

COUNTY OF ERIE
LOCAL LAW INTRO. NO. 2 - 2006
LOCAL LAW NO. 1 - 2006

A **LOCAL LAW** imposing a surcharge on wireless communications service in the County of Erie.

BE IT ENACTED by the Legislature of the County of Erie as follows:

Section 1 Pursuant to the authority of Section 308-t of the County Law, the County of Erie hereby imposes a surcharge of thirty cents per month on wireless communications service in the County of Erie. 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 March 29, 2006 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 May 15, 2006.

Section 2 Each wireless communications service supplier serving the County of Erie shall act as collection agent for the county and shall remit the funds collected pursuant this local law to the Chief Fiscal Officer of the County of Erie. 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 Erie for such 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 the surcharge imposed by this local law; provided, however, that whenever the wireless communications service supplier remits the funds collected to the County of Erie, it shall also provide the county with the name and address of any customer refusing or failing to pay the 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 Erie an accounting of the surcharge amounts billed and collected.

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

LYNN M. MARINELLI

BARRY A. WEINSTEIN