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

5346

2011-2012 Regular Sessions

I N S E N A T E

May 10, 2011

Introduced by Sen. VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the county law, in relation to the wireless surcharge for the county of Madison, and in relation to communication service surcharges applied to Madison county and providing for the repeal of certain provisions upon the expiration thereof

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

Section 1. Subdivision 1 of section 308-b of the county law, as added by chapter 191 of the laws of 2004, is amended to read as follows:

1. Notwithstanding the provisions of any law to the contrary, the county of Madison acting through its local county legislative body, is hereby authorized and empowered to adopt, amend or repeal local laws to impose a surcharge in an amount not to exceed [thirty cents] ONE DOLLAR per month on wireless communications service in the county of Madison. The surcharge shall be imposed on each wireless communications device and shall be reflected and made payable on bills rendered for wireless communications service that is provided to a customer whose place of primary use is within the county. For purposes of this section, the term "place of primary use" shall mean the street address that is representative of where the customer's use of the wireless communications service primarily occurs, which address must be: (a) residential street address or the primary business street address of the customer; and (b) within the licensed service area of the wireless communications service supplier.

S 2. The county law is amended by adding a new section 336 to read as follows:

S 336. COUNTY OF MADISON ENHANCED 911 EMERGENCY TELEPHONE SYSTEM. 1. NOTWITHSTANDING THE PROVISIONS OF ANY LAW TO THE CONTRARY, THE COUNTY OF MADISON ACTING THROUGH ITS LOCAL COUNTY LEGISLATIVE BODY, IS HEREBY AUTHORIZED AND EMPOWERED TO ADOPT, AMEND OR REPEAL LOCAL LAWS TO IMPOSE

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

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A SURCHARGE, IN ADDITION TO THE SURCHARGE ESTABLISHED AND IMPOSED UNDER SECTION THREE HUNDRED THREE OF THIS CHAPTER, IN AN AMOUNT NOT TO EXCEED SIXTY-FIVE CENTS PER ACCESS LINE PER MONTH ON THE CUSTOMERS OF EVERY SERVICE SUPPLIER WITHIN SUCH MUNICIPALITY TO PAY FOR THE COSTS ASSOCIATED WITH OBTAINING, OPERATING AND MAINTAINING THE TELECOMMUNICATION EQUIPMENT AND TELEPHONE SERVICES NEEDED TO PROVIDE AN ENHANCED 911 (E911) EMERGENCY TELEPHONE SYSTEM TO SERVE SUCH COUNTY.

2. ANY SUCH LOCAL LAW SHALL STATE THE AMOUNT OF THE SURCHARGE, THE DATE ON WHICH THE SERVICE SUPPLIER SHALL BEGIN TO ADD SUCH SURCHARGE TO THE BILLINGS OF ITS CUSTOMERS AND, TO THE EXTENT PRACTICABLE, THE DATE ON WHICH SUCH E911 SERVICE IS TO BEGIN. SUCH LOCAL LAW MAY AUTHORIZE THE SERVICE SUPPLIER TO BEGIN BILLING ITS CUSTOMERS FOR SUCH SURCHARGE PRIOR TO THE DATE THE E911 SYSTEM SERVICE IS TO BEGIN.

3. ANY SERVICE SUPPLIER WITHIN A MUNICIPALITY WHICH HAS IMPOSED A SURCHARGE PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL BE GIVEN A MINIMUM OF FORTY-FIVE DAYS WRITTEN NOTICE PRIOR TO THE DATE IT SHALL BEGIN TO ADD SUCH SURCHARGE TO THE BILLINGS OF ITS CUSTOMERS OR PRIOR TO ANY MODIFICATION TO OR CHANGE IN THE SURCHARGE AMOUNT.

4. THE SURCHARGE ESTABLISHED PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL BE IMPOSED ON A PER ACCESS LINE BASIS ON ALL CURRENT BILLS RENDERED FOR LOCAL EXCHANGE ACCESS SERVICE WITHIN THE 911 SERVICE AREA.

5. NO SUCH SURCHARGE SHALL BE IMPOSED UPON MORE THAN SEVENTY-FIVE EXCHANGE ACCESS LINES PER CUSTOMER PER LOCATION.

6. LIFELINE CUSTOMERS, A PUBLIC SAFETY AGENCY AND ANY MUNICIPALITY WHICH HAS ENACTED A LOCAL LAW PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL BE EXEMPT FROM ANY SURCHARGE IMPOSED UNDER THIS SECTION.

S 3. This act shall take effect immediately, provided, however that:

(a) section two of this act shall expire and be deemed repealed 10 years after such date;

(b) the provisions of subdivision 1 of section 336 of the county law as added by section two of this act shall apply to bills rendered to communications service customers by a communications service supplier on and after the expiration of the notice period required pursuant to the provisions of subdivision three of such section; and

(c) a service supplier may treat the address used by such supplier for any communications customer under a service contract or agreement in effect on the effective date of the local law imposing such surcharge, as that communications customer's place of primary use for the remaining term of such service contract or agreement, excluding any extension or renewal of such service contract or agreement, for purposes of determining the taxing jurisdiction with respect to taxes on communications service.