR EXTRA SERVICES REQUESTED BY AN ACCOUNT HOLDER, ANY CHARGE FOR  
31 LOST OR DAMAGED EQUIPMENT, OR FOR DEFAULTS, SUCH AS CHARGES FOR DISHON-  
32 ORED CHECKS. THE PUBLIC UTILITY AUTHORITIES SHALL NOT ENTER ANY AGREE-  
33 MENT WITH BONDHOLDERS THAT WOULD REQUIRE THE IMPOSITION OF ADMINISTRA-  
34 TIVE OR OTHER PERIODIC CHARGES RELATING TO METHODS OF PAYMENT.

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

37 S 6. BILLING BY ENTITIES GOVERNED BY THE PUBLIC SERVICE COMMISSION.  
38 NO ENTITY GOVERNED BY THE PUBLIC SERVICE COMMISSION OFFERING ANY ELEC-  
39 TRONIC METHOD OF PAYMENT SHALL IMPOSE ANY PERIODIC ADMINISTRATIVE OR  
40 OTHER CHARGE FOR FAILURE TO USE SUCH METHOD OF PAYMENT OR OTHERWISE  
41 IMPOSE ADDITIONAL ADMINISTRATIVE OR OTHER CHARGES FOR DELIVERING PAYMENT  
42 THROUGH NON-ELECTRONIC MEANS. NOTHING IN THIS SECTION SHALL BE  
43 CONSTRUED TO PROHIBIT ANY ENTITY GOVERNED BY THE PUBLIC SERVICE COMMIS-  
44 SION FROM MAKING ANY CHARGE FOR EXTRA SERVICES REQUESTED BY AN ACCOUNT  
45 HOLDER, INCLUDING FOR EXPEDITED AND SAME DAY PAYMENTS AND FOR THE PROC-  
46 ESSING AND HANDLING OF ELECTRONIC FUNDS TRANSFERS, ANY CHARGE FOR LOST  
47 OR DAMAGED EQUIPMENT, OR FOR DEFAULTS, SUCH AS CHARGES FOR DISHONORED  
48 CHECKS. ENTITIES GOVERNED BY THE PUBLIC SERVICE COMMISSION SHALL NOT  
49 ENTER ANY AGREEMENT WITH BONDHOLDERS THAT WOULD REQUIRE THE IMPOSITION  
50 OF ADMINISTRATIVE OR OTHER PERIODIC CHARGES RELATING TO METHODS OF  
51 PAYMENT.

52 S 5. This act shall take effect immediately.