STATE OF NEW YORK

8860--A

2025-2026 Regular Sessions

IN ASSEMBLY

June 9, 2025

Introduced by M. of A. DAIS, SIMONE, PHEFFER AMATO, REYES, DeSTEFANO, LEVENBERG -- 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 the vehicle and traffic law, in relation to enforcement of toll collection regulations and license plate violations

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

Section 1. Subdivision 6 of section 2985 of the public authorities law, as added by chapter 379 of the laws of 1992, is amended to read as follows:

6. **(a)** An imposition of liability pursuant to this section shall be based upon a preponderance of evidence as submitted. An imposition of liability pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the motor vehicle operating record, furnished pursuant to section three hundred fifty-four of the vehicle and traffic law, of the person upon whom such liability is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

(b) Notwithstanding paragraph (a) of this subdivision, an imposition of liability pursuant to this section shall be deemed a conviction as an operator and shall be made part of the motor vehicle operating record, furnished pursuant to section three hundred fifty-four of the vehicle and traffic law, of the person upon whom such liability is imposed and shall be used for insurance purposes in the provision of motor vehicle insurance coverage if an operator has unpaid liabilities pursuant to this section from a series of convictions, not arising out of the same incident, for covering or obscuring a license plate three or more times

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

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within a period of five years in violation of subparagraph (ii), (ii-a) or (iii) of paragraph (b) of subdivision one of section four hundred two of the vehicle and traffic law.

§ 2. Subdivision 4-h of section 510 of the vehicle and traffic law, as added by section 5 of subpart A of part WW of chapter 56 of the laws of 2024, is amended to read as follows:

4-h. Suspension of registration for covering license plates with a license plate cover or material appearing to be a number plate or obscuring license plates with any material or substance. (a) Upon receipt of a notification from a court or an administrative tribunal that an owner of a motor vehicle has been convicted three or more times within a period of five years of a violation of subparagraph (ii), (ii-a) or (iii) of paragraph (b) of subdivision one of section four hundred two of this chapter not arising out of the same incident, the commissioner or the commissioner's agent may suspend the registration of the motor vehicle involved in such violation [~~for a period of ninety days~~] until a tolling authority described in section twenty-nine hundred eighty-five of the public authorities law advises, in such form and manner as the commissioner shall prescribe, that impositions of liability provided pursuant to section twenty-nine hundred eighty-five of the public authorities law have been answered and that any tolls, fees, or other charges associated with the vehicle and such vehicle's vehicle identification number have been paid to such tolling authority. The commissioner may, in the commissioner's discretion, deny a registration or, reregistration, renewal [~~application to any other person for the same vehicle and may deny a registration or renewal application~~], replacement, or transfer of registration for any other motor vehicle registered in the name of the applicant where the commissioner has determined that such registrant's intent has been to evade the purposes of this paragraph and where the commissioner has reasonable grounds to believe that such registration, reregistration, [~~or~~] renewal, replacement, or transfer of the registration will have the effect of defeating the purposes of this paragraph. [~~Such denial shall remain in effect only as long as the suspension entered pursuant of this paragraph remains in effect.~~]

(b) Upon receipt of notification from a court or an administrative tribunal that an owner of a motor vehicle has failed to comply with paragraph (b) or (c) of subdivision eight of section four hundred two of this chapter, the commissioner or the commissioner's agent may suspend the registration of the motor vehicle involved in such violation and such suspension shall remain in effect until such time as the commissioner is advised that such owner has complied with such paragraphs, as applicable. The commissioner may, in the commissioner's discretion, deny a registration, reregistration, replacement, registration transfer or renewal application to any other person for the same vehicle and may deny a registration, reregistration, replacement, registration transfer or renewal application for any other motor vehicle registered in the name of the applicant where the commissioner has determined that such registrant's intent has been to evade the purposes of this paragraph and where the commissioner has reasonable grounds to believe that such registration or renewal will have the effect of defeating the purposes of this paragraph. Such denial shall remain in effect only as long as the suspension entered pursuant to this paragraph remains in effect.

§ 3. Subdivision 5-a of section 401 of the vehicle and traffic law is amended by adding a new paragraph d to read as follows:

d. (i) No person other than a bona fide transferee of the vehicle in an arms-length transaction may register, reregister, renew, replace, or transfer the registration of, change the name, address, or other information of the registered owner associated with, or change the registration classification of, any vehicle whose vehicle identification number is associated with a vehicle whose registration has been suspended, or is subject to a pending request from a tolling authority described in section twenty-nine hundred eighty-five of the public authorities law to suspend such registration, by the commissioner pursuant to paragraph d of subdivision three of section five hundred ten of this chapter if such vehicle could also have been suspended by the commissioner pursuant to subdivision four-h of section five hundred ten of this chapter. Provided, however, that the prohibition authorized pursuant to this paragraph shall not remain in place after a toll authority advises the commissioner that the circumstances that led to such request have been satisfied in such form and manner as the commissioner shall prescribe.

(ii) For purposes of this paragraph, a bona fide purchaser in an arms-length transaction shall mean a vehicle registration applicant who provides a copy of the signed bill of sale or other such contract document covering such vehicle to the commissioner or the commissioner's agent, with the names and addresses of the seller and purchaser, the purchase date, and the purchase price clearly legible.

§ 4. Subdivision 2 of section 402-b of the vehicle and traffic law, as added by section 4 of subpart A of part WW of chapter 56 of the laws of 2024, is amended to read as follows:

2. (a) If the vehicle is being driven or operated in violation of subparagraph (ii), (ii-a) or (iii) of paragraph (b) of subdivision one of section four hundred two of this article, such officer shall issue a summons, provided, however, that a summons shall not be issued if, in the discretion and at the request of such officer, the defect is corrected in the presence of such officer. The refusal of a police officer to permit the repair of any defect in their presence shall not be reviewable, and shall not be a defense to any violation charged in a summons issued pursuant to the provisions of this section. Provided, however, that upon making an arrest or upon issuing a summons or an appearance ticket for a violation of subparagraph (ii), (ii-a) or (iii) of paragraph (b) of subdivision one of section four hundred two of this article committed in their presence, where the owner has been convicted of a violation of subparagraph (ii), (ii-a) or (iii) of paragraph (b) of such subdivision three or more times within a five-year period, a police officer may arrange for the removal of any covering or coating with any artificial or synthetic material or substance affixed over the number plates which conceals or obscures the ability to easily read such number plates or that distorts or obstructs a recorded or photographic image.

(b) For purposes of this section:

(i) The term "owner" shall mean an owner as defined in section one hundred twenty-eight and in subdivision three of section three hundred eighty-eight of this chapter.

(ii) The term "termination of the proceeding" shall mean the earliest of (1) thirty-one days following the imposition of sentence; or (2) the date of acquittal of a person arrested for an offense or date of dismissal of a complaint; or (3) where leave to file new charges or to resubmit the case is required and has not been granted, thirty-one days following the dismissal of the last accusatory instrument filed in the case, or, if applicable, upon expiration of the time granted by the court or tribunal or permitted by statute for filing new charges or

resubmitting the case; or (4) where leave to file new charges or to resubmit the case is not required, thirty-one days following the dismissal of the last accusatory instrument filed in the case, or, if applicable, upon expiration of the time granted by the court or permitted by statute for filing new charges or resubmitting the case; or (5) the date when, prior to the filing of an accusatory instrument against a person charged with a violation of subparagraph (ii), (ii-a) or (iii) of paragraph (b) of subdivision one of section four hundred two of this article, the prosecuting authority elects not to prosecute such person.

(iii) Any covering or coating with any artificial or synthetic material or substance affixed over the number plates which conceals or obscures the ability to easily read such number plates or that distorts or obstructs a recorded or photographic image which has been or is being used in violation of subparagraph (ii), (ii-a) or (iii) of subdivision one of section four hundred two of this article may be seized by any peace officer, acting pursuant to their special duties, or police officer, and forfeited as hereinafter provided in this section.

(iv) Any covering or coating with any artificial or synthetic material or substance affixed over the number plates which conceals or obscures the ability to easily read such number plates or that distorts or obstructs a recorded or photographic image may be seized upon service of a notice of violation upon the owner or operator of a vehicle. The seized covering or coating shall be delivered by the officer having made the seizure to the custody of the district attorney of the county wherein the seizure was made, except that in the cities of New York, Yonkers, Rochester and Buffalo the seized covering or coating shall be delivered to the custody of the police department of such cities and such covering or coating seized by a member or members of the state police shall be delivered to the custody of the superintendent of state police, together with a report of all the facts and circumstances of the seizure. Within one business day after the seizure, notice of such violation and a copy of the notice of violation shall be mailed to the owner of the motor vehicle on which the covering or coating was affixed at the address for such owner set forth in the records maintained by the department or, for vehicles not registered in New York state, such equivalent record in such state of registration.

(v) (1) The attorney general, in seizures by members of the state police, or the district attorney of the county wherein the seizure is made if elsewhere than in the cities of New York, Yonkers, Rochester or Buffalo, or where the seizure is made in such cities the corporation counsel of the city, shall inquire into the facts of the seizure so reported to them. If it appears that there is a basis for the commencement and prosecution of a crime or traffic infraction pursuant to this section, the covering or coating which is the subject of such proceedings shall remain in the custody of such district attorney, police department or superintendent of state police, as applicable, pending the final determination of such proceedings. (2) To the extent applicable, the procedures of article thirteen-A of the civil practice law and rules shall govern proceedings and actions under this section. (3) Provided further that regulations are authorized to be promulgated to the extent necessary to implement this section.

(vi) Notice of the seizure of the covering or coating shall be served by personal service pursuant to the civil practice law and rules upon all owners of the seized motor vehicle listed in the records maintained by the department, or for vehicles not registered in New York state, in the records maintained by the state of registration.

(vii) No action under this section for wrongful seizure shall be instituted unless such action is commenced within two years after the time when the coating or covering was seized.

(viii) The municipal police training council as established pursuant to article thirty-five of the executive law, and the superintendent of state police, may develop, maintain and disseminate, a model law enforcement property disposal policy setting forth recommended policies and procedures regarding disposal of coatings or coverings seized pursuant to this section.

§ 5. Section 2855 of the public authorities law, as added by section 1 of part KK of chapter 59 of the laws of 2006, is amended to read as follows:

§ 2855. Electronic method of payment; periodic charges. Notwithstanding the provisions of any law to the contrary, if any authority shall offer any electronic method of payment for tolls, fares, fees, rentals, or other charges, including but not limited to a system called E-ZPass, such authority shall not impose any periodic administrative or other charge for the privilege of using such electronic method of payment for such charges. Nothing in this section shall be construed to prohibit any authority from making any charge for extra services requested by a holder of such electronic method of payment, any charge for lost or damaged equipment, or for defaults, such as charges for dishonored checks. The authority shall not enter any agreement with bondholders that would require the imposition of administrative or other periodic charges relating to electronic methods of payment prohibited by this section. No fee or administrative charge for the timely or late payment of a toll bill for an obligation to pay a toll or tolls valued at two hundred dollars or less shall exceed the authority's actual cost to impose the charge and process payment of such obligation. Provided, further, any authority offering such electronic payment methods shall publish their updated fee waiver policy in a prominent location on their website.

§ 6. Subdivision 8 of section 2985 of the public authorities law, as amended by section 6 of subpart A of part WW of chapter 56 of the laws of 2024, is amended to read as follows:

8. (a) (i) Adjudication of the liability imposed upon owners by this section shall be by the entity having jurisdiction over violations of the rules and regulations of the public authority serving the notice of liability or where authorized by an administrative tribunal and all violations shall be heard and determined in the county in which the violation is alleged to have occurred, or in New York city and upon the consent of both parties, in any county within New York city in which the public authority operates or maintains a facility, and in the same manner as charges of other regulatory violations of such public authority or pursuant to the rules and regulations of such administrative tribunal as the case may be.

(ii) The owner of the vehicle or other individual upon whom liability is imposed may designate an agent in writing, including an attorney or elected official, to dispute or resolve a toll incurred pursuant to this section or section twenty-nine hundred eighty-five-a of this title with the relevant tolling authority's customer service center and/or toll payer advocate office identified in section twenty-nine hundred eighty-five-a of this title.

(b) Upon exhaustion of remedies pursuant to this section or section twenty-nine hundred eighty-five-a of this title, as applicable, the New York state bridge authority, thruway authority, triborough bridge and tunnel authority, metropolitan transportation authority, and port

authority of New York and New Jersey, a bi-state agency created by compact set forth in chapter one hundred fifty-four of the laws of nineteen hundred twenty-one, shall have the power to enter judgments for unpaid liabilities, provided that such unpaid liabilities include the failure to pay tolls, fees, or other charges or the failure to have such tolls, fees or other charges dismissed or transferred in response to three or more notices of violation issued within a five year period charging the registrant of a motor vehicle with a violation of toll collection regulations, and to enforce such judgments, **which shall include vehicle immobilization for failure to have such tolls, fees or other charges dismissed or transferred in response to twenty or more notices of violation issued within a three-year period charging the registrant of a motor vehicle with a violation of toll collection regulations,** without court proceedings, in the same manner as the enforcement of money judgments in civil actions in any court of competent jurisdiction or any other place provided for the entry of civil judgment within the state of New York, after a period of notice pursuant to paragraph (c) of this subdivision. The applicable tolling authority shall not enforce such judgments until thirty days have elapsed from issuing a notice pursuant to paragraph (c) of this subdivision. **The applicable tolling authority shall not have the power to enter or enforce judgments for unpaid liabilities for failure to pay two hundred dollars or less in tolls incurred within a five-year period.**

(c) Prior to entering judgments for unpaid liabilities pursuant to paragraph (b) of this subdivision, the applicable tolling authority shall notify the person subject to such judgment, by first class mail, that such person is at risk of entry of a judgment against them if they fail to pay such unpaid liabilities. The form and content of such notice shall be prescribed by the applicable tolling authority, and shall contain a warning to advise the person that failure to pay the applicable unpaid liabilities within a period of not less than thirty days of such notice will result in the enforcement of a judgment against them, and shall further contain information about the process to dispute such liabilities, consistent with this section or section twenty-nine hundred eighty-five-a of this title, as applicable. **Any person, firm, corporation, or other entity charged with a toll violation may pay such tolls in full and have any toll violation fees related to such paid tolls waived for a period of six months following the effective date of the chapter of the laws of two thousand twenty-six which amended this paragraph.**

(d) With respect to an obligation to pay a toll or tolls valued at one hundred dollars or less, any toll violation fee charged to any person, firm, corporation, or other entity for the use of a toll highway, bridge or tunnel facility operated by a public authority shall not exceed twice the amount of the toll charged for using such highway, bridge or tunnel for a period of ninety days following the effective date of this paragraph, and shall not exceed three times the amount of the toll charged for using such highway, bridge or tunnel for an additional ninety-day period following the initial ninety-day period.

§ 7. Subdivisions 3, 4, 11 and 13 of section 2985-a of the public authorities law, as added by section 2 of subpart B of part WW of chapter 56 of the laws of 2024, are amended to read as follows:

3. In the case of an owner who incurs an obligation to pay a toll for the first time in six months under the tolls by mail program at a cashless tolling facility, a toll bill shall be sent within ten business days after the end of the initial billing cycle and of each subsequent

billing cycle. In the case of all other owners incurring an obligation to pay a toll at a cashless tolling facility, a toll bill shall be sent at the end of the next billing cycle. Toll bills shall be sent to the owner by first class mail, and may additionally be sent by electronic means of communication upon the affirmative consent of the owner, by or on behalf of the public authority which operates such cashless tolling facility. The owner shall have thirty days from the date of the toll bill to pay the incurred toll. The toll bill shall include: (i) the total amount of the incurred tolls due, (ii) the date by which payment of the incurred tolls is due, (iii) any administrative fees, (iv) the address for receipt of payment and methods of payment for the toll, (v) the procedure for contesting any toll and the contact information for the relevant toll payer advocate office and customer service center **and procedure for designating an agent to contest any toll on the owner's behalf**, (vi) information related to the failure to timely pay or respond to the notice of liability, in addition to the possibility that a judgment can be entered for repeat unpaid liabilities that could lead to a vehicle being towed or immobilized, (vii) a website address or hyperlink for the owner to access time-stamped photographs or footage of each toll incurred by electronic means, (viii) information related to the availability of the toll payer advocate to discuss payment options, and (ix) other information required by law or by the public authority. Each toll bill shall identify the date, time, location, license plate number, and jurisdiction of the license plate for each toll that has been incurred. Each toll bill shall include an image of the license plate of the vehicle being used or operated on the toll facility. If the owner fails to pay the initial toll bill, a second toll bill shall be sent in the next billing cycle, which shall also indicate the overdue toll or tolls and any administrative or late fees due.

4. In the case of an owner who does not pay a toll incurred under the tolls by mail program on a cashless facility at the place and time and in the manner established for collection of such toll in the second toll bill, a notice of violation shall be sent notifying the owner that the toll is unpaid and administrative violation fees are being imposed. The notice of violation shall be sent to the owner by first class mail, and may additionally be sent by electronic means of communication upon the affirmative consent of the owner, by or on behalf of the public authority which operates such cashless tolling facility. The notice of violation shall include: (i) the total amount of unpaid tolls and administrative violation fees due, (ii) the date by which payment of the tolls and administrative violation fees is due, (iii) the address for receipt of payment and methods of payment for the toll, (iv) the procedure for contesting any toll and the contact information for the relevant toll payer advocate office and customer service center **and procedure for designating an agent to contest any toll on the owner's behalf**, (v) information related to the failure to timely pay or respond to the notice of liability, in addition to the possibility that a judgment can be entered for repeat unpaid liabilities that could lead to a vehicle being towed or immobilized, (vi) a website address or hyperlink for the owner to access time-stamped photographs or footage of each toll incurred by electronic means, (vii) information related to the availability of the toll payer advocate to discuss payment options, and (viii) other information required by law or by the public authority. Each notice of violation shall identify the date, time, location, license plate number, and jurisdiction of the license plate for each unpaid toll that has been incurred.

11. Any public authority that operates a cashless tolling facility shall: (i) maintain a website and toll-free phone number for any person to receive updated information on any tolls or fees which are outstanding; and (ii) establish procedures for owners to dispute any tolls and violation fees incurred in connection with toll bills, including a requirement that written determinations in such disputes shall be issued within forty-five days of receipt of the owner's declaration of dispute. Such information shall be prominently displayed on such public authority's toll bills, notices of violation and website. **The authority shall publish its fee waiver policy in a prominent location on its website, including any updates to such policy.**

13. Every public authority that operates a cashless tolling facility shall establish an office of such authority's toll payer advocate, designed to further assist owners who remain unsatisfied after first attempting resolution in writing of their concern with, and receiving written determination from, such authority's customer service center. The office of the toll payer advocate shall also endeavor to identify any systemic issues and recommend reasonable improvements regarding the use of and process involved with the payment of tolls under the tolls by mail program at cashless tolling facilities to the public authority. **The owner of the vehicle or other individual upon whom liability is imposed may designate an agent, in writing, including an attorney or elected official, to dispute or resolve a toll incurred pursuant to this section or section twenty-nine hundred eighty-five of this title with the relevant tolling authority's customer service center and toll payer advocate office.**

§ 8. No later than 270 days after the effective date of this act, every public authority that operates a cashless tolling facility pursuant to article 9 of the public authorities law or central business district tolling program pursuant to article 44-C of the vehicle and traffic law shall report to the governor, temporary president of the senate, speaker of the assembly, and chairs of the corporations and public authorities committees in the senate and assembly on the following: (1) the total number of toll bills issued involving license plates which were disputed by the owner as not having used such tolling asset or been present at the time the toll was incurred or having lawfully surrendered the license plates to which the toll bill was issued; (2) the total number of toll bills issued to owners where a tolling system incorrectly billed an owner for tolls incurred by a distinctive license plate or government use motor vehicle; (3) a summary of how such toll bill disputes were resolved; (4) an explanation of steps taken to prevent similar future issues; and (5) any remedial steps or compensation provided to owners.

§ 9. This act shall take effect immediately. With respect to the Port Authority of New York and New Jersey, this act shall take effect upon the enactment into law by the state of New Jersey of legislation having an identical effect with such act upon the Port Authority of New York and New Jersey; but if the state of New Jersey shall have already enacted such legislation, this act shall take effect immediately; provided, that the chair of the port authority shall notify the legislative bill drafting commission upon the occurrence of the enactment of the legislation provided for in section seven of this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.