

ASSEMBLY, No. 5070

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 14, 2019

Sponsored by:

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District 29 (Essex)

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District 29 (Essex)

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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)

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:*

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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).

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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

4

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.

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

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

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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.