

**LOCAL LAW NO. 3 OF 2012****COUNTY OF ROCKLAND****STATE OF NEW YORK**

Mr. Schoenberger offered the following Local Law, which was seconded by Mr. Murphy and adopted:

A local law pursuant to New York state county law section 308-w imposing a surcharge in the amount of thirty cents (\$0.30) per month on each wireless communications device for which the primary place of use of such device is within Rockland county, which surcharge monies shall be used only for payment of eligible wireless 911 service costs as defined in New York state county law, as from time to time amended.

Be it enacted by the legislature of the county of Rockland as follows:

**Section 1.**

A. Local law number 7 of 2001 requires all wireless telephone service suppliers doing business in Rockland county to route all 911 emergency calls to the Rockland county public service answering point (PSAP), which is the site designated and operated by the county of Rockland through its sheriff's office for the purpose of receiving emergency calls including those from a wireless telephone service and dispatching needed emergency services.

B. On July 11, 2009 the governor signed into law an act that added a new section, 308-w, to the New York state county law, authorizing Rockland county to adopt, amend or repeal local laws to impose a surcharge in an amount not to exceed thirty cents per month on wireless communications service in Rockland county for payment of eligible wireless 911 service costs as defined in New York state county law section 325(16).

**Section 2. Definitions.**

A. "Wireless communications device" means any equipment used to access wireless communication 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. “Place of primary use” means the street address that is representative of where the customer’s use of the wireless communications service primarily occurs, namely: (a) the residential street address or primary business street address of the customer (b) within the licensed service area of the wireless communications service supplier.

D. “Eligible wireless 911 service costs” means the costs defined in section 325(16) of the New York State county law.

**Section 3.** Effective January 1, 2012 a surcharge of thirty cents (\$0.30) per month shall be imposed on each wireless communications device for wireless communications service that is provided to each customer whose place of primary use is located in Rockland county.

**Section 4.** Beginning January 1, 2012 the surcharge imposed pursuant to section 3 above shall be reflected and made payable on billings rendered by the wireless communications service supplier for wireless communications service that is provided to such customer.

**Section 5.**

A. Each wireless communications service supplier serving Rockland county shall act as a collection agent for the county of Rockland and shall remit the funds collected pursuant to a surcharge imposed under the provisions of this local law to the chief fiscal officer of the county of Rockland every 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 percent (2.0%) of its collections of a surcharge imposed under the provisions of this local law.

C. Any surcharge required to be collected by a wireless communications service supplier shall be added to and stated separately in its billings to customers.

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

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

F. Each wireless communications service supplier shall annually provide to the county of Rockland an accounting of the surcharge amounts billed and collected.

**Section 6.** All surcharge monies remitted to the county of Rockland by a wireless communications service supplier shall be expended only upon authorization of the legislature of Rockland county for payment of eligible wireless 911 service costs as defined in section 325(16) of the New York State county law. The county of Rockland 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. 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.

**Section 7.** The chief fiscal officer of Rockland county shall, no less than forty-five days prior to the date such provider is to begin adding such surcharge to the billings of its customers provide written notice to wireless communications service suppliers who are subject to the provisions of this local law of their obligation to collect the surcharge provided for herein

**Section 8.** This local law shall take effect immediately upon filing in the office of the secretary of state pursuant to section 27 of the municipal home law rule.

The vote resulted as follows:

Ayes:	11	(Legislators Earl, Grant, Jobson, Low-Hogan, Murphy, Paul, Schoenberger, Soskin, Wieder, Wolfe, Cornell)
Nays:	04	(Legislators Carey, Day, Meyers, Sparaco)
Absent:	02	(Legislators Hood, Jr., Moroney)