

By Legislators Ancello and Yolevich

Intro No. 359

LOCAL LAW NO. 3 OF 2014

LOCAL LAW ENTITLED "ESTABLISHMENT OF COUNTY OF MONROE WIRELESS SURCHARGE"

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Pursuant to the authority of Section 308-y of the County Law, the County of Monroe hereby imposes a surcharge of thirty cents per month on wireless communications service in the County of Monroe. 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 local law, 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) the 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. A wireless communications service supplier may treat the address used by such supplier for any wireless communications customer under a service contract or agreement in effect on September 29, 2014 as that 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 wireless communications service. Such surcharge shall be added by such wireless communications service suppliers to the billings of their customers as of November 17, 2014.

Section 2. Each wireless communications service supplier serving the County of Monroe shall act as collection agent for the county and shall remit the funds collected pursuant to this local law to the Director of Finance - Chief Financial Officer of the County of Monroe. Such funds shall be remitted no later than thirty (30) days after the last business day of the month. Each wireless communications service supplier shall be entitled to retain, as an administrative fee, an amount equal to two percent (2%) of its collections of the surcharge imposed by this local law. The surcharge required to be collected by such wireless communications service suppliers shall be added to and separately stated in their billings to customers.

Section 3. Each wireless communications service customer who is subject to the provisions of this local law shall be liable to the County of Monroe for the surcharge until it has been paid to the county, except that payment to a wireless communications service supplier is sufficient to relieve such customer from further liability for such surcharge.

Section 4. No wireless communications service supplier shall have a legal obligation to enforce the collection of any surcharge imposed by this local law; provided, however, that whenever the wireless communications service supplier remits the funds collected to the County of Monroe, it shall also provide the county with the name and address of any customer refusing or failing to pay a surcharge imposed by this local law and shall state the amount of such surcharge remaining unpaid.

Section 5. Each wireless communications service supplier shall annually provide to the County of Monroe an accounting of the surcharge amounts billed and collected.

Section 6. This local law shall take effect upon filing with the office of the Secretary of State of New York State.

Matter of Urgency
File No. 14-0262.LL

ADOPTION: Date: September 9, 2014 Vote: 26-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED: x VETOED: _____

SIGNATURE: Raye Anals DATE: 9/29/14

EFFECTIVE DATE OF LOCAL LAW: 9/29/14