

4167

2013-2014 Regular Sessions

I N S E N A T E

March 12, 2013

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.

LBD02409-01-3

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.