

ORDINANCE No. 728, 2002

An Ordinance Amending CCC 5.15, Enhanced 911 Emergency System Excise Tax on Radio Access Lines

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

CHAPTER 5.15

Enhanced 911 Emergency System Excise Tax on Radio Access Lines

Sections:

- 5.15.010 Legislative declaration.
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CCC 5.15.010 Legislative declaration.

Emergency services communications systems, including Enhanced 911 systems, are currently funded with revenue from State and local excise taxes imposed on the use of switched and radio access lines. ~~Users of cellular communications systems and other similar wireless telecommunications systems do not use switched access lines and are not currently subject to these excise taxes.~~ The volume of 911 calls by users of cellular communications systems and other similar wireless telecommunications systems has increased dramatically in recent years. The 2002 legislature amended Ch. 82.14B RCW to allow the county legislative authority to levy an additional excise tax of twenty-five (25) cents per month on each radio access line bringing the total monthly limit to fifty (50) cents on each radio access line, in parity with the tax imposed on switched access lines. The Board of Clallam County Commissioners finds that the public interest requires ~~that the this additional imposition and collection of a tax on radio access lines, in order to allow the emergency services communications system to operate effectively despite these significant changes in the users of such services~~ is needed to fund wireless 911.

CCC 5.15.020 Tax imposed.

Pursuant to Chapter 82.14B RCW, there is hereby levied an excise tax of ~~twenty-five (25)~~ \$0.50 cents per month on each radio access line, for which the address of the end user set forth in the records of the radio communications service company, as defined in RCW 80.04.010, providing such radio access line is located in Clallam County, to assist in financing the Clallam County emergency communications system.

CCC 5.15.030 Collection procedure.

Each radio communications service company providing radio access lines to end users in Clallam County is required to collect the tax imposed by ~~section~~ CCC 5.15.020, in trust for Clallam County. The tax imposed by ~~section~~ CCC 5.15.020 shall be set forth separately on each billing statement sent to each end user by a radio communications service company.

CCC 5.15.040 Tax remittance to County Treasurer.

Each radio communications service company shall report and remit to the Clallam County Treasurer, using forms prescribed by the County, the amount of tax to be collected by each within thirty (30) days following the month in which collection is to take place.

CCC 5.15.050 Tax refund procedure.

In the event that the tax or any portion thereof is imposed by ~~section~~ CCC 5.15.020 is ordered to be refunded by final judgment of any court of record, the County shall, upon presentation of a certified copy of the final judgment, pay to each radio communications service company the portion of the ordered refund attributable to tax collected by the company, in trust for the benefit of end users from whom the tax was collected. Each company is required to promptly remit, to each end user who paid tax for which refund was ordered, the duly allocable portion of the refund held in trust. To the extent end users entitled to refund cannot be identified or located by the company with exercise of due diligence within three (3) months of the date refund is received in trust by the company, the company shall return the undistributed trust funds and accumulations to the County, together with the last known name and address of each person entitled thereto, and the portion to which each is entitled.

CCC 5.15.060 County 911 Coordinator ~~Sheriff~~ to provide notice.

The Clallam County 911 Coordinator ~~Sheriff~~ is directed to provide notice of the tax imposed by ~~section~~ CCC 5.15.020 to each radio communications service company providing radio access lines in Clallam County, at least sixty (60) days prior to the effective date of the tax.

CCC 5.15.070 Administrative requirements.

The Clallam County 911 Coordinator ~~Sheriff~~ is authorized to adopt administrative requirements for collection similar to those applying to providers collecting excise tax on switched access lines, giving due regard to the statutory, regulatory and operational differences between the providers of switched access lines and radio access lines. The County shall reimburse any wireless company required to administer and collect the tax imposed by this Chapter for the actual costs incurred by any such wireless company for the administration and collection of the tax so imposed providing the actual costs do not exceed the amount of tax collected. The wireless company shall make a reasonable effort to bill all actual costs to the County within ninety (90) days of the date the costs are incurred by the local exchange or wireless company. Reimbursement shall be made by the County within a reasonable time after receipt of proper billing of the specific costs incurred. The County reserves the right to perform an audit on any company billing for reimbursement of costs to affirm actual costs are being

billed. Every wireless company liable for collecting the tax from subscribers shall keep records reflecting the names of subscribers, number of switched or radio access lines, amounts billed, numbers of exempt radio access lines, and such other information as may reasonably be necessary to administer billing and collection and verification of the tax, and shall supply any such information to the County when requested.

CCC 5.15.080 Effective date.

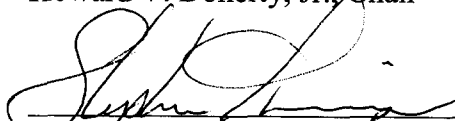
The tax imposed by ~~section~~ CCC 5.15.020 shall be effective on the first day of the month which is more than sixty (60) days after the adoption date of this ordinance.

ADOPTED this tenth day of September 2002.

BOARD OF CLALLAM COUNTY COMMISSIONERS



Howard V. Doherty, Jr., Chair



Stephen P. Tharinger



Michael C. Chapman

ATTEST:



Trish Perrott
Clerk of the Board