

40:48E-1 to 40:48E-6

LEGISLATIVE HISTORY CHECKLIST

NJSA 40:48E-1 to 40:48E-6 (Hotel occupancy tax--permit--in certain municipalities)

LAWS 1981 CHAPTER 77

Bill No. S1372

Sponsor(s) Merlino, Caufield & Lipman

Date Introduced June 26, 1980

Committee: Assembly Revenue, Finance & Appropriations

Senate State Government, Federal & Interstate Relations

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly March 5, 1981

Senate Oct. 9, 1980

Date of approval March 25, 1981

Following statements are attached if available:

Sponsor statement	Yes	No	(Below) Also attached:
Committee Statement: Assembly	Yes	No	Senate amendments
Senate	Yes	No	(adopted 10-6-80)
			with statement
Fiscal Note	Yes	No	
Veto Message	Yes	No	
Message on signing	Yes	No	
Following were printed:			
Reports	Yes	No	
Hearings	Yes	No	

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Sponsor's statement:

This bill authorizes cities of the first class to enact ordinances imposing a hotel occupancy tax.

6/22/81
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APPROVED 3-25-81

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SENATE, No. 1372

STATE OF NEW JERSEY

INTRODUCED JUNE 26, 1980

By Senators CAUFIELD and LIPMAN

Referred to Committee on State Government, Federal and
Interstate Relations and Veterans Affairs

AN ACT to authorize certain municipalities to impose a hotel
occupancy tax.

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

1 1. This act shall be known and may be cited as the "Hotel Occu-
2 pancy Tax Act."

1 2. As used in this act "hotel" means a building or portion of it
2 which is regularly used and kept open as such for the lodging of
3 guests, and includes an apartment hotel, a motel, boarding house or
4 club, whether or not meals are served.

1 3. The governing body of any city of the first class may make,
2 amend, repeal and enforce an ordinance imposing in the city a
3 tax, not to exceed 6%, on charges for the use or occupation of rooms
4 in hotels which tax shall be in addition to any other tax imposed
5 by law.

1 4. a. The tax shall be collected on behalf of the city by the person
2 collecting the use or occupancy charge from the hotel customer.

3 b. Every person required to collect any tax imposed by the
4 ordinance shall be personally liable for the tax imposed, collected
5 or required to be collected hereunder. Any such person shall have
6 the same right in respect to collecting the tax from his customer
7 as if the tax were a part of the use or occupancy charge and payable
8 at the same time; provided, however, that the chief fiscal officer of
9 the city shall be joined as a party in any action or proceeding
10 brought to collect the tax.

11 c. No person required to collect any tax hereunder shall advertise
12 or hold out to any person or to the public in general, in any manner,

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

12A directly or indirectly, that the tax will not be separately charged
 13 and stated to the customer or that the tax will be refunded to the
 14 customer.

15 d. All revenues collected from the tax shall be remitted to the
 16 chief fiscal officer of the city on or before the dates on which mu-
 17 nicipal real property taxes are due.

18 e. The city shall enforce the payment of delinquent hotel occu-
 19 pancy taxes in the same manner as provided for municipal real
 20 property taxes.

1 5. The owner of any hotel subject to real property taxation shall
 2 be permitted to deduct from the real property tax installments*, or
 3 *the payments in lieu of taxes or the service charges** due on the
 4 hotel for any year the amount of the use or occupancy tax paid on
 5 account of the property since the preceding installment. If the
 6 deduction is greater than the real property tax due, the surplus
 7 shall be credited to the next installment.

1 *6. ***[Nothing in this act shall be construed as affecting the lia-*
 2 *bilities accrued pursuant to]*** ***The tax imposed hereunder shall*
 3 *be in addition to the tax imposed by** the "Sales and Use Tax*
 4 *Act**[" approved July 1, 1966]"** **" (P. L. 1966, c. 30,*
 5 *C. 54:32B-1 et seq.).**

1 ***[6.]*** *7.* This act shall take effect ***[July 1, 1980]*** *90 days
 2 after enactment*.

ASSEMBLY REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO
SENATE No. 1372
[SECOND OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: FEBRUARY 19, 1981

The Assembly Revenue, Finance and Appropriations Committee finds the Senate State Government, Federal and Interstate Relations and Veterans Affairs Committee statement to this bill an accurate and concise statement and concurs therein.

SENATE STATE GOVERNMENT, FEDERAL AND
INTERSTATE RELATIONS AND VETERANS AFFAIRS
COMMITTEE

STATEMENT TO
SENATE, No. 1372
with Senate committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 29, 1980

The purpose of this bill is to authorize municipalities of the first class to levy a tax, not to exceed 6%, on charges for the use or occupation of rooms. The owner of any hotel subject to real property taxation shall be permitted to deduct the amount of the room occupancy tax from the amount of the property tax.

There are two cities of the first class — Newark and Jersey City. Cities of the first class are those with over 150,000 population (excluding shore resort cities) according to the 1970 census.

This bill anticipates the building and operation of a hotel by the Port Authority of New York and New Jersey at the Newark International Airport. Since Port Authority property is tax exempt, a tax on occupancy will provide a means of raising revenue from a facility operated by the Authority.

The bill is supported by Mayor Gibson and the Port Authority.

COMMITTEE AMENDMENTS

Certain hotels pay to the City of Newark service charges and payments in lieu of taxes, rather than real property taxes. The language of the amendment would authorize the application of the hotel occupancy tax against such payments, as well as against real property taxes.

The committee also amended the bill to make it clear that the proposed occupancy tax would not affect the liabilities accrued pursuant to the State "Sales and Use Tax Act" (C. 54:32B-1 et seq.). In addition, the committee amended the bill to make it effective 90 days after enactment.

However, the Child Labor Law provides that minors shall not be permitted to work in, about, or in connection with various dangerous substances, including fumes, gas and dust that could attend a fire.

This bill exempts the young firemen from the scope of that section of the law, thus leaving the regulation of their safety to the local fire district or municipality.

A-1065, sponsored by Assemblyman Richard James Codey (D-Essex), which designates the third Sunday in January of each year as "Volunteer First Aid and Rescue Squad Day."

S-1251, sponsored by Senator Garrett W. Hagedorn (R-Bergen), which allows a public employee, retired on a disability pension, to enroll in the State Health Benefits Program if that person did not do so upon retirement. Enrollment must occur in a 180-day period after the effective date of the Act.

S-1372, sponsored by Senator John P. Caufield (D-Essex), which will allow cities of the first class (Newark and Jersey City) to levy a tax, up to six percent, on charges for the use of hotel rooms.

The bill will enable Newark to collect local revenues from a hotel which the Port Authority of New York and New Jersey is planning to build and operate at Newark International Airport.

S-1418, sponsored by Senator Frank J. Dodd (D-Essex), which repeals certain redundant, overlapping, unused or unneeded statutes relating to State parks and other environmental conservation matters.

A-72, sponsored by Assemblyman William F. Dowd (R-Monmouth), which permits municipal governing bodies to hold their organization or reorganization meetings on a Sunday, January 1.

A-506, sponsored by Assemblyman Karl Weidel (R-Mercer), which provides that a motor vehicle special learner's permit issued to a handicapped person be valid for nine months rather than the present 90-day period, after such person's seventeenth birthday or until the completion of the road test portion of the license examination, whichever period is shorter.