Resolution On Adoption of Amendments to DCC Chapter 3.20 and Excise Taxes on Telecommunication Services

WHEREAS, the Washington Legislature amended RCW Chapter 82.14B in 2013 to allow county legislative authorities to levy an excise tax of seventy cents ($0.70) per month on each purchase of prepaid wireless telecommunications service occurring within the County in order to provide needed funding for the emergency services communications system;

WHEREAS, RCW Chapter 82.14B, as amended, requires changes to DCC Chapter 3.20; and

WHEREAS, the Board of County Commissioners has determined that imposition of this excise tax on each purchase of prepaid wireless telecommunications service occurring within the County is necessary to adequately fund the emergency services communications system;

NOW, THEREFORE, be it hereby resolved and ordained by the Board of Commissioners that DCC Chapter 3.20, and specifically DCC 3.20.010, DCC 3.20.020 and DCC 3.20.040, be and are hereby amended, effective January 1, 2014, to read as follows:

3.20.010 Definitions.

As used in this chapter:

A. "Consumer" has the meaning ascribed to it in RCW 82.14B.020.

AB. "Emergency services communication system" means the Douglas County county-wide radio or landline communications network and any multi-county network in which Douglas County participates, including an enhanced 911 emergency communications system, which provides rapid public access for coordinated dispatching of services, personnel, equipment, and facilities for police, fire, medical, or other emergency services.

BC. "Enhanced 911 emergency communications system" means a public communications system consisting of a network, database, and on-premises equipment that is accessed by dialing 911 and that enables reporting police, fire, medical, or other emergency situations to a public safety answering point. The system includes the capability to selectively route incoming 911 voice or data to the appropriate public safety answering point that operates in a defined 911 service area and the capability to automatically display the name, address, and
telephone number of incoming 911 voice or data at the appropriate public safety answering point.

GD. "Interconnected voice over Internet protocol service" has the meaning ascribed to it in RCW 82.14B.020.

DE. "Local exchange company" has the meaning ascribed to it in RCW 82.14B.020.

EF. "Person" means any individual, estate, trust, partnership, association, corporation or firm.

FG. "Place of primary use" has the meaning ascribed to it in RCW 82.14B.020.

H. "Prepaid wireless telecommunications service" means a telecommunications service that provides the right to use a mobile wireless service as well as other nontelecommunications services including the download of digital products delivered electronically, content, and ancillary services, which must be paid for in full in advance and sold in predetermined units or dollars of which the number declines with use in a known amount.

GI. "Private telecommunications system" has the meaning ascribed to it in RCW 82.14B.020.

HJ. "Radio access line" means the telephone number assigned to or used by an end user for two-way local wireless voice service available to the public for hire from a radio communications service company. Radio access lines include, but are not limited to, radio-telephone communications lines used in cellular telephone service, personal communications services, and network radio access lines, or their functional and competitive equivalent. Radio access lines do not include lines that provide access to one-way signaling service, such as paging service, or to communications channels suitable only for data transmission, or to nonlocal radio access line service, such as wireless roaming service, or to a private telecommunications system.

IK. "Radio communications service company" has the meaning ascribed to it in RCW 82.14B.020.

L. "Retail transaction" means the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale.

M. "Seller" has the meaning ascribed to it in RCW 82.14B.020.

JN. "Switched access line" means the telephone service line which connects a subscriber's main telephone(s) or equivalent main telephone(s) to the local exchange company's switching office.
KO. “Subscriber” has the meaning ascribed to it in RCW 82.14B.020. (Ord. CE 13-02-45B; CE 10-01-65B (part): Res. CE 02-100 (part); Ord. CE 95-113-3 § 2; Ord. 83-4 § 1)

3.20.020 Taxes imposed.

A. An excise tax in the amount of seventy cents per month is hereby imposed on the use of each switched access line within Douglas County. The amount of tax must be uniform for each switched access line subject to this tax.

B. An excise tax in the amount of seventy cents per month is hereby imposed on the use of each radio access line whose place of primary use is within Douglas County. The amount of tax must be uniform for each radio access line subject to this tax.

C. An excise tax in the amount of seventy cents per retail transaction is hereby imposed on each retail transaction which occurs in Douglas County. The amount of tax must be uniform for each retail transaction subject to this tax.

GD. An excise tax in the amount of seventy cents per month is hereby imposed on the use of each interconnected voice over Internet protocol service line whose place of primary use is within Douglas County. The amount of tax must be uniform for each service line subject to this tax.

DE. The tax on switched access lines must be collected from the subscriber by the local exchange company providing the switched access line. The tax on radio access lines must be collected from the subscriber by the radio communications service company, including those companies that resell radio access lines, providing the radio access line to the subscriber. The tax on retail transactions must be collected from the consumer by the seller. The tax on interconnected voice over Internet protocol service lines must be collected from the subscriber by the interconnected voice over Internet protocol service company providing the interconnected voice over Internet protocol service line to the subscriber. The amount of the tax shall be stated separately on the billing statement which is sent to each subscriber and on any sales invoice or instrument of sale provided to each consumer. (Ord. CE 13-02-45B; Ord. CE 10-01-65B (part): Res. CE 02-100 (part); Ord. CE 95-113-3 § 3; Ord. CE 88-1; Ord. 83-4 § 2)

3.20.040 Administration and collection of tax.

A. Any telecommunications company, radio communications service company, or interconnected voice over Internet protocol service company providing telecommunications services in Douglas County and any seller engaged in retail transactions within Douglas County must collect the tax imposed by this chapter. Each collecting company and seller must file a tax return provided by the Department of Revenue and remit all taxes to the Department of Revenue.

B. A collecting company may elect to pay the tax based on either of the following:
1. The amount of tax actually collected during the month; or

2. The gross amount billed for the tax during the month, less itemized adjustments for uncollectible accounts, refunds, incorrect billings and other appropriate adjustments.

Once a collecting company or seller has made an election for payment of the tax, it may not change its method of calculating, reporting and paying the tax due, without first obtaining the written consent of the Department of Revenue. Entitlement to a credit or refund for taxes previously paid on bad debts shall be subject to Department of Revenue excise tax reporting rules and regulations.

C. Any tax remitted after the due date shall be increased by a penalty equal to five percent of the delinquent tax for each month or portion thereof the tax is delinquent. (Ord CE 13-02-45B; Ord. CE 10-01-65B (part): Res. CE 02-100 (part): Ord. CE 95-113-3 § 5: Ord. 83-4 § 4)

ADOPTED this 2 day of December, 2013, in regular session at the Commissioner's Chambers, Douglas County Courthouse, Waterville, Washington, by a majority of the Board of County Commissioners.

BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, WASHINGTON

Steve Jenkins, Chair

Dale Snyder, Vice Chair

Ken Stanton, Commissioner

ATTEST:

Dayna Prewitt, Clerk of the Board