

SENATE, No. 2891

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED NOVEMBER 8, 2007

Sponsored by:
Senator RONALD L. RICE
District 28 (Essex)

SYNOPSIS

Authorizes imposition of special event parking tax surcharge in certain municipalities.

CURRENT VERSION OF TEXT

As introduced.



S2891 RICE

2

1 AN ACT authorizing the imposition of a special event parking tax
2 surcharge in certain municipalities and amending the "Local Tax
3 Authorization Act," P.L.1970, c.326.

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

7
8 1. Section 6 of P.L.1970, c.326 (C.40:48C-6) is amended to read
9 as follows:

10 6. a. Any municipality is hereby authorized and empowered to
11 enact an ordinance imposing in any such municipality a tax, not to
12 exceed 15%, on fees for parking, garaging, or storing of motor
13 vehicles, other than parking in a garage which is part of premises
14 occupied solely as a private one- or two-family dwelling. For the
15 purposes of this act, in the case where any parking facility situated
16 within two contiguous municipalities authorized under section 1 of
17 P.L.1970, c.326 [(C.49:48C-1)] (C.40:48C-1) and section 2 of
18 P.L.1987, c.21 (C.40:48C-1.2), the tax authorized herein may only
19 be imposed on fees attributable to that portion of any parking
20 facility which is situated within the physical boundaries of the
21 municipality.

22 b. In addition to the tax authorized by subsection a. of this
23 section, a municipality also may adopt an ordinance imposing a
24 special event parking tax surcharge of 7% on fees for the parking,
25 garaging, or storing of motor vehicles for events held in the
26 municipality during weekday evenings and on Saturdays, Sundays,
27 and holidays. For the purposes of this subsection, "special events"
28 means, but is not limited to, spectator sporting events, trade shows,
29 expositions, concerts, and other public events. All surcharges
30 required to be collected shall be deposited into, or credited to, a
31 dedicated fund for the purpose of defraying municipal expenses for
32 police, fire, sanitation work, and other services associated with the
33 hosting of special events; provided, however, that sanitation work
34 services shall be performed solely by residents of the municipality.
35 The ordinance imposing the special event parking tax surcharge
36 shall be void and the surcharge shall not be collected if sanitation
37 work services related to special events are not performed solely by
38 workers who are residents of the municipality.

39 (cf: P.L.1987, c.21, s.1)

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

43 7. a. All taxes imposed by [such ordinance] the ordinances
44 authorized pursuant to section 6 of P.L.1970, c.326 (C.40:48-6)
45 shall be collected on behalf of the municipality by the person

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 (hereinafter sometimes referred to as "taxpayer") providing parking
2 services to the customer.

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

12 c. No person required to collect any tax hereunder shall
13 advertise or hold out to any person or to the public in general, in
14 any manner, directly or indirectly, that the tax is not considered as
15 an element in the charge payable by the customer, that he will pay
16 the tax, that the tax will not be separately charged and stated to the
17 customer or that the tax will be refunded to the customer.

18 d. All taxes collected pursuant to **【such ordinance】** the
19 ordinances shall be remitted to the chief fiscal officer of the
20 municipality and shall be reported on such forms and paid at such
21 times as may be prescribed in **【such ordinance】** the ordinances.
22 (cf: P.L.1970, c.326, s.7)

23
24 3. This act shall take effect immediately.

25
26
27 STATEMENT

28
29 The bill would amend sections 6 and 7 of "Local Tax
30 Authorization Act," (C.40:48C-6 and C.40:48C-7) to authorize an
31 eligible municipality, by ordinance, to impose a "special event"
32 parking tax surcharge in addition to the parking tax authorized
33 under that act. The amount of the surcharge would be 7% on fees
34 for the parking, garaging, or storing of motor vehicles for special
35 events held in the municipality during weekday evenings and on
36 Saturdays, Sundays, and holidays. Special events would be in the
37 nature of spectator sporting events, trade shows, expositions,
38 concerts, and other public events. The surcharges collected would
39 be required to be deposited or credited to a dedicated fund to defray
40 the municipal expenses for police, fire, sanitation, and other
41 services associated with the hosting of special events. The
42 sanitation work services for special events would be required to be
43 performed solely by workers who are residents of the municipality,
44 or the authorizing ordinance would be void and the surcharge could
45 not be collected. Newark, Jersey City and Elizabeth currently
46 impose a parking tax under the "Local Tax Authorization Act."