S T A T E O F N E W Y O R K

2730

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. SWEENEY, WEISENBERG, MAGEE, CLARK, ESPAILLAT, KOON, GUNTHER -- Multi-Sponsored by -- M. of A. AUBRY, BENJAMIN, BRENNAN, COLTON, CYMBROWITZ, DelMONTE, DESTITO, GALEF, GREENE, HOOPER, JACOBS, JOHN, LIFTON, MAGNARELLI, McENENY, PAULIN, PERRY, PHEFFER, P. RIVERA, ROBINSON, SEMINERIO, TOWNS -- read once and referred to the Committee on Local Governments

AN ACT to amend the county law, in relation to the imposition of local wireless surcharges

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

Section 1. Section 308-a of the county law, as added by section 1 of part F of chapter 93 of the laws of 2002, is renumbered section 334-a.

S 2. Section 308-a of the county law, as added by chapter 276 of the laws of 2002, is renumbered section 334-b.

S 3. Section 308-a of the county law, as added by chapter 386 of the laws of 2002, is renumbered section 334-c.

S 4. Section 308-a of the county law, as added by chapter 387 of the laws of 2002, is renumbered section 334-d.

S 5. Section 308-a of the county law, as added by chapter 388 of the laws of 2002, is renumbered section 334-e.

S 6. Section 308-a of the county law, as added by chapter 389 of the laws of 2002, is renumbered section 334-f.

S 7. Section 308-a of the county law, as added by chapter 390 of the laws of 2002, is renumbered section 334-g.

S 8. Section 308-a of the county law, as added by chapter 391 of the laws of 2002, is renumbered section 334-h.

S 9. Section 308-a of the county law, as added by chapter 392 of the laws of 2002, is renumbered section 334-i.

S 10. Section 308-a of the county law, as added by chapter 393 of the laws of 2002, is renumbered section 334-j.

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

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S 11. Section 308-a of the county law, as added by chapter 394 of the laws of 2002, is renumbered section 334-k.

S 12. Section 308-a of the county law, as added by chapter 395 of the laws of 2002, is renumbered section 334-l.

S 13. Section 308-a of the county law, as added by chapter 396 of the laws of 2002, is renumbered section 334-m.

S 14. Section 308-a of the county law, as added by chapter 397 of the laws of 2002, is renumbered section 334-n.

S 15. Section 308-a of the county law, as added by chapter 398 of the laws of 2002, is renumbered section 334-o.

S 16. Section 308-a of the county law, as added by chapter 399 of the laws of 2002, is renumbered section 334-p.

S 17. Section 308-a of the county law, as added by chapter 400 of the laws of 2002, is renumbered section 334-q.

S 18. Section 308-a of the county law, as added by chapter 424 of the laws of 2002, is renumbered section 334-r.

S 19. Section 308-a of the county law, as added by chapter 489 of the laws of 2002, is renumbered section 334-s.

S 20. Section 308-b of the county law, as added by chapter 586 of the laws of 2003, is renumbered section 334-t.

S 21. Section 308-b of the county law, as added by chapter 191 of the laws of 2004, is renumbered section 334-u.

S 22. Section 308-c of the county law is renumbered section 334-v.

S 23. Section 308-d of the county law is renumbered section 334-w.

S 24. Section 308-e of the county law is renumbered section 334-x.

S 25. Section 308-f of the county law is renumbered section 334-y.

S 26. Section 308-g of the county law is renumbered section 334-z.

S 27. Section 308-k of the county law is renumbered section 334-aa.

S 28. Section 308-l of the county law is renumbered section 334-bb.

S 29. Section 308-m of the county law is renumbered section 334-cc.

S 30. Section 308-n of the county law is renumbered section 334-dd.

S 31. Section 308-p of the county law, as added by chapter 217 of the laws of 2003, is renumbered section 334-ee.

S 32. Section 308-p of the county law, as added by chapter 159 of the laws of 2004, is renumbered section 334-ff.

S 33. Section 308-q of the county law, as added by chapter 174 of the laws of 2004, is renumbered section 334-gg.

S 34. Section 308-q of the county law, as added by chapter 202 of the laws of 2004, is renumbered section 334-hh.

S 35. Section 308-q of the county law, as added by chapter 541 of the laws of 2004, is renumbered section 334-ii.

S 36. Section 308-r of the county law is renumbered section 334-jj.

S 37. Section 308-s of the county law, as added by chapter 115 of the laws of 2005, is renumbered section 334-kk.

S 38. Section 308-s of the county law, as added by chapter 117 of the laws of 2005, is renumbered section 334-ll.

S 39. Section 308-t of the county law, as added by chapter 87 of the laws of 2006, is renumbered section 334-mm.

S 40. Section 308-t of the county law, as added by chapter 92 of the laws of 2006, is renumbered section 334-nn.

S 41. Section 309 of the county law is renumbered section 334-oo.

S 42. Sections 334-a, 334-b, 334-c, 334-d, 334-e, 334-f, 334-g, 334-h, 334-i, 334-j, 334-k, 334-l, 334-m, 334-n, 334-o, 334-p, 334-q, 334-r, 334-s, 334-t, 334-u, 334-v, 334-w, 334-x, 334-y, 334-z, 334-aa, 334-bb, 334-cc, 334-dd, 334-ee, 334-ff, 334-gg, 334-hh, 334-ii, 334-jj, 334-kk,

334-ll, 334-mm, 334-nn and 334-oo of the county law are designated article 6-B.

S 43. Article 6-B of the county law, as designated by section forty-two of this act, is amended by adding a new article heading and a new section 334 to read as follows:

WIRELESS COMMUNICATIONS SERVICE SURCHARGES

S 334. GENERAL PROVISIONS. UPON RECEIVING NOTIFICATION THAT A WIRELESS COMMUNICATIONS SERVICE CUSTOMER HAS CHANGED HIS OR HER BILLING ADDRESS, THE WIRELESS COMMUNICATIONS SERVICE SUPPLIER SHALL INQUIRE WHETHER THE CUSTOMER'S PLACE OF PRIMARY USE HAS CHANGED. IN THE EVENT THAT SUCH CUSTOMER HAS A NEW PLACE OF PRIMARY USE IN A COUNTY THAT DOES NOT IMPOSE A LOCAL WIRELESS SURCHARGE, THE WIRELESS COMMUNICATIONS SERVICE SUPPLIER SHALL UPDATE THE CUSTOMER'S RECORDS TO REFLECT ANY NEW PLACE OF PRIMARY USE AND REMOVE THE WIRELESS COMMUNICATIONS SURCHARGE WITHIN FORTY-FIVE DAYS. THE WIRELESS COMMUNICATIONS SERVICE SUPPLIER SHALL ALSO REFUND ANY MONIES PAID BY THE CUSTOMER FOR LOCAL WIRELESS SURCHARGES AFTER RECEIVING NOTIFICATION THAT THE CUSTOMER'S PLACE OF PRIMARY USE HAS BECOME LOCATED IN A COUNTY THAT DOES NOT IMPOSE A LOCAL WIRELESS SURCHARGE.

S 44. The opening paragraph of section 301 of the county law, as amended by chapter 757 of the laws of 1989, is amended to read as follows:

When used in this article AND ARTICLE SIX-B OF THIS CHAPTER, the following words and phrases shall have the following meanings unless the specific context clearly indicates otherwise:

S 45. This act shall take effect immediately, provided, however, that for changes in the place of primary use and any applicable refunds, the wireless communications service supplier shall have 90 days from the effective date of this act to correct its records and refund any monies paid by the customer for local wireless surcharges after receiving notification that the customer's place of primary use has become located in a county that does not impose a local wireless surcharge.