

# STATE OF NEW YORK

5698--A

2019-2020 Regular Sessions

## IN SENATE

May 13, 2019

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the county law and the tax law, in relation to communications service surcharges applied to Madison county; and providing for the repeal of such provisions upon expiration thereof

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 336 to  
2 read as follows:

3 § 336. County of Madison enhanced 911 emergency telephone system. 1.  
4 Notwithstanding the provisions of any law to the contrary, the county of  
5 Madison acting through its local county legislative body, is hereby  
6 authorized and empowered to adopt, amend or repeal local laws to impose  
7 a surcharge, in addition to the surcharge established and imposed under  
8 section three hundred three of this chapter, in an amount not to exceed  
9 sixty-five cents per access line per month on the customers of every  
10 service supplier within such municipality to pay for the costs associ-  
11 ated with obtaining, operating and maintaining the telecommunication  
12 equipment and telephone services needed to provide an enhanced 911  
13 (E911) emergency telephone system to serve such county.

14 2. Any such local law shall state the amount of the surcharge, the  
15 date on which the service supplier shall begin to add such surcharge to  
16 the billings of its customers and, to the extent practicable, the date  
17 on which such E911 service is to begin. Such local law may authorize the  
18 service supplier to begin billing its customers for such surcharge prior  
19 to the date the E911 system service is to begin.

20 3. Any service supplier within a municipality which has imposed a  
21 surcharge pursuant to the provisions of this section shall be given a  
22 minimum of forty-five days written notice prior to the date it shall

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

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1 begin to add such surcharge to the billings of its customers or prior to  
2 any modification to or change in the surcharge amount.

3 4. The surcharge established pursuant to the provisions of this  
4 section shall be imposed on a per access line basis on all current bills  
5 rendered for local exchange access service within the 911 service area.

6 5. No such surcharge shall be imposed upon more than seventy-five  
7 exchange access lines per customer per location.

8 6. Lifeline customers, a public safety agency and any municipality  
9 which has enacted a local law pursuant to the provisions of this section  
10 shall be exempt from any surcharge imposed under this section.

11 § 2. Paragraphs (b) and (c) of subdivision 2 of section 186-g of the  
12 tax law, as added by section 3 of part EEE of chapter 59 of the laws of  
13 2017, are amended to read as follows:

14 (b) Such surcharge on wireless communications service provided to a  
15 wireless communications customer with a place of primary use in a city  
16 or county authorized to impose the surcharge by this subdivision shall  
17 be imposed at the rate of thirty cents per month on each wireless commu-  
18 nications device in service during any part of the month; provided,  
19 however, that the county of Madison may impose an additional surcharge  
20 at the rate of sixty-five cents per month. The surcharge must be  
21 reflected and made payable on bills rendered to the wireless communi-  
22 cations customer for wireless communications service.

23 (c) Such surcharge on the retail sale of each prepaid wireless commu-  
24 nications service, whether or not any tangible personal property is sold  
25 therewith, shall be imposed at the rate of thirty cents per retail sale  
26 within a city or county authorized to impose the surcharge by this  
27 subdivision; provided, however, that the county of Madison may impose an  
28 additional surcharge at the rate of sixty-five cents per retail sale. A  
29 sale of a prepaid wireless communications service occurs in such city or  
30 county if the sale takes place at a seller's business location in such  
31 city or county. If the sale does not take place at the seller's place of  
32 business, it shall be conclusively determined to take place at the  
33 purchaser's shipping address in such city or county or, if there is no  
34 item shipped, at the purchaser's billing address in such city or county,  
35 or, if the seller does not have that address, at such address that  
36 reasonably reflects the customer's location at the time of the sale of  
37 the prepaid wireless communications service.

38 § 3. This act shall take effect immediately and shall expire and be  
39 deemed repealed 10 years after such date.