

P.L. 2009, CHAPTER 21, *approved March 17, 2009*  
Assembly, No. 3819 (*First Reprint*)

1 AN ACT providing for a State tax amnesty period, supplementing  
2 Title 54 of the Revised Statutes and making an appropriation.

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

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7 1. a. In addition to the powers of the Director of the Division  
8 of Taxation prescribed under the State Uniform Tax Procedure Law,  
9 R.S.54:48-1 et seq., and notwithstanding the provision of any other  
10 law to the contrary, the director shall establish a period not to  
11 exceed 45 days in duration, which period shall end no later than  
12 June 15, 2009, during which a taxpayer who has failed to pay any  
13 State tax on or before the day on which the tax is required to be  
14 paid may pay to the director on or before the last day of the period  
15 established by the director the amount of that tax <sup>1</sup>**[, including] and**  
16 one-half of the balance of<sup>1</sup> interest <sup>1</sup>[and cost of collection as set  
17 forth in section 8 of P.L.1987, c.76 (C.54:49-12.1)] that is due as  
18 of May 1, 2009, but without the remaining one-half of the balance  
19 of interest that is due as of May 1, 2009<sup>1</sup>, without the recovery fee  
20 as set forth in section 2 of P.L.1992, c.172 (C.54:49-12.3) that may  
21 otherwise be due, and without the imposition of any civil or  
22 criminal penalties arising out of an obligation imposed under any  
23 State tax law. This section shall apply only to State tax liabilities  
24 for tax returns due on or after January 1, 2002 and prior to February  
25 1, 2009 and shall not extend to any taxpayer who at the time of  
26 payment is under criminal investigation or charge for any State tax  
27 matter, as certified by a county prosecutor or the Attorney General  
28 to the director.

29 Notwithstanding the provisions of any other law to the contrary,  
30 no taxpayer shall be entitled to a waiver of one-half of the balance  
31 of interest due as of May 1, 2009,<sup>1</sup> penalty and recovery fee  
32 pursuant to this subsection unless full payment of the tax and one-  
33 half of the balance of interest<sup>1</sup> due as of May 1, 2009<sup>1</sup> is made in  
34 accordance with the rules and procedures established by the  
35 director.

36 b. There shall be imposed a 5% penalty, which shall not be  
37 subject to waiver or abatement, in addition to all other penalties,  
38 interest, or costs of collection otherwise authorized by law, upon  
39 any State tax liabilities eligible to be satisfied during the period

**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>Assembly ABU committee amendments adopted March 9, 2009.

1 established pursuant to subsection a. of this section that are not  
2 satisfied during the amnesty period.

3 c. Notwithstanding the provisions of any other law to the  
4 contrary, if a taxpayer elects to participate in the program  
5 established pursuant to this section, as that election shall be  
6 evidenced by full payment pursuant to this section of a State tax  
7 liability to which this section applies pursuant to subsection a. of  
8 this section, then that election shall constitute an express and  
9 absolute relinquishment of all administrative and judicial rights of  
10 appeal that have not run or otherwise expired as of the date payment  
11 is made. The relinquishment of rights of appeal pursuant to this  
12 subsection shall apply with respect to all rights of appeal  
13 established pursuant to the State Uniform Tax Procedure Law,  
14 R.S.54:48-1 et seq., and the specific statutory provisions of any  
15 State tax. No tax payment made pursuant to this section shall be  
16 eligible for refund or credit, whether claimed by administrative  
17 protest or judicial appeal.

18 d. Notwithstanding the provisions of any other law to the  
19 contrary, no amnesty payment shall be accepted without the express  
20 approval of the director with respect to any State tax assessment  
21 which is the subject of any administrative or judicial appeal as of  
22 the effective date of this act.

23 e. Notwithstanding any provision of the "Administrative  
24 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the  
25 contrary, the director may adopt immediately upon filing with the  
26 Office of Administrative Law such regulations as the director  
27 deems necessary to implement the provisions of this section, which  
28 regulations shall be effective for a period not to exceed 180 days  
29 following the date of enactment of P.L. , c. (C. ) (pending  
30 before the Legislature as this bill) and may thereafter be amended,  
31 adopted, or readopted by the director in accordance with the  
32 "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et  
33 seq.).

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35 2. There is appropriated to the Division of Taxation in the  
36 Department of the Treasury a sum not to exceed \$10,000,000 from  
37 the proceeds collected pursuant to subsection a. of section 1 of this  
38 act to carry out and administer the tax amnesty program established  
39 pursuant to the provisions of that section.

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41 3. This act shall take effect immediately.

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46 Requires the Director of the Division of Taxation to establish a  
47 45-day State tax amnesty period that ends no later than June 15,  
2009.