*** § 2985-a. Payment of tolls under the tolls by mail program.** 1. This section shall not apply to the payment of tolls by means of an electronic toll device that transmits information through an electronic toll collection system as defined in subdivision twelve of section twenty-nine hundred eighty-five of this title.

2. For purposes of this section, the following terms shall have the following meanings:

(a) "Cashless tolling facility" shall mean a toll roadway, bridge or tunnel facility that does not provide for the immediate on-site payment in cash of a toll owed for the use of such facility.

(b) "Owner" shall mean any person, corporation, partnership, firm, agency, association, lessor or organization who, at the time of incurring an obligation to pay a toll at a cashless tolling facility, and with respect to the vehicle identified in the toll bill or notice of violation: (i) is the beneficial or equitable owner of such vehicle; or (ii) has title to such vehicle; or (iii) is the registrant or co-registrant of such vehicle which is registered with the department of motor vehicles of this state or any other state, territory, district, province, nation or other jurisdiction; or (iv) subject to the limitations set forth in subdivision ten of section twenty-nine hundred eighty-five of this title, uses such vehicle in its vehicle renting and/or leasing business; or (v) is a person entitled to the use and possession of a vehicle subject to a security interest in another person.

(c) "Toll bill" shall mean a notice sent to an owner notifying such owner that the owner's vehicle has been used or operated in or upon a cashless tolling facility and the owner has incurred an obligation to pay a toll.

(d) "Notice of violation" shall mean a notice sent to an owner notifying such owner that a toll incurred at a cashless tolling facility by the owner has not been paid at the place and time and in the manner established for collection of such toll in the toll bill and that an administrative violation fee is being imposed for each such unpaid toll.

(e) "Billing cycle" shall mean a period not to exceed thirty calendar days once tolls have posted for purposes of consolidated toll billing.

(f) "Initial billing cycle" shall mean a period not to exceed fifteen

business days after identifying the owner or other party responsible for paying the toll for the purpose of consolidated toll billing for an obligation to pay a toll bill for the first time at a cashless tolling facility in a six-month period.

(g) "Tolls by mail program" shall mean any program operated by or on behalf of a public authority to send a toll bill to an owner whose vehicle crosses a cashless tolling facility without a valid electronic device that successfully transmits information through an electronic toll collection system as defined in subdivision twelve of section twenty-nine hundred eighty-five of this title.

(h) "Declaration of dispute" shall mean a submission by an owner disputing all or any portion of a toll, fee, penalty, or other obligation incurred by an owner whose vehicle crosses a cashless tolling facility, in such form as the public authority shall provide in regulations and through display on the authority's website.

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, (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, (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.

5. Any fee or administrative violation fee that is assessed on a notice of violation pursuant to subdivision four of this section shall be dismissed if the notice of violation was not sent within ninety days of the second toll bill, provided that any toll or tolls incurred remain due and payable and provided further that such dismissal shall not apply in the event that exceptional circumstances, including but not limited to technological failures, have delayed the timely mailing of the notice of violation and the public authority has posted notice of such circumstances prominently on its website within a reasonable time of becoming aware of such circumstances, which shall be adequate record of such circumstances.

6. Any toll bill or notice of violation required to be sent pursuant to this section by first class mail may also be sent, with consent of the owner, by electronic means of communication by or on behalf of the public authority. It shall be the sole responsibility of the owner to provide and update the address used for electronic means of communication to the owner by the public authority. A manual or automatic record of electronic communications prepared in the ordinary course of business shall be adequate record of electronic notice.

7. Any owner who incurs an obligation to pay a toll under the tolls by mail program at a public authority's cashless tolling facility shall have an option to receive alerts by electronic means of communication that a toll has been incurred. Such alerts shall be provided to the owner who has elected to receive such alerts no more than seventy-two hours after the owner is identified. Each public authority shall create an online registration for an electronic means of communication alert that a toll has been incurred under the tolls by mail program at a cashless tolling facility. In the event an owner chooses to receive an electronic means of communication alert of a toll incurred, it shall be the owner's sole responsibility to provide and update any mobile numbers, electronic mail addresses, or any other addresses used for electronic means of communication to which alerts are sent. A manual or automatic record of electronic communications prepared in the ordinary

course of business shall be adequate record of electronic notice.

8. If an owner receives a notice of violation pursuant to this section for any time period during which the vehicle was reported to the police department as having been stolen, it shall be a valid defense to an allegation of liability for a violation of toll collection regulations that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. If an owner receives a notice of violation pursuant to this section for any time period during which the vehicle was stolen, but not as yet reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of toll collection regulations pursuant to this section that the vehicle was reported as stolen within two hours after the discovery of the theft by the owner. For purposes of asserting the defense provided by this subdivision it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent by first class mail to the court or other entity having jurisdiction.

9. An owner who is a lessor of a vehicle to which a notice of violation was issued pursuant to subdivision four of this section shall not be liable for the violation of the toll collection regulations provided the owner sends to the public authority serving the notice of violation 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 violation. 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 the toll collection regulations, provided that the public authority mails a notice of violation to the lessee within ten business days after the public authority 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.

10. Except as provided in subdivision nine of this section, if a person receives a notice of violation pursuant to this section it shall be a valid defense to an allegation of liability for a violation of toll collection regulations that the individual who received the notice of violation pursuant to this section was not the owner of the vehicle at the time the violation occurred. If the owner liable for a violation of toll collection regulations pursuant to this section was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator.

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.

12. Every public authority that operates a cashless tolling facility shall develop policies and procedures for the establishment on a case-by-case basis of a written payment plan agreement for an owner's unpaid tolls and administrative violation fees incurred at a cashless tolling facility, subject to the availability of sufficient resources for the public authority to administer such payment plans. Information related to payment plans shall be made available upon the owner's request to the public authority's customer service center. The public

authority shall not charge any additional amount or fee for enrollment in a payment plan agreement. Owners shall fully comply with all payment plan agreement terms and conditions and shall be subject to payment plan agreement default provisions.

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.

14. A public authority that operates a cashless tolling facility, including the officers, employees, contractors and agents of such public authority, shall not report to a consumer reporting agency, as defined in 15 U.S.C. § 1681a, any toll, fee, penalty or other obligation incurred by an owner related to use of a cashless tolling facility.

15. Nothing in this section shall prohibit a public authority from collecting any toll or fee in the event that an owner does not properly register a vehicle pursuant to the laws, rules and regulations of this state, or any other state, territory, district, province, nation or other jurisdiction.

16. Nothing in this section shall require a public authority to perform any action or forbear from performing any action that would in the public authority's sole discretion impair any covenant with the holders of any of the public authority's bonds, notes or other obligations.

* NB Effective provided that the state of New Jersey has enacted legislation having an identical effect (see chapter 56 of 2024, Part WW Subpart B)