

54:32B-3

LEGISLATIVE HISTORY CHECKLIST

NJSA 54:32B-3 ( Sales Tax-exempt group meals prepared for elderly and disabled.)

Laws of 1977 Chapter 252

Bill No. A782

Sponsor(s) Van Wagner and others

Date Introduced Pre-filed

Committee: Assembly Taxation

Senate Revenue, Finance, Appropriations

Amended during passage Yes No

Date of passage: Assembly Oct. 7, 1976

Senate June 27, 1977

Date of approval Oct. 4, 1977

Following statements are attached if available:

Sponsor statement Yes ~~xxx~~ Below

Committee Statement: Assembly ~~xxx~~ No

Senate Yes ~~xxx~~

Fiscal Note ~~xxx~~ No

Veto message ~~xxx~~ No

Message on signing *yes* ~~xxx~~ ~~xxx~~

Following were printed:

Reports ~~xxx~~ No

Hearings ~~xxx~~ No

Sponsor's Statement:

This bill would broaden the sales tax exemption currently extended to meals prepared for and delivered to homebound elderly and disabled persons, to include meals prepared and served at a group-sitting at a location outside the home to otherwise homebound elderly and disabled persons.

10/4/76

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ASSEMBLY, No. 782

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Assemblymen VAN WAGNER, KARCHER, KOZLOSKI,  
GORMAN and FORAN

AN ACT to amend the "Sales and Use Tax Act," approved April  
27, 1966 (P. L. 1966, c. 30).

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. Section 3 of P. L. 1966, c. 30 (C. 54:32B-3) is amended to read  
2 as follows:

3 3. Imposition of sales tax. On and after July 1, 1966 and con-  
4 tinuing through February 28, 1970 there is hereby imposed and  
5 there shall be paid a tax of 3%, and on and after March 1, 1970  
6 there is hereby imposed and there shall be paid a tax of 5% upon:

7 (a) The receipts from every retail sale of tangible personal  
8 property, except as otherwise provided in this act.

9 (b) The receipts from every sale, except for resale, of the fol-  
10 lowing services:

11 (1) Producing, fabricating, processing, printing or imprinting  
12 tangible personal property, performed for a person who directly  
13 or indirectly furnishes the tangible personal property, not pur-  
14 chased by him for resale, upon which such services are performed.

15 (2) Installing tangible personal property, or maintaining, ser-  
16 vicing, repairing tangible personal property not held for sale in  
17 the regular course of business, whether or not the services are  
18 performed directly or by means of coin-operated equipment or by  
19 any other means, and whether or not any tangible personal prop-  
20 erty is transferred in conjunction therewith, except (i) such ser-  
21 vices rendered by an individual who is engaged directly by a private  
22 homeowner or lessee in or about his residence and who is not in  
23 a regular trade or business offering his services to the public, (ii)  
24 such services rendered with respect to personal property exempt

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.

25 from taxation hereunder pursuant to subsection (a) of section 8,  
26 (iii) services rendered with respect to trucks, tractors, trailers or  
27 semitrailers by a person who is not engaged, directly or indirectly  
28 through subsidiaries, parents, affiliates or otherwise, in a regular  
29 trade or business offering such services to the public, (iv) any  
30 receipts from laundering, dry cleaning, tailoring, weaving, press-  
31 ing, shoe repairing and shoe shining, and (v) services rendered  
32 in installing property which, when installed, will constitute an  
33 addition or capital improvement to real property, property or land.

34 (3) Storing all tangible personal property not held for sale in  
35 the regular course of business and the rental of safe deposit boxes  
36 or similar space.

37 (4) Maintaining, servicing or repairing real property, other  
38 than a residential heating system unit serving not more than three  
39 families living independently of each other and doing their cooking  
40 on the premises, whether the services are performed in or outside  
41 of a building, as distinguished from adding to or improving such  
42 real property, by a capital improvement, but excluding services  
43 rendered by an individual who is not in a regular trade or business  
44 offering his services to the public, and excluding interior cleaning  
45 and maintenance services, garbage removal and sewer services  
46 performed on a regular contractual basis for a term of not less  
47 than 30 days, other than window cleaning, and rodent and pest  
48 control.

49 (5) Advertising services except advertising services for use  
50 directly and primarily for publication in newspapers and magazines.

51 Wages, salaries and other compensation paid by an employer  
52 to an employee for performing as an employee the services de-  
53 scribed in this subsection are not receipts subject to the taxes  
54 imposed under this subsection (b).

55 (c) Receipts from the sale of food and drink except alcoholic  
56 beverages as defined in the Alcoholic Beverage Tax Law, in or by  
57 restaurants, taverns or other establishments in this State, or by  
58 caterers, including in the amount of such receipts any cover, mini-  
59 mum, entertainment or other charge made to patrons or customers:

60 (1) In all instances where the sale is for consumption on the  
61 premises where sold;

62 (2) In those instances where the vendor or any person whose  
63 services are arranged for by the vendor, after the delivery of the  
64 food or drink by or on behalf of the vendor for consumption off  
65 the premises of the vendor, serves or assists in serving, cooks,  
66 heats or provides other services with respect to the food or drink,  
67 except for meals especially prepared for and delivered to home-

68 bound elderly, age 60 or older, and to disabled persons, *or meals*  
 69 *prepared and served at a group-sitting at a location outside of the*  
 70 *home to otherwise homebound elderly persons, age 60 or older,*  
 71 *and otherwise homebound disabled persons,* as all or part of any  
 72 food service project funded in whole or in part by government or  
 73 as part of a private nonprofit food service project available to all  
 74 **[homebound]** *such elderly or disabled persons***],** age 60 or older  
 75 and to all the homebound disabled**]** residing within an area of  
 76 service designated by the private nonprofit organization; and

77 (3) In those instances where the sale is for consumption off the  
 78 premises of the vendor, and consists of a meal, or food prepared  
 79 and ready to be eaten, of a kind obtainable in restaurants as the  
 80 main course of a meal, including a sandwich, except where food  
 81 other than sandwiches is sold in an unheated state and is of a type  
 82 commonly sold in the same form and condition in food stores other  
 83 than those which are principally engaged in selling prepared foods.

84 The tax imposed by this subsection (c) shall not apply to food or  
 85 drink which is sold to an air line for consumption while in flight.

86 (d) The rent for every occupancy of a room or rooms in a hotel  
 87 in this State, except that the tax shall not be imposed upon (1) a  
 88 permanent resident, or (2) where the rent is not more than at the  
 89 rate of \$2.00 per day.

90 (e) (1) Any admission charge where such admission charge is  
 91 in excess of \$0.75 to or for the use of any place of amusement in  
 92 the State, including charges for admission to race tracks, baseball,  
 93 football, basketball or exhibitions, dramatic or musical arts per-  
 94 formances, motion picture theatres, except charges to a patron for  
 95 admission to, or use of, facilities for sporting activities in which  
 96 such patron is to be a participant, such as bowling alleys and swim-  
 97 ming pools. For any person having the permanent use or posses-  
 98 sion of a box or seat or a lease or a license, other than a season  
 99 ticket, for the use of a box or seat at place of amusement, the tax  
 100 shall be upon the amount for which a similar box or seat is sold for  
 101 each performance or exhibition at which the box or seat is used  
 102 or reserved by the holder, licensee or lessee, and shall be paid by  
 103 the holder, licensee or lessee.

104 (2) The amount paid as charge of a roof garden, cabaret or  
 105 other similar place in this State, to the extent that a tax upon such  
 106 charges has not been paid pursuant to subsection (c) hereof.

1 2. This act shall take effect immediately.

## STATEMENT

This bill would broaden the sales tax exemption currently extended to meals prepared for and delivered to homebound elderly and disabled persons, to include meals prepared and served at a group-sitting at a location outside the home to otherwise homebound elderly and disabled persons.

REFERENCE USE ONLY

SENATE REVENUE, FINANCE AND  
APPROPRIATIONS COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 782**

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**STATE OF NEW JERSEY**

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DATED: JUNE 16, 1977

This bill proposes to broaden the sales tax exemption currently extended to meals prepared for and delivered to homebound elderly and disabled persons, to include meals prepared and served at a group-sitting at a location outside the home to otherwise homebound elderly and disabled persons.

While a fiscal note has not yet been completed on this bill, it is the committee's determination that the revenue loss under this bill would be insignificant.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

OCTOBER 4, 1977

ANNE BURNS

Governor Brendan Byrne today signed A-782, sponsored by Richard Van Wagner, which broadens the sales tax exemption currently extended to meals prepared for and delivered to homebound elderly and disabled persons.

This bill extends the exemption to include meals prepared and served at a group-sitting at a location outside the home, such as senior citizen nutrition centers.

The Governor, who signed the bill at an East Orange Nutrition Center, said the bill was "an important step in making it easier to and less expensive to provide senior citizens with balanced nutritious meals."

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