§ 160-jj. Assessment of fund members; customer surcharges; audit powers of the fund, the board and the fund's insurer. 1. To pay (a) the costs of the insurance purchased pursuant to subdivision three of section one hundred sixty-ii of this article or (b) the benefits due under the workers' compensation law in the event the fund self-insures pursuant to subdivision two of section one hundred sixty-ii of this article, and to pay (c) its expenses in carrying out its powers and duties under this article and (d) its liabilities, if any, pursuant to section fourteen-a of the workers' compensation law, the fund shall ascertain by reasonable estimate the total funding necessary to carry on its operations.

2. Based upon its estimation of operating costs, the fund shall establish a proposed uniform percentage surcharge to be added to (a) the invoices or billings for covered services sent to the customers of the fund's members by a member or its agent and (b) the credit payments for covered services received by a member or its agent. The proposed surcharge shall become effective thirty days after being filed with the department. Notwithstanding the foregoing, beginning on the first day of the first calendar month that shall commence at least seventy-five days after the effective date of this article, and until the fund shall have filed with the department a different surcharge amount, a three percent surcharge shall be added to every invoice or billing for covered services sent by a member or its agent to, and every credit payment for covered services received by a member or its agent from, the customers of the fund's members. Each member of the fund shall be liable for payment to the fund of an amount equal to the product of (i) the percentages surcharge due pursuant to this article, divided by one hundred and (ii) all payments received by the member or its agent for covered services from the member's customers, as provided in this subdivision, regardless of whether the surcharge was billed or charged.

3. No local licensing authority or the department or the New York state department of motor vehicles shall issue, continue or renew any license or registration certificate, or permit for the operation of any central dispatch facility unless such central dispatch facility, as a condition of maintaining its license and/or registration certificate,

adds the surcharge required by this section to every invoice and billing for covered services sent to, and every credit payment for covered services received from, its customers and pays to the fund no later than the fifteenth day of each month the total surcharges due pursuant to this article.

4. Each central dispatch facility shall submit to the fund with its monthly payment a detailed accounting of the charge and surcharge amounts charged to and received from customers for covered services during the previous month. The first such payment and accounting shall be due on the fifteenth day of the month following the imposition of the surcharge pursuant to subdivision two of this section.

5. Should the fund determine that the surcharge amounts that have been paid to it are inadequate to meet its obligations under this article, it shall determine the surcharge rate required to eliminate such deficiency and shall file such revised surcharge rate with the department in accordance with subdivision two of this section. Commencing thirty days after such filing, the members of the fund shall charge the revised surcharge rate and shall pay to the fund the total amount of surcharges in accordance with this article.

6. The fund shall have the power directly or through its agent to conduct financial audits of its members to verify their compliance with the requirements of this article. The fund or its agent shall be afforded convenient access at all reasonable hours to all books, records and other documents of its members that may be relevant to such audits.

7. For the purposes of conducting payroll audits, an insurer providing coverage to the fund pursuant to this article may treat the members of the fund as policyholders. Members of the fund shall be required to do all things required of employers pursuant to section one hundred thirty-one of the workers' compensation law, and shall be required to provide the board access to any and all records and information as otherwise required by the workers' compensation law and the regulations promulgated thereunder, and shall be liable as provided in the workers' compensation law for any failure so to do.