

CHAPTER 5

AN ACT

HB 4019

[2002 First Special Session]

Relating to 9-1-1 telecommunications tax; creating new provisions; amending section 10, chapter 533, Oregon Laws 1981, and section 10, chapter 740, Oregon Laws 2001; prescribing an effective date; and providing for revenue raising that requires approval by a three-fifths majority.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 10, chapter 533, Oregon Laws 1981, as amended by section 1, chapter 793, Oregon Laws 1989, section 12, chapter 743, Oregon Laws 1991, section 1, chapter 808, Oregon Laws 1993, section 2, chapter 276, Oregon Laws 1995, and section 2, chapter 740, Oregon Laws 2001, is amended to read:

Sec. 10. (1) There is imposed on each paying retail subscriber who has telecommunication services with access to the 9-1-1 emergency reporting system a tax equal to 75 cents per month. The tax shall be applied on a telecommunications circuit designated for a particular subscriber. One subscriber line shall be counted for each circuit that is capable of generating usage on the line side of the switched network regardless of the quantity or ownership of customer premise equipment connected to each circuit. For providers of central office based services, the tax shall be applied to each line that has unrestricted connection to the switched network. Those central office based service lines that have restricted connection to the switched network shall be charged based on software design in the central office that restricts the number of station calls to and from the network. For cellular, wireless or other radio common carriers, the tax shall apply on a per instrument basis and only if the subscriber's place of primary use, as defined and determined under 4 U.S.C. 116 to 126, is within this state.

(2) The subscriber shall be liable for the tax imposed by this section.

(3) The amounts of tax collected by the provider shall be considered as payment by the subscriber for that amount of tax.

(4) Any return made by the provider collecting the tax shall be accepted by the Department of Revenue as evidence of payments by the subscriber of amounts of tax so indicated upon the return.

[(5) The tax shall continue until December 31, 2003.]

SECTION 2. The tax imposed under section 10, chapter 533, Oregon Laws 1981, shall continue until December 31, 2003.

SECTION 3. Section 10, chapter 740, Oregon Laws 2001, is amended to read:

Sec. 10. The amendments to sections [10,] 17, 18 and 20, chapter 533, Oregon Laws 1981, by sections [2] 2a to 2c, chapter 740, Oregon Laws 2001, [of this 2001 Act] apply to subscriber bills issued on or after August 1, 2002.

SECTION 4. (1) Taxes imposed under section 10, chapter 533, Oregon Laws 1981, apply to subscriber bills issued on or after January 1, 2002, and before January 1, 2004.

(2) Taxes imposed under section 10, chapter 533, Oregon Laws 1981, on or after January 1, 2002, and before the effective date of this 2002 Act are due and payable by the subscriber to the provider on or before 20 days after the first day of the month following the effective date of this 2002 Act. Taxes that are not paid by the subscriber to the provider within the time required shall bear interest at the rate established under ORS 305.220 for each month, or fraction of a month, from the date that is 20 days after the first day of the month following the effective date of this 2002 Act until paid.

(3) Unless previously remitted, taxes that are paid to the provider under subsection (2) of this section shall be remitted by the provider to the Department of Revenue at the time and in the same manner as taxes imposed under section 10, chapter 533, Oregon Laws 1981, for the first month following the effective date of this 2002 Act are remitted to the department.

SECTION 5. Section 4 of this 2002 Act is repealed on December 31, 2003.

SECTION 6. The amendments to section 10, chapter 740, Oregon Laws 2001, by section 3 of this 2002 Act apply to biennia beginning on or after July 1, 2001.

SECTION 7. This 2002 Act takes effect on the 91st day after the date on which the special session of the Seventy-first Legislative Assembly adjourns sine die.

Approved by the Governor February 25, 2002

Filed in the office of Secretary of State February 25, 2002

Effective date May 13, 2002