STATE OF NEW YORK

1611--A

2017-2018 Regular Sessions

IN ASSEMBLY

January 12, 2017

Introduced by M. of A. ZEBROWSKI -- read once and referred to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law and chapter 774 of the laws of 1950, relating to agreeing with the state of New Jersey with respect to rules and regulations governing traffic on vehicular crossings operated by the port of New York authority, in relation to liability of vehicle owners for toll collection violations

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 title 11-A and a new title heading is added to read as follows:

TOLL COLLECTIONS

§ 2. Subdivision 1 of section 2985 of the public authorities law, as added by chapter 379 of the laws of 1992, is amended to read as follows:

1. Notwithstanding any other provision of law, every public authority which operates a toll highway bridge and/or tunnel facility is hereby authorized and empowered to impose monetary liability on the owner of a vehicle for failure [~~of an operator thereof~~] to comply with the toll collection regulations of such public authority in accordance with the provisions of this section.

§ 3. Subdivision 5 of section 2985 of the public authorities law, as added by chapter 379 of the laws of 1992, is amended to read as follows:

5. An owner found liable for a violation of toll collection regulations pursuant to this section shall for a first violation thereof be liable for **the full amount of the assessed tolls and other charges and fees in addition to** a monetary penalty not to exceed [~~fifty~~] **twenty-five** dollars or two times the toll evaded whichever is [~~greater~~] **less**; for a

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

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second violation thereof both within eighteen months be liable for **the full amount of the assessed tolls and other charges and fees in addition to** a monetary penalty not to exceed [~~one hundred~~] **fifty** dollars or five times the toll evaded whichever is [~~greater~~] **less**; for a third or subsequent violation thereof all within eighteen months be liable for **the full amount of the assessed tolls and other charges and fees in addition to** a monetary penalty not to exceed one hundred [~~fifty~~] dollars or ten times the toll evaded whichever is [~~greater~~] **less**.

§ 4. Paragraph (b) of subdivision 7 of section 2985 of the public authorities law, as added by chapter 379 of the laws of 1992, is amended to read as follows:

(b) A notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of toll collection regulations pursuant to this section, the registration number **and state of registration** of the vehicle involved in such violation, the [~~location where such violation took place, the date and time~~] **locations, dates and times** of such violation**, the amount of the assessed tolls and other charges and fees,** and the identification number of the photo-monitoring system which recorded the violation or other document locator number.

§ 5. Subdivision 10 of section 2985 of the public authorities law, as amended by chapter 666 of the laws of 1993, is amended to read as follows:

10. An owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to subdivision seven of this section shall not be liable for the violation of the toll collection regulation provided that he or she sends to the public authority serving the notice of liability and to the court or other entity having jurisdiction a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within thirty days after receiving [~~the original~~] notice of liability. Failure to send such information within such thirty day time period shall render the lessor liable for the penalty prescribed by this section. Where the lessor complies with the provisions of this subdivision, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section and shall be subject to liability for the violation of toll collection regulations, provided that the public authority mails a notice of liability to the lessee within ten days after the court, or other entity having jurisdiction, deems the lessee to be the owner. For purposes of this subdivision the term "lessor" shall mean any person, corporation, firm, partnership, agency, association or organization engaged in the business of renting or leasing vehicles to any lessee under a rental agreement, lease or otherwise wherein the said lessee has the exclusive use of said vehicle for any period of time. For purposes of this subdivision, the term "lessee" shall mean any person, corporation, firm, partnership, agency, association or organization that rents, leases or contracts for the use of one or more vehicles and has exclusive use thereof for any period of time.

§ 6. Section 1209-a of the public authorities law is amended by adding a new subdivision 11 to read as follows:

11. Notice. Any notice or communication required to be sent pursuant to this section by registered mail or certified mail may instead be sent by first class mail or, with consent, by electronic means of communication.

§ 7. Subdivision d of section 16-b of chapter 774 of the laws of 1950, relating to agreeing with the state of New Jersey with respect to rules and regulations governing traffic on vehicular crossings operated by the port of New York authority, as added by chapter 379 of the laws of 1992, is amended to read as follows:

d. (i) A notice of liability shall be sent by first class mail **or, with consent, by electronic means of communication** to each person alleged to be liable as an owner for a violation pursuant to this section of the toll collection regulations of the port authority. Such notice shall be [~~mailed~~] **sent** no later than thirty days after the alleged violation. Personal delivery on the owner shall not be required. A manual or automatic record of [~~mailing~~] **sending the notice** prepared in the ordinary course of business shall be prima facie evidence of the [~~mailing~~] **sending** of the notice.

(ii) A notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of the toll collection regulations of the port authority pursuant to this section, the registration number **and state of registration** of the vehicle involved in such violation, the [~~location where such violation took place, the date and time~~] **locations, dates and times that form the basis** of such violation**, the amount of the assessed tolls and other charges** and the identification number of the photo-monitoring system which recorded the violation or other document locator number.

(iii) The notice of liability shall contain information advising the person charged of the manner and the time in which he may contest the liability alleged in the notice. Such notice of liability shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

(iv) The notice of liability shall be prepared and [~~mailed~~] **sent** by the port authority or its duly authorized agent.

§ 8. Section 16-c of chapter 774 of the laws of 1950, relating to agreeing with the state of New Jersey with respect to rules and regulations governing traffic on vehicular crossings operated by the port of New York authority, as added by chapter 379 of the laws of 1992, is amended to read as follows:

§ 16-c. Adjudication of liability. Adjudication of the liability imposed upon an owner by section 16-a of this act for a violation of the toll collection regulations of the port authority occurring within the territorial limits of the state of New York shall be in accordance with the vehicle and traffic law of New York as set forth in sections 235, 236, 237, 239, 240, 241, **401,** 510 and 1809 of such law, or by such entity having jurisdiction over violations of the toll collection regulations of the port authority occurring within the territorial limits of the state of New York, provided that all violations shall be heard and determined in the county in which the violation is alleged to have occurred, or by consent of both parties, **or** in any county in the state of New York in which the port authority operates or maintains a facility. An owner found liable for a violation of toll collection regulations pursuant to this section shall for a first violation thereof be liable for **the full amount of the assessed toll and other charges and fees in addition to** a monetary penalty not to exceed [~~fifty~~] **twenty-five** dollars or two times the toll evaded whichever is [~~greater~~] **less**; for a second violation thereof both within eighteen months be liable for **the full amount of the assessed toll and other charges and fees in addition to** a monetary penalty not to exceed [~~one hundred~~] **fifty** dollars or five

times the toll evaded whichever is [~~greater~~] **less**; for a third or subsequent violation thereof all within eighteen months be liable for **the full amount of the assessed toll and other charges and fees in addition to** a monetary penalty not to exceed one hundred [~~fifty~~] dollars or ten times the toll evaded whichever is [~~greater~~] **less**.

§ 9. This act shall take effect on the one hundred twentieth day after it shall have become a law.