

# 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:

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

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

5 § 399-zzzzz. Toll payer protection act. 1. Any person, firm, corpo-  
6 ration, or other entity who is charged with the payment of a cashless  
7 toll fee in the state of New York shall have the option to be notified  
8 by text message or electronic mail that such fee has been so charged,  
9 the entity to which such fee must be paid, and the date by when such fee  
10 must be paid, no more than seventy-two hours following the time such fee  
11 has been incurred, or no more than fourteen days if notified by mail.  
12 The thruway authority shall create an online method by which any person  
13 can register for text message alerts or electronic mail for a fee  
14 notification.

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

22 3. Any person, firm, corporation, or other entity who is charged with  
23 the payment of a toll fee in the state of New York shall be entitled to  
24 establish a payment plan for the payment of such fee and any related  
25 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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1 and regulations for the establishment of such payment plan within one  
2 hundred twenty days after the effective date of this section.

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

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

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

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

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

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

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

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

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