

**40:48C-1.7 & 40:48C-1.8**  
**LEGISLATIVE HISTORY CHECKLIST**  
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**LAWS OF:** 2019                    **CHAPTER:** 289

**NJSA:** 40:48C-1.7 & 40:48C-1.8 (Authorizes certain municipalities to impose parking taxes to fund projects to improve pedestrian access to mass transit.)

**BILL NO:** A5070                    (Substituted for S3507)

**SPONSOR(S)** Shanique Speight and others

**DATE INTRODUCED:** 2/14/2019

**COMMITTEE:**                    **ASSEMBLY:** Transportation & Independent Authorities

**SENATE:** Community & Urban Affairs

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                    **ASSEMBLY:** 12/16/2019

**SENATE:** 12/16/2019

**DATE OF APPROVAL:** 1/9/2020

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (First Reprint enacted)                    Yes

**A5070**

**SPONSOR’S STATEMENT:** (Begins on page 4 of introduced bill) Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes

**SENATE:** Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:**                    No

**LEGISLATIVE FISCAL ESTIMATE:**                    No

**S3507**

**SPONSOR’S STATEMENT:** (Begins on page 4 of introduced bill) Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** No

**SENATE:** Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"New law allows Jersey City to levy 3.5% tax on commercial lots,"  
The Jersey Journal (Jersey City, NJ), January 11, 2020

rwh/cl

P.L. 2019, CHAPTER 289, *approved January 9, 2020*  
Assembly, No. 5070 (*First Reprint*)

1 AN ACT authorizing certain municipalities to impose a parking tax,  
2 and supplementing and amending P.L.1970, c.326.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. (New section) a. Any municipality with a population of  
8 100,000 or greater according to the most recent American Community  
9 Survey five-year estimate by the United States Census Bureau may  
10 adopt an ordinance imposing a mass transit access parking tax of three  
11 and one-half percent on fees for the parking, garaging, or storing of  
12 motor vehicles, other than parking in a garage which is part of  
13 premises occupied solely as a private one- or two-family dwelling.

14 b. All parking taxes collected pursuant to this section shall be  
15 anticipated and appropriated in the municipal budget as dedicated  
16 revenue pursuant to N.J.S.40A:4-39 for the exclusive purpose of  
17 funding or financing capital improvements for pedestrian access to  
18 mass transit stations, including, but not limited to, the construction of  
19 bridges, tunnels, platforms, walkways, elevators, escalators, and  
20 stairways directly related to mass transit pedestrian accessibility <sup>1</sup>;  
21 provided, however, that any parking tax revenues remaining after all  
22 the budgeted mass transit pedestrian access capital improvement  
23 expenditures have been used in a fiscal year may be used to fund  
24 quality of life projects within the municipality<sup>1</sup>.

25 c. The parking tax authorized by this section may be collected in  
26 addition to a surcharge collected pursuant to section 3 of P.L.2013,  
27 c.284 (C.40:48C-1.6) or a tax collected pursuant to subsection a. of  
28 section 6 of P.L.1970, c.326 (C.40:48C-6), but the parking tax  
29 authorized by this section shall not be collected whenever a special  
30 event parking tax surcharge is collected pursuant to subsection b. of  
31 section 6 of P.L.1970, c.326 (C.40:48C-6).

32 <sup>1</sup>d. An ordinance adopted pursuant to subsection a. of this section  
33 shall exempt residents of the municipality from the full amount of the  
34 three and one-half percent parking tax. The exemption shall be  
35 implemented as follows:

36 (1) For short-term parking, a resident may apply to the  
37 municipality for a rebate of the total three and one-half percent parking  
38 tax charged as provided in the ordinance; and

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SCU committee amendments adopted December 12, 2019.

1       (2) For long-term parking, a parking facility operator shall not  
2 charge a resident the three and one-half percent parking tax upon a  
3 display of proof of residence as provided in the ordinance.<sup>1</sup>  
4

5       <sup>1</sup>[2. Section 6 of P.L.1970, c.326 (C.40:48C-6) is amended to  
6 read as follows:

7       6. a. Any municipality is hereby authorized and empowered to  
8 enact an ordinance imposing in any such municipality a tax, not to  
9 exceed ~~[15%]~~ 15 percent, on fees for parking, garaging, or storing  
10 of motor vehicles, other than parking in a garage which is part of  
11 premises occupied solely as a private one- or two-family dwelling.  
12 For the purposes of ~~[this act]~~ P.L.1970, c.326 (C.40:48C-1 et seq.),  
13 in the case where any parking facility is situated within two  
14 contiguous municipalities authorized under section 1 of P.L.1970,  
15 c.326 (C.40:48C-1) and section 2 of P.L.1987, c.21 (C.40:48C-1.2),  
16 the tax authorized herein may only be imposed on fees attributable  
17 to that portion of any parking facility which is situated within the  
18 physical boundaries of the municipality.

19       b. In addition to the tax authorized by subsection a. of this  
20 section, a municipality also may adopt an ordinance imposing a  
21 special event parking tax surcharge of ~~[7%]~~ seven percent on fees  
22 for the parking, garaging, or storing of motor vehicles for events  
23 held in the municipality during weekday evenings, beginning at  
24 6:00 p.m. or later, and held at any time on Saturdays, Sundays, and  
25 holidays. For the purposes of this subsection, "special events"  
26 means, but is not limited to, spectator sporting events, trade shows,  
27 expositions, concerts, and other public events. An ordinance  
28 adopted pursuant to this subsection shall designate the areas of the  
29 municipality, to be designated as "special event parking tax  
30 surcharge zones," in which the special event parking tax surcharge  
31 shall be imposed, but no zone designated under this subsection shall  
32 include a facility for the parking, garaging, or storing of motor  
33 vehicles that is located on land that comprises any part of an  
34 international airport. All surcharges required to be collected shall  
35 be anticipated and appropriated in the municipal budget as a  
36 dedicated revenue pursuant to N.J.S.40A:4-39 for the purpose of  
37 defraying municipal expenses for police, fire, sanitation work, and  
38 other services associated with the hosting of special events;  
39 provided, however, that sanitation work services paid for out of the  
40 surcharge receipts shall be performed solely by employees of the  
41 municipality. The ordinance imposing the special event parking tax  
42 surcharge shall be void and the surcharge shall not be collected if  
43 sanitation work services related to special events and paid for out of  
44 the surcharge receipts are not performed solely by employees of the  
45 municipality.

46       c. (1) An ordinance adopted pursuant to subsection a. of this  
47 section may establish a discount, not to exceed eight percent of the

1 fees subject to taxation under the ordinance, for residents of the  
2 municipality in accordance with the provisions of this subsection.

3 (2) A discount may only be provided pursuant to this subsection  
4 upon application by a resident of the municipality demonstrating  
5 that the subject vehicle is:

- 6 (a) individually owned by the applicant;
- 7 (b) registered to the applicant's primary residence in the  
8 municipality;
- 9 (c) parked in a long-term rented space for one month or more;  
10 and
- 11 (d) used only for personal, non-commercial purposes.

12 (3) If an application is granted pursuant to paragraph (2) of this  
13 subsection, the municipality shall provide a certificate that, upon  
14 display, entitles the resident of the municipality to the discount.

15 (4) A recipient of a discount certificate shall file an amended  
16 application upon any change of:

- 17 (a) primary residence;
- 18 (b) parking facility;
- 19 (c) vehicle; or
- 20 (d) license plate number.

21 (5) An ordinance establishing a discount pursuant to this  
22 subsection may provide penalties for obtaining or using a discount  
23 certificate in violation of the provisions of the ordinance.

24 (cf: P.L.2007, c.296, s.1)】<sup>1</sup>

25  
26 <sup>1</sup>2. (New section) Any municipality authorized to impose a  
27 parking tax or surcharge pursuant to section 3 of P.L.2013, c.284  
28 (C.40:48C-1.6), section 1 of P.L. , c. (C. ) (pending before the  
29 Legislature as this bill), or section 6 of P.L.1970, c.326 (C.40:48C-6)  
30 may by ordinance require that any parking facility subject to that tax or  
31 surcharge accept credit cards.<sup>1</sup>

32  
33 3. Section 7 of P.L.1970, c.326 (C.40:48C-7) is amended to read  
34 as follows:

35 7. a. All taxes imposed by the ordinances authorized pursuant to  
36 <sup>1</sup>section 3 of P.L.2013, c.284 (C.40:48C-1.6),<sup>1</sup> section 1 of P.L. ,  
37 c. (C. ) (pending before the Legislature as this bill) <sup>1</sup>,<sup>1</sup> or section  
38 6 of P.L.1970, c.326 (C.40:48C-6) shall be collected on behalf of the  
39 municipality by the person (hereinafter sometimes referred to as  
40 "taxpayer") providing parking services to the customer.

41 b. Every person required to collect any tax, including surcharges  
42 imposed by the ordinances shall be personally liable for the tax  
43 imposed, collected or required to be collected hereunder. Any such  
44 person shall have the same right in respect to collecting the tax from  
45 his customer or in respect to nonpayment of the tax by the customer as  
46 if the tax were a part of the service charge and payable at the same  
47 time; provided, however, that the chief fiscal officer of the

1 municipality shall be joined as a party in any action or proceeding  
2 brought to collect the tax.

3 c. No person required to collect any tax , including surcharges,  
4 hereunder shall advertise or hold out to any person or to the public in  
5 general, in any manner, directly or indirectly, that the tax is not  
6 considered as an element in the charge payable by the customer, that  
7 he will pay the tax, that the tax will not be separately charged and  
8 stated to the customer or that the tax will be refunded to the customer.

9 d. All taxes and surcharges collected pursuant to the ordinances  
10 shall be remitted to the chief fiscal officer of the municipality and shall  
11 be reported on such forms and paid at such times as may be prescribed  
12 in the ordinances.

13 (cf: P.L.2007, c.296, s.2)

14

15 4. This act shall take effect immediately.

16

17

18

19

20 Authorizes certain municipalities to impose parking taxes to fund  
21 projects to improve pedestrian access to mass transit.

# ASSEMBLY, No. 5070

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 14, 2019

**Sponsored by:**

**Assemblywoman SHANIQUE SPEIGHT**

**District 29 (Essex)**

**Assemblywoman CLEOPATRA G. TUCKER**

**District 28 (Essex)**

**Assemblywoman ELIANA PINTOR MARIN**

**District 29 (Essex)**

**Co-Sponsored by:**

**Assemblywomen Chaparro and McKnight**

**SYNOPSIS**

Authorizes certain municipalities to impose parking taxes to fund projects to improve pedestrian access to mass transit.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/26/2019)**

A5070 SPEIGHT, TUCKER

2

1 AN ACT authorizing certain municipalities to impose a parking tax,  
2 and supplementing and amending P.L.1970, c.326.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. (New section) a. Any municipality with a population of  
8 100,000 or greater according to the most recent American  
9 Community Survey five-year estimate by the United States Census  
10 Bureau may adopt an ordinance imposing a mass transit access  
11 parking tax of three and one-half percent on fees for the parking,  
12 garaging, or storing of motor vehicles, other than parking in a  
13 garage which is part of premises occupied solely as a private one-  
14 or two-family dwelling.

15 b. All parking taxes collected pursuant to this section shall be  
16 anticipated and appropriated in the municipal budget as dedicated  
17 revenue pursuant to N.J.S.40A:4-39 for the exclusive purpose of  
18 funding or financing capital improvements for pedestrian access to  
19 mass transit stations, including, but not limited to, the construction  
20 of bridges, tunnels, platforms, walkways, elevators, escalators, and  
21 stairways directly related to mass transit pedestrian accessibility.

22 c. The parking tax authorized by this section may be collected  
23 in addition to a surcharge collected pursuant to section 3 of  
24 P.L.2013, c.284 (C.40:48C-1.6) or a tax collected pursuant to  
25 subsection a. of section 6 of P.L.1970, c.326 (C.40:48C-6), but the  
26 parking tax authorized by this section shall not be collected  
27 whenever a special event parking tax surcharge is collected  
28 pursuant to subsection b. of section 6 of P.L.1970, c.326 (C.40:48C-  
29 6).

30

31 2. Section 6 of P.L.1970, c.326 (C.40:48C-6) is amended to  
32 read as follows:

33 6. a. Any municipality is hereby authorized and empowered to  
34 enact an ordinance imposing in any such municipality a tax, not to  
35 exceed **[15%]** 15 percent, on fees for parking, garaging, or storing  
36 of motor vehicles, other than parking in a garage which is part of  
37 premises occupied solely as a private one- or two-family dwelling.  
38 For the purposes of **[this act]** P.L.1970, c.326 (C.40:48C-1 et seq.),  
39 in the case where any parking facility is situated within two  
40 contiguous municipalities authorized under section 1 of P.L.1970,  
41 c.326 (C.40:48C-1) and section 2 of P.L.1987, c.21 (C.40:48C-1.2),  
42 the tax authorized herein may only be imposed on fees attributable  
43 to that portion of any parking facility which is situated within the  
44 physical boundaries of the municipality.

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

Matter underlined thus is new matter.



1       b. In addition to the tax authorized by subsection a. of this  
2 section, a municipality also may adopt an ordinance imposing a  
3 special event parking tax surcharge of **[7%]** seven percent on fees  
4 for the parking, garaging, or storing of motor vehicles for events  
5 held in the municipality during weekday evenings, beginning at  
6 6:00 p.m. or later, and held at any time on Saturdays, Sundays, and  
7 holidays. For the purposes of this subsection, "special events"  
8 means, but is not limited to, spectator sporting events, trade shows,  
9 expositions, concerts, and other public events. An ordinance  
10 adopted pursuant to this subsection shall designate the areas of the  
11 municipality, to be designated as "special event parking tax  
12 surcharge zones," in which the special event parking tax surcharge  
13 shall be imposed, but no zone designated under this subsection shall  
14 include a facility for the parking, garaging, or storing of motor  
15 vehicles that is located on land that comprises any part of an  
16 international airport. All surcharges required to be collected shall  
17 be anticipated and appropriated in the municipal budget as a  
18 dedicated revenue pursuant to N.J.S.40A:4-39 for the purpose of  
19 defraying municipal expenses for police, fire, sanitation work, and  
20 other services associated with the hosting of special events;  
21 provided, however, that sanitation work services paid for out of the  
22 surcharge receipts shall be performed solely by employees of the  
23 municipality. The ordinance imposing the special event parking tax  
24 surcharge shall be void and the surcharge shall not be collected if  
25 sanitation work services related to special events and paid for out of  
26 the surcharge receipts are not performed solely by employees of the  
27 municipality.

28       c. (1) An ordinance adopted pursuant to subsection a. of this  
29 section may establish a discount, not to exceed eight percent of the  
30 fees subject to taxation under the ordinance, for residents of the  
31 municipality in accordance with the provisions of this subsection.

32       (2) A discount may only be provided pursuant to this subsection  
33 upon application by a resident of the municipality demonstrating  
34 that the subject vehicle is:

35       (a) individually owned by the applicant;

36       (b) registered to the applicant's primary residence in the  
37 municipality;

38       (c) parked in a long-term rented space for one month or more;  
39 and

40       (d) used only for personal, non-commercial purposes.

41       (3) If an application is granted pursuant to paragraph (2) of this  
42 subsection, the municipality shall provide a certificate that, upon  
43 display, entitles the resident of the municipality to the discount.

44       (4) A recipient of a discount certificate shall file an amended  
45 application upon any change of:

46       (a) primary residence;

47       (b) parking facility;

48       (c) vehicle; or

1        (d) license plate number.

2        (5) An ordinance establishing a discount pursuant to this  
3 subsection may provide penalties for obtaining or using a discount  
4 certificate in violation of the provisions of the ordinance.

5 (cf: P.L.2007, c.296, s.1)

6

7        3. Section 7 of P.L.1970, c.326 (C.40:48C-7) is amended to  
8 read as follows:

9        7. a. All taxes imposed by the ordinances authorized pursuant  
10 to section 1 of P.L. , c. (C. ) (pending before the Legislature  
11 as this bill) or section 6 of P.L.1970, c.326 (C.40:48C-6) shall be  
12 collected on behalf of the municipality by the person (hereinafter  
13 sometimes referred to as "taxpayer") providing parking services to  
14 the customer.

15        b. Every person required to collect any tax, including  
16 surcharges imposed by the ordinances shall be personally liable for  
17 the tax imposed, collected or required to be collected hereunder.  
18 Any such person shall have the same right in respect to collecting  
19 the tax from his customer or in respect to nonpayment of the tax by  
20 the customer as if the tax were a part of the service charge and  
21 payable at the same time; provided, however, that the chief fiscal  
22 officer of the municipality shall be joined as a party in any action or  
23 proceeding brought to collect the tax.

24        c. No person required to collect any tax , including surcharges,  
25 hereunder shall advertise or hold out to any person or to the public  
26 in general, in any manner, directly or indirectly, that the tax is not  
27 considered as an element in the charge payable by the customer,  
28 that he will pay the tax, that the tax will not be separately charged  
29 and stated to the customer or that the tax will be refunded to the  
30 customer.

31        d. All taxes and surcharges collected pursuant to the ordinances  
32 shall be remitted to the chief fiscal officer of the municipality and  
33 shall be reported on such forms and paid at such times as may be  
34 prescribed in the ordinances.

35 (cf: P.L.2007, c.296, s.2)

36

37        4. This act shall take effect immediately.

38

39

40

#### STATEMENT

41

42        This bill would allow certain municipalities to impose a parking  
43 tax of three and a half percent to fund projects that improve  
44 pedestrian access to mass transit stations. The bill would also allow  
45 certain of these municipalities to establish discounts for municipal  
46 residents of up to eight percent against existing parking taxes.

47        Under the bill, any municipality with a population of 100,000 or  
48 greater according to the most recent American Community Survey

**A5070 SPEIGHT, TUCKER**

5

1 five-year estimate by the United States Census Bureau would be  
2 authorized to impose the mass transit pedestrian access parking tax.  
3 Presently, this includes Newark, Jersey City, Paterson, Elizabeth,  
4 Edison, and Woodbridge. This mass transit pedestrian access  
5 parking tax may be imposed in addition to parking taxes already  
6 authorized by current law in some of those municipalities, except  
7 that the mass transit pedestrian access parking tax may not be  
8 imposed whenever a special event parking tax surcharge is charged.

9 The parking tax discounts authorized by the bill would apply to  
10 parking taxes that are already authorized by section 6 of P.L.1970,  
11 c.326 (C.40:48C-6) for certain municipalities. The municipalities  
12 that can impose these parking taxes and that would be newly able to  
13 provide discounts are: those with a population over 200,000; those  
14 with a population between 100,000 and 125,000, and which are  
15 contiguous with a municipality already imposing the general  
16 parking tax; and those with a population density greater than 10,000  
17 persons per square mile and which are located within a county of  
18 the first class.

ASSEMBLY TRANSPORTATION AND INDEPENDENT  
AUTHORITIES COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 5070**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 14, 2019

The Assembly Transportation and Independent Authorities Committee reports favorably Assembly Bill No. 5070.

As reported, this bill would allow certain municipalities to impose a parking tax of three and a half percent to fund projects that improve pedestrian access to mass transit stations. The bill would also allow certain of these municipalities to establish discounts for municipal residents of up to eight percent against existing parking taxes.

Under the bill, any municipality with a population of 100,000 or greater according to the most recent American Community Survey five-year estimate by the United States Census Bureau would be authorized to impose the mass transit pedestrian access parking tax. Presently, this includes Newark, Jersey City, Paterson, Elizabeth, Edison, and Woodbridge. This mass transit pedestrian access parking tax may be imposed in addition to parking taxes already authorized by current law in some of those municipalities, except that the mass transit pedestrian access parking tax may not be imposed whenever a special event parking tax surcharge is charged.

The parking tax discounts authorized by the bill would apply to parking taxes that are already authorized by section 6 of P.L.1970, c.326 (C.40:48C-6) for certain municipalities. The municipalities that can impose these parking taxes and that would be newly able to provide discounts are: those with a population over 200,000; those with a population between 100,000 and 125,000, and which are contiguous with a municipality already imposing the general parking tax; and those with a population density greater than 10,000 persons per square mile and which are located within a county of the first class.

# SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

## STATEMENT TO ASSEMBLY, No. 5070

with committee amendments

# STATE OF NEW JERSEY

DATED: DECEMBER 12, 2019

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Assembly Bill No. 5070.

This bill, as amended, would allow certain municipalities to impose a parking tax on non-residents of three and one-half percent to fund mass transit pedestrian access projects. The bill would also allow any municipality collecting any parking tax to require the parking facilities subject to the tax to accept credit cards.

The mass transit access parking tax authorized by the bill would be available to any municipality with a population of 100,000 or greater according to the most recent American Community Survey five-year estimate by the United States Census Bureau. Presently, this includes Newark, Jersey City, Paterson, Elizabeth, Edison, and Woodbridge. This mass transit access parking tax may be imposed in addition to parking taxes already authorized by current law in some of those municipalities, except that this new tax may not be imposed whenever a special event parking tax surcharge is charged.

If mass transit access parking tax revenues exceed the cost of all budgeted capital improvement expenditures for mass transit pedestrian access projects in a fiscal year, the remaining revenues may be used to fund quality of life projects within the municipality.

Lastly, the bill makes a technical change to clarify that all municipal parking taxes authorized by statute, including the mass transit access parking tax, have to be collected in accordance with the procedural requirements of section 7 of P.L.1970, c.326 (C.40:48C-7).

As amended and reported by the committee, this bill is identical to Senate Bill No. 3507 (1R), which was also amended and reported by the committee on this date.

### COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) Limit the application of the municipal mass transit access parking tax to non-residents to exempt residents of the municipality from the parking tax instead of giving certain municipalities the option to allow a certain discount for their residents;

(2) Allow a municipality to use any parking tax revenues left after the expenditure of all budgeted mass transit access capital

improvement spending in a fiscal year on quality of life projects within the municipality;

(3) Allow any municipality collecting any parking tax to require the parking facilities subject to the tax to accept credit cards; and

(4) Make a technical change to clarify that all municipal parking taxes authorized by statute have to be collected in accordance with the procedural requirements of section 7 of P.L.1970, c.326 (C.40:48C-7).

# SENATE, No. 3507

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MARCH 4, 2019

**Sponsored by:**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Senator RONALD L. RICE**

**District 28 (Essex)**

**Co-Sponsored by:**

**Senator Cunningham**

**SYNOPSIS**

Authorizes certain municipalities to impose parking taxes to fund projects to improve pedestrian access to mass transit.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/6/2019)**

1 AN ACT authorizing certain municipalities to impose a parking tax,  
2 and supplementing and amending P.L.1970, c.326.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. (New section) a. Any municipality with a population of  
8 100,000 or greater according to the most recent American  
9 Community Survey five-year estimate by the United States Census  
10 Bureau may adopt an ordinance imposing a mass transit access  
11 parking tax of three and one-half percent on fees for the parking,  
12 garaging, or storing of motor vehicles, other than parking in a  
13 garage which is part of premises occupied solely as a private one-  
14 or two-family dwelling.

15 b. All parking taxes collected pursuant to this section shall be  
16 anticipated and appropriated in the municipal budget as dedicated  
17 revenue pursuant to N.J.S.40A:4-39 for the exclusive purpose of  
18 funding or financing capital improvements for pedestrian access to  
19 mass transit stations, including, but not limited to, the construction  
20 of bridges, tunnels, platforms, walkways, elevators, escalators, and  
21 stairways directly related to mass transit pedestrian accessibility.

22 c. The parking tax authorized by this section may be collected  
23 in addition to a surcharge collected pursuant to section 3 of  
24 P.L.2013, c.284 (C.40:48C-1.6) or a tax collected pursuant to  
25 subsection a. of section 6 of P.L.1970, c.326 (C.40:48C-6), but the  
26 parking tax authorized by this section shall not be collected  
27 whenever a special event parking tax surcharge is collected  
28 pursuant to subsection b. of section 6 of P.L.1970, c.326 (C.40:48C-  
29 6).

30

31 2. Section 6 of P.L.1970, c.326 (C.40:48C-6) is amended to  
32 read as follows:

33 6. a. Any municipality is hereby authorized and empowered to  
34 enact an ordinance imposing in any such municipality a tax, not to  
35 exceed **[15%]** 15 percent, on fees for parking, garaging, or storing  
36 of motor vehicles, other than parking in a garage which is part of  
37 premises occupied solely as a private one- or two-family dwelling.  
38 For the purposes of **[this act]** P.L.1970, c.326 (C.40:48C-1 et seq.),  
39 in the case where any parking facility is situated within two  
40 contiguous municipalities authorized under section 1 of P.L.1970,  
41 c.326 (C.40:48C-1) and section 2 of P.L.1987, c.21 (C.40:48C-1.2),  
42 the tax authorized herein may only be imposed on fees attributable  
43 to that portion of any parking facility which is situated within the  
44 physical boundaries of the municipality.

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

Matter underlined thus is new matter.



1       b. In addition to the tax authorized by subsection a. of this  
2 section, a municipality also may adopt an ordinance imposing a  
3 special event parking tax surcharge of **[7%]** seven percent on fees  
4 for the parking, garaging, or storing of motor vehicles for events  
5 held in the municipality during weekday evenings, beginning at  
6 6:00 p.m. or later, and held at any time on Saturdays, Sundays, and  
7 holidays. For the purposes of this subsection, "special events"  
8 means, but is not limited to, spectator sporting events, trade shows,  
9 expositions, concerts, and other public events. An ordinance  
10 adopted pursuant to this subsection shall designate the areas of the  
11 municipality, to be designated as "special event parking tax  
12 surcharge zones," in which the special event parking tax surcharge  
13 shall be imposed, but no zone designated under this subsection shall  
14 include a facility for the parking, garaging, or storing of motor  
15 vehicles that is located on land that comprises any part of an  
16 international airport. All surcharges required to be collected shall  
17 be anticipated and appropriated in the municipal budget as a  
18 dedicated revenue pursuant to N.J.S.40A:4-39 for the purpose of  
19 defraying municipal expenses for police, fire, sanitation work, and  
20 other services associated with the hosting of special events;  
21 provided, however, that sanitation work services paid for out of the  
22 surcharge receipts shall be performed solely by employees of the  
23 municipality. The ordinance imposing the special event parking tax  
24 surcharge shall be void and the surcharge shall not be collected if  
25 sanitation work services related to special events and paid for out of  
26 the surcharge receipts are not performed solely by employees of the  
27 municipality.

28       c. (1) An ordinance adopted pursuant to subsection a. of this  
29 section may establish a discount, not to exceed eight percent of the  
30 fees subject to taxation under the ordinance, for residents of the  
31 municipality in accordance with the provisions of this subsection.

32       (2) A discount may only be provided pursuant to this subsection  
33 upon application by a resident of the municipality demonstrating  
34 that the subject vehicle is:

35       (a) individually owned by the applicant;

36       (b) registered to the applicant's primary residence in the  
37 municipality;

38       (c) parked in a long-term rented space for one month or more;  
39 and

40       (d) used only for personal, non-commercial purposes.

41       (3) If an application is granted pursuant to paragraph (2) of this  
42 subsection, the municipality shall provide a certificate that, upon  
43 display, entitles the resident of the municipality to the discount.

44       (4) A recipient of a discount certificate shall file an amended  
45 application upon any change of:

46       (a) primary residence;

47       (b) parking facility;

48       (c) vehicle; or

1        (d) license plate number.

2        (5) An ordinance establishing a discount pursuant to this  
3 subsection may provide penalties for obtaining or using a discount  
4 certificate in violation of the provisions of the ordinance.

5 (cf: P.L.2007, c.296, s.1)

6

7        3. Section 7 of P.L.1970, c.326 (C.40:48C-7) is amended to  
8 read as follows:

9        7. a. All taxes imposed by the ordinances authorized pursuant  
10 to section 1 of P.L. , c. (C. ) (pending before the Legislature  
11 as this bill) or section 6 of P.L.1970, c.326 (C.40:48C-6) shall be  
12 collected on behalf of the municipality by the person (hereinafter  
13 sometimes referred to as "taxpayer") providing parking services to  
14 the customer.

15        b. Every person required to collect any tax, including  
16 surcharges imposed by the ordinances shall be personally liable for  
17 the tax imposed, collected or required to be collected hereunder.  
18 Any such person shall have the same right in respect to collecting  
19 the tax from his customer or in respect to nonpayment of the tax by  
20 the customer as if the tax were a part of the service charge and  
21 payable at the same time; provided, however, that the chief fiscal  
22 officer of the municipality shall be joined as a party in any action or  
23 proceeding brought to collect the tax.

24        c. No person required to collect any tax , including surcharges,  
25 hereunder shall advertise or hold out to any person or to the public  
26 in general, in any manner, directly or indirectly, that the tax is not  
27 considered as an element in the charge payable by the customer,  
28 that he will pay the tax, that the tax will not be separately charged  
29 and stated to the customer or that the tax will be refunded to the  
30 customer.

31        d. All taxes and surcharges collected pursuant to the ordinances  
32 shall be remitted to the chief fiscal officer of the municipality and  
33 shall be reported on such forms and paid at such times as may be  
34 prescribed in the ordinances.

35 (cf: P.L.2007, c.296, s.2)

36

37        4. This act shall take effect immediately.

38

39

40

#### STATEMENT

41

42        This bill would allow certain municipalities to impose a parking  
43 tax of three and a half percent to fund projects that improve  
44 pedestrian access to mass transit stations. The bill would also allow  
45 certain of these municipalities to establish discounts for municipal  
46 residents of up to eight percent against existing parking taxes.

47        Under the bill, any municipality with a population of 100,000 or  
48 greater according to the most recent American Community Survey

1 five-year estimate by the United States Census Bureau would be  
2 authorized to impose the mass transit pedestrian access parking tax.  
3 Presently, this includes Newark, Jersey City, Paterson, Elizabeth,  
4 Edison, and Woodbridge. This mass transit pedestrian access  
5 parking tax may be imposed in addition to parking taxes already  
6 authorized by current law in some of those municipalities, except  
7 that the mass transit pedestrian access parking tax may not be  
8 imposed whenever a special event parking tax surcharge is charged.

9 The parking tax discounts authorized by the bill would apply to  
10 parking taxes that are already authorized by section 6 of P.L.1970,  
11 c.326 (C.40:48C-6) for certain municipalities. The municipalities  
12 that can impose these parking taxes and that would be newly able to  
13 provide discounts are: those with a population over 200,000; those  
14 with a population between 100,000 and 125,000, and which are  
15 contiguous with a municipality already imposing the general  
16 parking tax; and those with a population density greater than 10,000  
17 persons per square mile and which are located within a county of  
18 the first class.

# SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

## STATEMENT TO

### **SENATE, No. 3507**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 12, 2019

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Senate Bill No. 3507.

This bill, as amended, would allow certain municipalities to impose a parking tax on non-residents of three and one-half percent to fund mass transit pedestrian access projects. The bill would also allow any municipality collecting any parking tax to require the parking facilities subject to the tax to accept credit cards.

The mass transit access parking tax authorized by the bill would be available to any municipality with a population of 100,000 or greater according to the most recent American Community Survey five-year estimate by the United States Census Bureau. Presently, this includes Newark, Jersey City, Paterson, Elizabeth, Edison, and Woodbridge. This mass transit access parking tax may be imposed in addition to parking taxes already authorized by current law in some of those municipalities, except that this new tax may not be imposed whenever a special event parking tax surcharge is charged.

If mass transit access parking tax revenues exceed the cost of all budgeted capital improvement expenditures for mass transit pedestrian access projects in a fiscal year, the remaining revenues may be used to fund quality of life projects within the municipality.

Lastly, the bill makes a technical change to clarify that all municipal parking taxes authorized by statute, including the mass transit access parking tax, have to be collected in accordance with the procedural requirements of section 7 of P.L.1970, c.326 (C.40:48C-7).

As amended and reported by the committee, this bill is identical to Assembly Bill No. 5070 (1R), which was also amended and reported by the committee on this date.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) Limit the application of the municipal mass transit access parking tax to non-residents to exempt residents of the municipality from the parking tax instead of giving certain municipalities the option to allow a certain discount for their residents;

(2) Allow a municipality to use any parking tax revenues left after the expenditure of all budgeted mass transit access capital

improvement spending in a fiscal year on quality of life projects within the municipality;

(3) Allow any municipality collecting any parking tax to require the parking facilities subject to the tax to accept credit cards; and

(4) Make a technical change to clarify that all municipal parking taxes authorized by statute have to be collected in accordance with the procedural requirements of section 7 of P.L.1970, c.326 (C.40:48C-7).

# Governor Murphy Takes Action on Legislation

01/9/2020

**TRENTON** – Today, Governor Phil Murphy signed the following bills into law:

**S446 (Addiego, Madden/DeAngelo, Houghtaling, Wirths)** - Provides preferences for certain businesses applying for workforce development grants.

**S1242 (Turner, Greenstein/Benson, DeAngelo, Pinkin)** - Requires boil water notices be provided to municipal officials within one hour.

**S1712 (Beach, Turner/Lampitt, Chaparro, Houghtaling)** - Requires consumer notification of vehicle warranty for aftermarket and recycled parts.

**S1874 (Ruiz, Greenstein/Giblin, Webber, Wimberly, Chiaravalloti)** - Establishes special license plates to bring awareness to breast cancer.

**S2055 (Cunningham, Ruiz/Sumter, Jasey, Jones)** - Permits incarcerated persons to receive student financial aid.

**S2106 (Bucco, Bucco/Dancer, Pinkin)** - Requires Adjutant General of DMVA to issue State flag to resident enrolling in federal service academy.

**S2656 (Pou, Cruz-Perez, Ruiz/Lopez, Mejia, Chaparro)** - Establishes 35 member New Jersey Puerto Rico Commission in Department of State.

**S2905 (Singleton/Mukherji, Armato, Mazzeo)** - Prohibits certain possession, sale, trade, distribution, or offering for sale of shark fins.

**S3594 (Singer, Singleton/Quijano)** - Provides certain employment protections for National Guard members employed in New Jersey.

**SJR36 (Weinberg/Mosquera, Lampitt, Webber)** - Designates October of each year as "Pregnancy and Infant Loss Remembrance Month" in New Jersey.

**SJR59 (Doherty, Madden/Mosquera, Moriarty, Dancer)** - Designates May of each year as "Civil War Veterans Recognition Month," in honor of the Grand Army of the Republic and the Sons of Union Veterans of the Civil War.

**SJR83 (Van Drew/Armato, Mazzeo, DeAngelo)** - Expresses support for United States Air Force to base F-35 fighter jets at 177th Fighter Wing in Atlantic City.

**A5070 (Speight, Tucker, Pintor Marin/Ruiz, Rice, Cunningham)** - Authorizes certain municipalities to impose parking taxes to fund projects to improve pedestrian access to mass transit.

Governor Murphy conditionally vetoed the following bill:

**S2389 (Singleton/Quijano, Downey, Houghtaling, Moriarty)** – Requires New Jersey State Board of Pharmacy to establish prescription drug pricing disclosure website and certain pharmaceutical manufacturing companies to provide prescription drug price information.

[Copy of Statement on S2389](#)

Governor Murphy absolute vetoed the following bills:

**S2167 (Pennacchio, Pou/Webber, McKeon, Pinkin, Giblin)** - Dedicates \$500,000 annually in revenues from vessel registration and renewal fees to NJ Greenwood Lake Fund.

[Copy of Statement on S2167](#)

**S3509 (Beach, Turner/Greenwald, Murphy, Vainieri Huttle)** - Increases dedication of certain revenues to “New Jersey Wine Promotion Account.”

[Copy of Statement on S3509](#)