

9876

I N A S S E M B L Y

February 5, 2010

Introduced by M. of A. RUSSELL -- Multi-Sponsored by -- M. of A. SCOZZA-FAVA -- read once and referred to the Committee on Local Governments

AN ACT to amend the county law, in relation to establishing a wireless surcharge for St. Lawrence county

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-y to
2 read as follows:

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

19 2. ANY LOCAL LAW ADOPTED PURSUANT TO THIS SECTION SHALL STATE THE
20 AMOUNT OF THE SURCHARGE AND THE DATE ON WHICH THE WIRELESS COMMUNI-
21 CATIONS SERVICE SUPPLIER SHALL BEGIN TO ADD SUCH SURCHARGE TO THE BILL-
22 INGS OF ITS CUSTOMERS. ANY WIRELESS COMMUNICATIONS SERVICE SUPPLIER
23 WITHIN THE COUNTY OF ST. LAWRENCE WHICH HAS IMPOSED A SURCHARGE PURSUANT
24 TO THE PROVISIONS OF THIS SECTION SHALL BE GIVEN A MINIMUM OF FORTY-FIVE
25 DAYS WRITTEN NOTICE PRIOR TO THE DATE IT SHALL BEGIN TO ADD SUCH
26 SURCHARGE TO THE BILLINGS OF ITS CUSTOMERS OR PRIOR TO ANY MODIFICATION
27 TO OR CHANGE IN THE SURCHARGE AMOUNT.

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

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1 3. (A) EACH WIRELESS COMMUNICATIONS SERVICE SUPPLIER SERVING THE COUN-
2 TY OF ST. LAWRENCE SHALL ACT AS COLLECTION AGENT FOR THE COUNTY AND
3 SHALL REMIT THE FUNDS COLLECTED PURSUANT TO A SURCHARGE IMPOSED UNDER
4 THE PROVISIONS OF THIS SECTION TO THE CHIEF FISCAL OFFICER OF THE COUNTY
5 OF ST. LAWRENCE EVERY MONTH. SUCH FUNDS SHALL BE REMITTED NO LATER THAN
6 THIRTY DAYS AFTER THE LAST BUSINESS DAY OF THE MONTH.

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

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

13 (D) EACH WIRELESS COMMUNICATIONS SERVICE CUSTOMER WHO IS SUBJECT TO
14 THE PROVISIONS OF THIS SECTION SHALL BE LIABLE TO THE COUNTY OF ST.
15 LAWRENCE FOR THE SURCHARGE UNTIL IT HAS BEEN PAID TO THE COUNTY OF ST.
16 LAWRENCE EXCEPT THAT PAYMENT TO A WIRELESS COMMUNICATIONS SERVICE
17 SUPPLIER IS SUFFICIENT TO RELIEVE THE CUSTOMER FROM FURTHER LIABILITY
18 FOR SUCH SURCHARGE.

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

27 (F) EACH WIRELESS COMMUNICATIONS SERVICE SUPPLIER SHALL ANNUALLY
28 PROVIDE TO THE COUNTY OF ST. LAWRENCE AN ACCOUNTING OF THE SURCHARGE
29 AMOUNTS BILLED AND COLLECTED.

30 4. ALL SURCHARGE MONIES REMITTED TO THE COUNTY OF ST. LAWRENCE BY A
31 WIRELESS COMMUNICATIONS SERVICE SUPPLIER SHALL BE EXPENDED ONLY UPON
32 AUTHORIZATION OF THE LOCAL COUNTY LEGISLATIVE BODY AND ONLY FOR PAYMENT
33 OF ELIGIBLE WIRELESS 911 SERVICE COSTS AS DEFINED IN SUBDIVISION SIXTEEN
34 OF SECTION THREE HUNDRED TWENTY-FIVE OF THIS CHAPTER. THE COUNTY OF ST.
35 LAWRENCE SHALL SEPARATELY ACCOUNT FOR AND KEEP ADEQUATE BOOKS AND
36 RECORDS OF THE AMOUNT AND SOURCE OF ALL SUCH MONIES AND OF THE AMOUNT
37 AND OBJECT OR PURPOSE OF ALL EXPENDITURES THEREOF. IF, AT THE END OF ANY
38 FISCAL YEAR, THE TOTAL AMOUNT OF ALL SUCH MONIES EXCEEDS THE AMOUNT
39 NECESSARY FOR PAYMENT OF THE ABOVE MENTIONED COSTS IN SUCH FISCAL YEAR,
40 SUCH EXCESS SHALL BE RESERVED AND CARRIED OVER FOR THE PAYMENT OF THOSE
41 COSTS IN THE FOLLOWING FISCAL YEAR.

42 S 2. This act shall take effect immediately.