STATE OF NEW YORK

7344--A

IN SENATE

January 8, 2018

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to enacting "the toll payer protection act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as "the toll payer protection act."

§ 2. The general business law is amended by adding a new section 399-zzzzz to read as follows:

§ 399-zzzzz. Toll payer protection act. 1. Any person, firm, corporation, or other entity who is charged with the payment of a cashless toll fee in the state of New York shall have the option to be notified by text message or electronic mail that such fee has been so charged, the entity to which such fee must be paid, and the date by when such fee must be paid, no more than seventy-two hours following the time such fee has been incurred, or no more than fourteen days if notified by mail. The thruway authority shall create an online method by which any person can register for text message alerts or electronic mail for a fee notification.

2. Any person, firm, corporation, or other entity who is charged with the payment of a toll fee in the state of New York shall be entitled to dispute such fee and any related penalties incurred. The process for such disputes shall be prominently posted on the New York state thruway authority's website which shall include an option to initiate a toll dispute online within one hundred twenty days after the effective date of this section.

3. Any person, firm, corporation, or other entity who is charged with the payment of a toll fee in the state of New York shall be entitled to establish a payment plan for the payment of such fee and any related penalties. The commissioner of motor vehicles shall promulgate rules

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

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and regulations for the establishment of such payment plan within one hundred twenty days after the effective date of this section.

4. Any person, firm, corporation, or other entity who is charged with the payment of a toll fee in the state of New York shall be entitled to review records which directly prompted the issuance of such fee. Such persons shall also be entitled to review records which prompted the issuance of any late fees or charges.

5. Any toll fee that will be charged for the usage of any bridge, tunnel, road, or any other entity shall be displayed conspicuously and prominently on signage of a reasonable size in a manner reasonably calculated to provide ample and adequate notice. In addition, any penalties for non-payment or late payment of such fee shall be displayed in the same manner. Signs alerting drivers to the availability of text message and electronic mail notification of toll fees shall be displayed in the same manner.

6. If the non-payment or late payment of a toll fee shall subject a licenseholder's registration to suspension, the licenseholder shall be entitled to notice by certified mail that such suspension may occur if payment is not made thirty days before such suspension shall be effective.

7. No excessive fee shall be charged for non-payment or late payment of a toll fee and if the aggregate amount of any such fees for non-payment or late payment of a toll fee charged to one vehicle registration reaches one thousand dollars, the license holder shall be notified by certified mail that such a fee has been reached.

8. No fees for late payment of a toll fee shall be assessed against a vehicle registration if the bill for such toll fee was found to have not been sent to the holder of such registration postmarked more than thirty-one days after such toll fee has been incurred.

9. EZPass holders shall be charged the EZPass rate in the event the EZPass holder crosses a toll when their EZPass account has insufficient funds.

10. Any bill sent for any toll fee incurred shall itemize the date, time, location, license plate number, and vehicle registration number for which said toll fee was incurred.

11. All rest stops along the New York state thruway shall be required to make EZPass available for purchase.

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