

STATE OF NEW YORK

7082

2025-2026 Regular Sessions

IN ASSEMBLY

March 20, 2025

Introduced by M. of A. TORRES -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to enacting the "toll payer protection act"; and to repeal certain provisions of such law relating thereto

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

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

3 § 2. Subdivisions 3, 4 and 5 of section 2985 of the public authorities
4 law, as added by chapter 379 of the laws of 1992, are amended to read as
5 follows:

6 3. For purposes of this section, the [~~term~~] following terms shall have
7 the following meanings:

8 (a) "owner" shall mean any person, corporation, partnership, firm,
9 agency, association, lessor or organization who, [~~at the time of the~~
10 ~~violation and~~] with respect to the vehicle identified in the notice of
11 liability: [~~(a)~~] (i) is the beneficial or equitable owner of such vehi-
12 cle; or [~~(b)~~] (ii) has title to such vehicle; or [~~(c)~~] (iii) is the
13 registrant or co-registrant of such vehicle which is registered with the
14 department of motor vehicles of this state or any other state, territo-
15 ry, district, province, nation or other jurisdiction; or [~~(d)~~] (iv)
16 subject to the limitations set forth in subdivision [~~ten~~] nine of this
17 section, uses such vehicle in its vehicle renting and/or leasing busi-
18 ness; and (v) includes [~~(e)~~] a person entitled to the use and possession
19 of a vehicle subject to a security interest in another person. [~~For~~
20 ~~purposes of this section, the term~~]

21 (b) "photo-monitoring system" shall mean a vehicle sensor installed to
22 work in conjunction with a toll collection facility which automatically
23 produces one or more photographs, one or more microphotographs, a vide-
24 otape or other recorded images of each vehicle [~~at the time it is used~~]

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

LBD04883-01-5

1 ~~or operated in violation of toll collection regulations~~]. [~~For purposes~~
2 ~~of this section, the term~~]

3 (c) "toll collection regulations" shall mean: those rules and regu-
4 lations of a public authority providing for and requiring the payment of
5 tolls and/or charges prescribed by such public authority for the use of
6 bridges, tunnels or highways under its jurisdiction or those rules and
7 regulations of a public authority making it unlawful to refuse to pay or
8 to evade or to attempt to evade the payment of all or part of any toll
9 and/or charge for the use of bridges, tunnels or highways under the
10 jurisdiction of such public authority. [~~For purposes of this section,~~
11 ~~the term~~]

12 (d) "vehicle" shall mean every device in, upon or by which a person or
13 property is or may be transported or drawn upon a highway, except
14 devices used exclusively upon stationary rails or tracks.

15 (e) "violation" shall mean the failure of an owner to pay an assessed
16 toll associated with the third notice of liability pursuant to subdivi-
17 sion five of this section.

18 4. A certificate, sworn to or affirmed by an agent of the public
19 authority which charged that [~~the violation occurred~~] a liability for an
20 obligation to pay a toll has incurred, or a facsimile thereof, based
21 upon inspection of photographs, microphotographs, videotape or other
22 recorded images produced by a photo-monitoring system shall be prima
23 facie evidence of the facts contained therein and shall be admissible in
24 any proceeding charging a [~~violation of toll collection regulations~~]
25 liability for a toll, provided that any photographs, microphotographs,
26 videotape or other recorded images evidencing such [~~a violation~~] liabil-
27 ity for a toll shall be available for inspection and admission into
28 evidence in any proceeding to adjudicate the liability for such
29 [~~violation~~] toll.

30 4-a. In adopting procedures for the preparation and mailing of a
31 notice of liability pursuant to subdivision five of this section, the
32 public authority having jurisdiction over the toll facility shall adopt
33 guidelines to ensure adequate and timely notice to all electronic toll
34 collection system account holders to inform them when their accounts are
35 delinquent.

36 5. (a) The public authority shall, within thirty days of an owner
37 incurring an obligation to pay a toll, send a first notice of liability
38 by first-class mail to such owner. Such first notice of liability shall
39 include: (i) the date, time, location, license plate number and vehicle
40 registration for each toll incurred; (ii) the identification number of
41 the photo-monitoring system which recorded the imposition of the toll or
42 other document locator number; (iii) the total amount of the toll due;
43 (iv) the date by which the toll must be paid; (v) the address for
44 receipt of payment and methods of payment for the toll; (vi) the
45 procedure for contesting any toll; (vii) information related to the
46 failure to timely pay or respond to the notice of liability; (viii) the
47 time-stamped photographs or footage of each toll incurred; and (ix) any
48 other information required by law or by the authority. The owner shall
49 have thirty days from the date such first notice of liability was sent
50 to pay the assessed toll or appeal such liability.

51 (b) If an owner fails to pay the assessed toll associated with the
52 first notice of liability within thirty days of incurring an obligation
53 to pay a toll, the public authority shall send a second notice of
54 liability by first-class mail within thirty days of the date the owner
55 was required to respond to such first notice of liability. Such second
56 notice of liability may include a penalty for late payment, which shall

1 not exceed five dollars and shall include all of the information
2 required pursuant to paragraph (a) of this subdivision. The owner shall
3 have thirty days from the date such second notice of liability was sent
4 to pay the assessed toll and penalties, or appeal such liability.

5 (c) If an owner fails to pay the assessed toll associated with the
6 second notice of liability within thirty days of the mailing of such
7 second notice of liability established in paragraph (b) of this subdivi-
8 sion, the public authority shall send by first-class mail a third notice
9 of liability within thirty days of the date the owner was required to
10 respond to such second notice of liability. The third notice of liabil-
11 ity may include a penalty which shall be twenty-five dollars or two
12 times the toll evaded, whichever is greater and shall include all of the
13 information required pursuant to paragraph (a) of this subdivision. The
14 owner shall have thirty days from the date such third notice of liabil-
15 ity was sent to pay the assessed toll and penalties, or appeal such
16 liability.

17 (d) If the public authority fails to send any notice of liability
18 within the timeframes set forth in this subdivision, the owner shall not
19 be liable for payment of the tolls, or any penalty established or asso-
20 ciated with such notice of liability.

21 (e) Any first notice of liability required by paragraph (a) of this
22 subdivision to be sent by first-class mail may instead be sent by elec-
23 tronic means of communication upon the affirmative consent of the owner
24 in a form prescribed by the authority. Any affirmative consent to
25 receive a first notice of liability by electronic means shall be revoca-
26 ble by the owner at any time with notice to the public authority and
27 shall automatically be deemed revoked if the authority is unable to
28 deliver two consecutive notices by electronic means of communication.
29 Any such affirmative consent shall be a separate consent and separate
30 signature.

31 5-a. An owner found liable for a violation [~~of toll-collection regu-~~
32 ~~lations pursuant to this section], as defined in subdivision three of~~
33 ~~this section, shall for a first violation thereof be liable for a mone-~~
34 ~~tary penalty [~~not to exceed fifty dollars or two times the toll evaded~~~~
35 ~~whichever is greater] in accordance with subdivision five of this~~
36 ~~section;~~ for a second violation thereof both within eighteen months be
37 liable for a monetary penalty not to exceed [~~one hundred~~] fifty dollars
38 or five times the toll evaded whichever is greater; for a third or
39 subsequent violation thereof all within eighteen months be liable for a
40 monetary penalty not to exceed one hundred [~~fifty~~] dollars or ten times
41 the toll evaded whichever is greater.

42 § 3. Subdivisions 7, 8, 9, 10 and 11 of section 2985 of the public
43 authorities law are REPEALED and four new subdivisions 7, 8, 9 and 10
44 are added to read as follows:

45 7. Every public authority that operates a cashless tolling facility,
46 tolls by mail program, or any photo-monitoring system shall promulgate
47 rules and regulations establishing a procedure by which a person alleged
48 to be liable for the payment of a toll or a violation may appeal such
49 alleged liability or violation. Such rules and regulations shall ensure
50 such public authority completes its investigation and issues, within
51 thirty days, to the owner a final written determination of any appeal
52 pursuant to this section. Such written determination shall include the
53 relevant facts established, the reasons for the determination, what
54 actions must be taken by the owner in association with the determi-
55 nation, and what further procedures are available to the owner.

1 8. Adjudication of an owner's liability shall be by the entity having
2 jurisdiction over the cashless tolling facility or, where authorized, by
3 an administrative tribunal and all such liability determinations shall
4 be heard and determined either: (a) in the county in which the obli-
5 gation to pay a toll through the cashless tolling program was alleged to
6 occur; or (b) where the toll is alleged to have been incurred in the
7 city of New York and upon the consent of both parties, in any county
8 within the city of New York in which the public authority operates or
9 maintains a cashless tolling facility. Such adjudications shall be heard
10 and determined in the same manner as charges of other regulatory
11 violations of such public authority or pursuant to the rules and regu-
12 lations of such administrative tribunal as the case may be.

13 9. It shall be a valid defense to an allegation of liability for a
14 toll and/or violation that:

15 (a) the vehicle was not used or operated in incurring a toll pursuant
16 to this section or the regulations promulgated hereunder;

17 (b) the vehicle was used or operated without the permission of the
18 owner, express or implied;

19 (c) the recipient of a notice of liability, pursuant to subdivision
20 five of this section, was not the owner of the vehicle at the time the
21 obligation to pay the toll occurred;

22 (d) the vehicle had been stolen prior to the time the obligation was
23 incurred and was not in the possession of the owner at the time the
24 obligation was incurred. For the purposes of asserting this defense, it
25 shall be sufficient that a certified copy of the police report on the
26 stolen vehicle is submitted to the public authority, court or other
27 entity having jurisdiction; and

28 (e) the vehicle had been leased at the time the obligation was
29 incurred. For the purpose of asserting this defense, it shall be suffi-
30 cient that a copy of the rental lease or other contract document cover-
31 ing the vehicle on the date and time the toll was incurred has been
32 submitted to the public authority, court or other entity having juris-
33 isdiction within sixty days of the lessor receiving the first notice of
34 liability pursuant to subdivision five of this section. Such document
35 shall include the name and address of the lessee. Failure to timely
36 submit such information shall constitute a waiver of this defense. Where
37 the lessor complies with the provisions of this section, the lessee
38 shall be deemed to be the owner of the vehicle for purposes of this
39 section and shall be subject to liability pursuant to this section,
40 provided that the authority mails a toll bill to the lessee within ten
41 days after the public authority, court or other entity having jurisdic-
42 tion, deems the lessee to be the owner.

43 10. If the owner liable for a toll or violation pursuant to this
44 section was not the operator of the vehicle at the time the toll was
45 incurred, such owner may maintain an action for indemnification against
46 the operator.

47 § 4. Subdivision 12 of section 2985 of the public authorities law is
48 REPEALED and subdivisions 13 and 14 are renumbered subdivisions 11 and
49 12.

50 § 5. Subdivision 12 of section 2985 of the public authorities law, as
51 added by chapter 379 of the laws of 1992 and as renumbered by section
52 four of this act, is amended to read as follows:

53 12. Notwithstanding any other provision of law, all photographs,
54 microphotographs, videotape or other recorded images prepared pursuant
55 to this section shall be for the exclusive use of a public authority in
56 the discharge of its duties under this section and shall not be open to

1 the public nor be used in any court in any action or proceeding pending
2 therein unless such action or proceeding relates to the imposition of or
3 indemnification for liability pursuant to this section. The public
4 authority, including any subsidiary or contractor involved in implement-
5 ing or operating any cashless tolling facility, photo-monitoring system,
6 electronic toll collection system or toll by mail program, shall not
7 sell, distribute or make available in any way, the names and addresses
8 of electronic toll collection system account holders, or any owner that
9 participates in, or is subject to, such systems or programs, without
10 such account holders' or owners' consent to any entity that will use
11 such information for any commercial purpose provided that the foregoing
12 restriction shall not be deemed to preclude the exchange of such infor-
13 mation between any entities with jurisdiction over [~~and~~] such system or
14 programs or [~~operating~~] the operation of a toll highway bridge and/or
15 tunnel facility.

16 § 6. Section 2985 of the public authorities law is amended by adding
17 three new subdivisions 13, 14 and 15 to read as follows:

18 13. (a) On or after the effective date of this subdivision, no public
19 authority which operates a cashless tolling facility, photo-monitoring
20 system, electronic toll collection system or tolls by mail program shall
21 sell or transfer any debt owed to the public authority by an owner for
22 incurring a toll to a debt collection agency unless one year has passed
23 from the date the public authority sent the first notice of liability,
24 pursuant to subdivision five of this section, to the owner or the owner
25 has a total debt owed to the public authority of one thousand dollars or
26 more. The public authority shall not sell or transfer any debt to a debt
27 collection agency unless such public authority has first obtained a
28 default judgment in a court or administrative tribunal with jurisdiction
29 over the assessed toll.

30 (b) A notice shall be sent by first-class mail advising the owner that
31 the debt described in paragraph (a) of this subdivision shall be sold or
32 transferred by the authority to a debt collection agency on a specified
33 date no less than thirty days prior to such sale or transfer.

34 14. Every public authority that operates any cashless tolling facili-
35 ty, photo-monitoring system, electronic toll collection system or tolls
36 by mail program shall promulgate rules and regulations that establish
37 the ability for owners to enter into installment payment plans for the
38 payment of any toll and/or penalty incurred as part of any cashless
39 tolling facility, photo-monitoring system, electronic toll collection
40 system or tolls by mail program. Information related to such plan shall
41 be included in any notice of liability pursuant to subdivision five of
42 this section and shall be displayed conspicuously on the authority's
43 websites. Each owner, at their election, may participate in such plan.
44 The public authority shall not charge any additional fees or penalties
45 for enrollment in a payment plan.

46 15. Every public authority that operates or maintains any cashless
47 tolling facility, photo-monitoring system, electronic toll collection
48 system or tolls by mail program shall submit an annual report on such
49 system or program to the governor, the temporary president of the senate
50 and the speaker of the assembly and post such report on its website on
51 or before January second each year. Such report shall include, but not
52 be limited to, the following information relating to the immediately
53 preceding calendar year:

54 (a) the locations where vehicle sensors for photo-monitoring systems
55 were used;

1 (b) the aggregate number of tolls paid at the locations where cashless
2 tolling facilities were used, including both through the use of an elec-
3 tronic toll collection system and through the tolls by mail program;

4 (c) the number of owners that paid their toll through the tolls by
5 mail program;

6 (d) the number of owners that paid their toll upon receipt of the
7 first notice of liability pursuant to subdivision five of this section,
8 the number of owners that paid their toll upon receipt of the second
9 notice of liability pursuant to subdivision five of this section, the
10 number of owners that paid their toll upon receipt of the third notice
11 of liability pursuant to subdivision five of this section, and the
12 number of owners whose notices were returned to the public authority as
13 undeliverable;

14 (e) the number of owners that were charged fees or penalties pursuant
15 to this section, and the aggregate amount of fees or penalties, includ-
16 ing fees or penalties for late payments, and fees or penalties collected
17 by the authority broken down by the category of such fees or penalties;

18 (f) the number of owners that disputed a notice pursuant to this
19 section, including a breakdown of the number of owners that successfully
20 disputed such notice and an itemized breakdown of the reasons for
21 successfully disputed tolls;

22 (g) a copy of all rules and regulations the public authority has
23 promulgated pursuant to this section;

24 (h) the number of tolls adjudicated by every public authority and
25 court, including any appeal of such adjudications, and the results of
26 all adjudications including breakdowns of dispositions made for tolls
27 recorded by such systems;

28 (i) the total amount of revenue realized by such public authority from
29 such adjudications; and

30 (j) expenses incurred by such public authority in connection with any
31 cashless tolling facility, cashless tolling monitoring system, electron-
32 ic toll collection system or tolls by mail program implemented or oper-
33 ated by the public authority.

34 § 7. This act shall take effect immediately.