

CHAPTER 216

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:

C.32:23-226 Definitions relative to cargo facility charges.

1. As used in P.L.2013, c.216 (C.32:23-226 et seq.):

“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.

“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.

“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.

C.32:23-227 Cargo facility charges not assessed, certain circumstances.

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.

C.32:23-228 Effective date.

3. This act shall take effect immediately, but shall remain inoperative until the enactment into law of legislation substantially similar to P.L.2013, c.216 (C.32:23-226 et seq.) 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.

Approved January 17, 2014.