# Legislation Details (With Text)

| | | | | | |
|---|---|---|---|---|---|
| **File #:** | Int 0218-2002 | **Version:** | A | **Name:** | Surcharge on wireless communications service for the purpose of funding public safety communications networks. |
| **Type:** | Introduction | | | **Status:** | Enacted |
| | | | | **In control:** | Committee on Finance |
| **On agenda:** | 6/5/2002 | | | | |
| **Enactment date:** | 7/10/2002 | | | **Enactment #:** | 2002/015 |

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to a surcharge on wireless communications service for the purpose of funding public safety communications networks.

**Sponsors:** David I. Weprin, Bill De Blasio, Ruben Diaz, (by request of the Mayor)

**Indexes:**

**Attachments:** 1. Hearing Transcript, 2. Fiscal Impact Statement, 3. Local Law, 4. Hearing Transcript - Stated Meeting 6/21

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 6/5/2002 | * | City Council | Introduced by Council | |
| 6/5/2002 | * | City Council | Referred to Comm by Council | |
| 6/21/2002 | * | Committee on Finance | Hearing Held by Committee | |
| 6/21/2002 | * | Committee on Finance | Amendment Proposed by Comm | |
| 6/21/2002 | * | Committee on Finance | Amended by Committee | |
| 6/21/2002 | A | Committee on Finance | Approved by Committee | Pass |
| 6/21/2002 | A | City Council | Approved by Council | Pass |
| 6/21/2002 | A | City Council | Sent to Mayor by Council | |
| 7/10/2002 | A | Mayor | Hearing Held by Mayor | |
| 7/10/2002 | A | Mayor | Signed Into Law by Mayor | |
| 7/16/2002 | A | City Council | Recved from Mayor by Council | |

Int. No. 218-A

By Council Members Weprin, DeBlasio and Diaz (by request of the Mayor)

A Local Law to amend the administrative code of the city of New York, in relation to a surcharge on wireless communications service for the purpose of funding public safety communications networks.

Be it enacted by the Council as follows:

Section 1. Title 11 of the administrative code of the city of New York is amended by adding new chapter 23-B to read as follows:



powered by Legistar™

CHAPTER 23-B

WIRELESS COMMUNICATIONS SERVICE SURCHARGE

§ 11-2341 Short title. This chapter shall be known and may be cited as the "wireless communications service surcharge act."

§ 11-2342 Definitions.

(a) "Wireless communications device" means any equipment used to access a wireless communications service.

(b) "Wireless communications service" means all commercial mobile services, as that term is defined in section 332(d) of title 47, United States Code, as amended from time to time, including, but not limited to, all broadband personal communications services, wireless radio telephone services, geographic area specialized and enhanced specialized mobile radio services, and incumbent-wide area specialized mobile radio licensees, which offer real time, two-way voice or data service that is interconnected with the public switched telephone network or otherwise provides access to emergency communications services.

(c) "Wireless communications service supplier" means any commercial entity that operates a wireless communications service.

(d) "Place of primary use" means the street address that is representative of where the customer's use of the wireless communications service primarily occurs, which address must be either the residential street address or the primary business street address of the customer; and within the licensed service area of the wireless communications service provider.

§ 11-2343 Establishment of surcharge for wireless communications devices.

(a) In accordance with the provisions of article six of the county law, as amended, there is hereby established a surcharge of thirty cents per month on wireless communications service in the city of New York. 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



powered by Legistar™

primary use is within the city of New York.

(b) The surcharge imposed by subdivision (a) of this section shall be used to pay for the costs associated with the design, construction, operation, maintenance, and administration of public safety communications networks serving the city of New York.

(c) All wireless communications service suppliers that provide service to customers whose place of primary use is within the city of New York shall begin to add the monthly surcharge as provided in subdivision (a) of this section to all service bills no later than the forty-fifth day after the effective date of the local law that added this chapter.

§ 11-2344 Collection of surcharge.

(a) Each wireless communications service supplier serving the city of New York shall act as collection agent for the city of New York and shall remit the funds collected pursuant to the surcharge imposed under the provisions of this chapter to the commissioner of finance each month. Such funds shall be remitted no later than thirty days after the last business day of the month.

(b) Each wireless communications service supplier shall be entitled to retain, as an administrative fee, an amount equal to two per cent of its collections of the surcharge.

(c) The surcharge required to be collected by the wireless communications service supplier shall be added to and stated separately in its billings to customers.

(d) Each wireless communications service supplier shall annually provide to the city of New York an accounting of the surcharge amounts billed and collected.

§ 11-2345 Liability for surcharge.

(a) Each wireless communications service customer who is subject to the provisions of this chapter shall be liable to the city of New York for the surcharge until it has been paid to the city except that payment to a wireless communications service supplier is sufficient to relieve the customer from further liability for such surcharge.



powered by Legistar™

(b) No wireless communications service supplier shall have a legal obligation to enforce the collection of any surcharge imposed under the provisions of this chapter, provided, however, that whenever the wireless communications service supplier remits the funds collected to the city of New York, it shall also provide the city with the name and address of any customer refusing or failing to pay the surcharge and shall state the amount of such surcharge remaining unpaid.

§ 11-2346 Systems revenues; adjustment of surcharge.

(a) All surcharge monies remitted to the city of New York by a wireless communications service supplier shall be expended only upon authorization of the council and only for payment of system costs or other costs associated with the design, construction, operation, maintenance, and administration of public safety communications networks serving the city of New York. The finance commissioner and the director of the office of management and budget shall separately account for and keep adequate books and records of the amount and source of all such monies and of the amount and object or purpose of all expenditures thereof.

(b) If, at the end of any fiscal year, the total amount of all such monies exceeds the amount necessary for payment of the above mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.

§ 2. This local law shall take effect immediately, provided that the provisions of this local law defining primary place of use shall take effect for bills rendered to wireless communications service customers by a wireless communications service supplier on and after August 1, 2002, provided that a wireless service supplier may treat the address used by such supplier for any wireless communications customer under a service contract or agreement in effect on July 28, 2002, as that wireless communications 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.

§ 3. Notwithstanding the provisions of section two of this local law, if New York Assembly Bill No.

11817 has not become a law prior to the time that this local law is enacted, then this local law shall take effect immediately upon the enactment into law of such bill and shall then apply as provided in section two of this local law.