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SYNOPSIS
Prohibits PANYNJ from imposing cargo facility charge in certain instances.

CURRENT VERSION OF TEXT
As reported by the Senate Transportation Committee on June 13, 2013, with amendments.

(Sponsorship Updated As Of: 1/14/2014)
AN ACT concerning cargo facility charges by the Port Authority of
New York and New Jersey and supplementing Title 32 of the
Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. As used in P.L. , c. (C. ) (pending before the
Legislature as this bill):
   “Bill of lading” means a document evidencing the receipt of
goods for shipment issued by a person engaged in the business of
transporting or forwarding goods.
   “Cargo facility charge” means any fee applicable to cargo and
cargo containers discharged from, or loaded onto, vessels at any
marine facility owned or operated by the port authority.
   “Carrier” means a carrier as that term is defined in 49 U.S.C.
s.13102. ¹
   “Container” means any receptacle, box, carton, or crate which is
specifically designed and constructed so that it may be repeatedly
used for the carriage of freight by an ocean common carrier.
   “Marine terminal operator” means any person, corporation,
partnership, or any business organization which shall operate and
maintain any of the marine terminals established, acquired,
constructed, rehabilitated, or improved by the port authority by
means of and through leasing agreements entered into by any such
person, corporation, partnership, or any business organization with
the port authority.
   “Ocean common carrier” means an ocean common carrier as that
term is defined in 46 U.S.C. s.40102.
   “Rail carrier” means a rail carrier as that term is defined in 49
U.S.C. s.10102.¹
   “Tariff” means a marine terminal operator schedule as that term
is defined in 46 C.F.R. 525.2.
   “User” means:
   a. any person, company, or other entity that is named as the
shipper or consignee on the ocean common carrier bill of lading
issued for export or import cargo, or any person owning or entitled
to the possession, or having a past or future interest in, the export or
import cargo;
   b. in the case of negotiable bills of lading, any other person,
company, or other entity that is a bona fide holder of the bill of
lading or who is entitled to receive delivery of export cargo or
import cargo; or
   c. any other bailor of export or import cargo.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
¹Senate STR committee amendments adopted June 13, 2013.
2. Notwithstanding any law, rule, regulation, or existing tariff to the contrary, the port authority shall not assess a user, ocean common carrier, marine terminal operator, carrier, or rail carrier a cargo facility charge on import and export cargo leaving any marine facility owned or operated by the port authority, except that the port authority may assess a user, ocean common carrier, marine terminal operator, carrier, or rail carrier a cargo facility charge upon written mutual agreement between the user, ocean common carrier, marine terminal operator, carrier, or rail carrier and the port authority.

3. This act shall take effect immediately, but shall remain inoperative until the enactment into law of legislation substantially similar to P.L. , c. (pending before the Legislature as this bill) by the State of New York, but if such legislation shall have been enacted prior to the enactment of this act, this act shall take effect immediately.