

6564

2009-2010 Regular Sessions

I N A S S E M B L Y

March 6, 2009

Introduced by M. of A. ZEBROWSKI, JAFFEE -- read once and referred to the Committee on Local Governments

AN ACT to amend the county law, in relation to authorizing the county of Rockland to establish a surcharge on wireless communications

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The county law is amended by adding a new section 308-w to  
2 read as follows:

3 S 308-W. ESTABLISHMENT OF WIRELESS SURCHARGES FOR THE COUNTY OF ROCK-  
4 LAND. 1. NOTWITHSTANDING THE PROVISIONS OF ANY LAW TO THE CONTRARY, THE  
5 COUNTY OF ROCKLAND, ACTING THROUGH ITS LEGISLATIVE BODY, IS HEREBY  
6 AUTHORIZED AND EMPOWERED TO ADOPT, AMEND OR REPEAL LOCAL LAWS TO IMPOSE  
7 A SURCHARGE IN AN AMOUNT NOT TO EXCEED THIRTY CENTS PER MONTH ON WIRE-  
8 LESS COMMUNICATIONS SERVICE IN THE COUNTY OF ROCKLAND. THE SURCHARGE  
9 SHALL BE IMPOSED ON EACH WIRELESS COMMUNICATIONS DEVICE AND SHALL BE  
10 REFLECTED AND MADE PAYABLE ON BILLS RENDERED FOR WIRELESS COMMUNICATIONS  
11 SERVICE THAT IS PROVIDED TO A CUSTOMER WHOSE PLACE OF PRIMARY USE IS  
12 WITHIN THE COUNTY. FOR PURPOSES OF THIS SECTION, THE TERM "PLACE OF  
13 PRIMARY USE" SHALL MEAN THE STREET ADDRESS THAT IS REPRESENTATIVE OF  
14 WHERE THE CUSTOMER'S USE OF THE WIRELESS COMMUNICATIONS SERVICE PRIMARI-  
15 LY OCCURS, WHICH ADDRESS MUST BE: (A) RESIDENTIAL STREET ADDRESS OR THE  
16 PRIMARY BUSINESS STREET ADDRESS OF THE CUSTOMER; AND

17 (B) WITHIN THE LICENSED SERVICE AREA OF THE WIRELESS COMMUNICATIONS  
18 SERVICE SUPPLIER.

19 ALL SURCHARGE MONIES REMITTED TO THE COUNTY OF ROCKLAND SHALL BE USED  
20 TO PAY FOR COSTS ASSOCIATED WITH THE DESIGN, CONSTRUCTION, OPERATION,  
21 MAINTENANCE, AND ADMINISTRATION OF PUBLIC SAFETY COMMUNICATIONS NETWORKS  
22 SERVING SUCH COUNTY.

23 2. ANY LOCAL LAW ADOPTED PURSUANT TO THIS SECTION SHALL STATE THE  
24 AMOUNT OF THE SURCHARGE AND THE DATE ON WHICH THE WIRELESS COMMUNI-  
25 CATIONS SERVICE SUPPLIER SHALL BEGIN TO ADD SUCH SURCHARGE TO THE BILL-

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

LBD07516-02-9

1 INGS OF ITS CUSTOMERS. ANY WIRELESS COMMUNICATIONS SERVICE SUPPLIER  
2 WITHIN THE COUNTY OF ROCKLAND WHICH HAS IMPOSED A SURCHARGE PURSUANT TO  
3 THE PROVISIONS OF THIS SECTION SHALL BE GIVEN A MINIMUM OF FORTY-FIVE  
4 DAYS WRITTEN NOTICE PRIOR TO THE DATE IT SHALL BEGIN TO ADD SUCH  
5 SURCHARGE TO THE BILLINGS OF ITS CUSTOMERS OR PRIOR TO ANY MODIFICATION  
6 TO OR CHANGE IN THE SURCHARGE AMOUNT.

7 3. (A) EACH WIRELESS COMMUNICATIONS SERVICE SUPPLIER SERVING THE COUN-  
8 TY OF ROCKLAND SHALL ACT AS COLLECTION AGENT FOR THE COUNTY AND SHALL  
9 REMIT THE FUNDS COLLECTED PURSUANT TO A SURCHARGE IMPOSED UNDER THE  
10 PROVISIONS OF THIS SECTION TO THE CHIEF FISCAL OFFICER OF THE COUNTY OF  
11 ROCKLAND EVERY MONTH. SUCH FUNDS SHALL BE REMITTED NO LATER THAN THIRTY  
12 DAYS AFTER THE LAST BUSINESS DAY OF THE MONTH.

13 (B) EACH WIRELESS COMMUNICATIONS SERVICE SUPPLIER SHALL BE ENTITLED TO  
14 RETAIN, AS AN ADMINISTRATIVE FEE, AN AMOUNT EQUAL TO TWO PERCENT OF ITS  
15 COLLECTIONS OF A SURCHARGE IMPOSED UNDER THE PROVISIONS OF THIS SECTION.

16 (C) ANY SURCHARGE REQUIRED TO BE COLLECTED BY A WIRELESS COMMUNI-  
17 CATIONS SERVICE SUPPLIER SHALL BE ADDED TO AND STATED SEPARATELY IN ITS  
18 BILLINGS TO CUSTOMERS.

19 (D) EACH WIRELESS COMMUNICATIONS SERVICE CUSTOMER WHO IS SUBJECT TO  
20 THE PROVISIONS OF THIS SECTION SHALL BE LIABLE TO SUCH COUNTY FOR THE  
21 SURCHARGE UNTIL IT HAS BEEN PAID TO THE COUNTY OF ROCKLAND EXCEPT THAT  
22 PAYMENT TO A WIRELESS COMMUNICATIONS SERVICE SUPPLIER IS SUFFICIENT TO  
23 RELIEVE THE CUSTOMER FROM FURTHER LIABILITY FOR SUCH SURCHARGE.

24 (E) NO WIRELESS COMMUNICATIONS SERVICE SUPPLIER SHALL HAVE A LEGAL  
25 OBLIGATION TO ENFORCE THE COLLECTION OF ANY SURCHARGE IMPOSED UNDER THE  
26 PROVISIONS OF THIS SECTION; PROVIDED, HOWEVER, THAT WHENEVER THE WIRE-  
27 LESS COMMUNICATIONS SERVICE SUPPLIER REMITS THE FUNDS COLLECTED TO THE  
28 COUNTY OF ROCKLAND, IT SHALL ALSO PROVIDE THE COUNTY OF ROCKLAND WITH  
29 THE NAME AND ADDRESS OF ANY CUSTOMER REFUSING OR FAILING TO PAY A  
30 SURCHARGE IMPOSED UNDER THE PROVISIONS OF THIS SECTION AND SHALL STATE  
31 THE AMOUNT OF SUCH SURCHARGE REMAINING UNPAID.

32 (F) EACH WIRELESS COMMUNICATIONS SERVICE SUPPLIER SHALL ANNUALLY  
33 PROVIDE TO THE COUNTY OF ROCKLAND AN ACCOUNT OF THE SURCHARGE AMOUNTS  
34 BILLED AND COLLECTED.

35 4. ALL SURCHARGE MONIES REMITTED TO THE COUNTY OF ROCKLAND BY A WIRE-  
36 LESS COMMUNICATIONS SERVICE SUPPLIER SHALL BE EXPENDED ONLY UPON AUTHOR-  
37 IZATION OF THE LEGISLATIVE BODY AND ONLY FOR PAYMENT OF SYSTEM COSTS OR  
38 OTHER COSTS ASSOCIATED WITH THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE,  
39 AND ADMINISTRATION OF PUBLIC SAFETY COMMUNICATIONS NETWORKS SERVING  
40 SUCH COUNTY. THE COUNTY OF ROCKLAND SHALL SEPARATELY ACCOUNT FOR AND  
41 KEEP ADEQUATE BOOKS AND RECORDS OF THE AMOUNT AND SOURCE OF ALL SUCH  
42 MONIES AND OF THE AMOUNT AND OBJECT OR PURPOSE OF ALL EXPENDITURES THEREOF.  
43 IF, AT THE END OF ANY FISCAL YEAR, THE TOTAL AMOUNT OF ALL SUCH  
44 MONIES EXCEEDS THE AMOUNT NECESSARY FOR PAYMENT OF THE ABOVE MENTIONED  
45 COSTS IN SUCH FISCAL YEAR, SUCH EXCESS SHALL BE RESERVED AND CARRIED  
46 OVER FOR THE PAYMENT OF THOSE COSTS IN THE FOLLOWING FISCAL YEAR.

47 S 2. This act shall take effect immediately.