

4167

2013-2014 Regular Sessions

I N   S E N A T E

March 12, 2013

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Introduced by Sen. SEWARD -- 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 wireless communication surcharges in the county of Cortland

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

1     Section 1. Subdivision 1 of section 308-a of the county law, as added  
2     by chapter 387 of the laws of 2002, is amended to read as follows:  
3     1. Notwithstanding the provisions of any law to the contrary, the  
4     county of Cortland, acting through its county legislature, is hereby  
5     authorized and empowered to adopt, amend or repeal local laws to impose  
6     a surcharge in an amount not to exceed [thirty cents] ONE DOLLAR per  
7     month on wireless communications service in the county of Cortland. The  
8     surcharge shall be imposed on each wireless communications device and  
9     shall be reflected and made payable on bills rendered for wireless  
10    communications service that is provided to a customer whose place of  
11    primary use is within the county. For purposes of this section, the term  
12    "place of primary use" shall mean the street address that is represen-  
13    tative of where the customer's use of the wireless communications  
14    service primarily occurs, which address must be: (a) residential street  
15    address or the primary business street address of the customer; and (b)  
16    within the licensed service area of the wireless communications service  
17    supplier.  
18    S 2. This act shall take effect immediately; provided, however, that  
19    the provisions of subdivision 1 of section 308-a of the county law, as  
20    amended by section one of this act shall apply to bills rendered to  
21    wireless communications service customers by a wireless communications  
22    service supplier on and after the expiration of the notice period  
23    required pursuant to the provisions of subdivision 2 of such section  
24    308-a of the county law; provided further, that a wireless service  
25    supplier may treat the address used by such supplier for any wireless

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

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1 communications customer under a service contract or agreement in effect  
2 on the effective date of the local law imposing such surcharge, as that  
3 wireless communications customer's place of primary use for the remain-  
4 ing term of such service contract or agreement, excluding any extension  
5 or renewal of such service contract or or agreement, for purposes of  
6 determining the taxing jurisdiction with respect to taxes on wireless  
7 communications service.