SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Community and Urban Affairs Committee on December 12, 2019, with amendments.

(Sponsorship Updated As Of: 1217/2019)
AN ACT authorizing certain municipalities to impose a parking tax, and supplementing and amending P.L.1970, c.326.

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

1. (New section) a. 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 may adopt an ordinance imposing a mass transit access parking tax of three and one-half percent on fees for the parking, garaging, or storing of motor vehicles, other than parking in a garage which is part of premises occupied solely as a private one- or two-family dwelling.

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

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

d. An ordinance adopted pursuant to subsection a. of this section shall exempt residents of the municipality from the full amount of the three and one-half percent parking tax. The exemption shall be implemented as follows:

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

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

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

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:

Senate SCU committee amendments adopted December 12, 2019.
6. a. Any municipality is hereby authorized and empowered to enact an ordinance imposing in any such municipality a tax, not to exceed 15 percent on fees for parking, garaging, or storing of motor vehicles, other than parking in a garage which is part of premises occupied solely as a private one- or two-family dwelling. For the purposes of this act P.L.1970, c.326 (C.40:48C-1 et seq.), in the case where any parking facility is situated within two contiguous municipalities authorized under section 1 of P.L.1970, c.326 (C.40:48C-1) and section 2 of P.L.1987, c.21 (C.40:48C-1.2), the tax authorized herein may only be imposed on fees attributable to that portion of any parking facility which is situated within the physical boundaries of the municipality.

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

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

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

(a) individually owned by the applicant;
(b) registered to the applicant’s primary residence in the municipality;
(c) parked in a long-term rented space for one month or more;
and
(d) used only for personal, non-commercial purposes.
(3) If an application is granted pursuant to paragraph (2) of this subsection, the municipality shall provide a certificate that, upon display, entitles the resident of the municipality to the discount.
(4) A recipient of a discount certificate shall file an amended application upon any change of:
(a) primary residence;
(b) parking facility;
(c) vehicle; or
(d) license plate number.
(5) An ordinance establishing a discount pursuant to this subsection may provide penalties for obtaining or using a discount certificate in violation of the provisions of the ordinance.
(cf: P.L.2007, c.296, s.1)

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

3. Section 7 of P.L.1970, c.326 (C.40:48C-7) is amended to read as follows:
7. a. All taxes imposed by the ordinances authorized pursuant to section 3 of P.L.2013, c.284 (C.40:48C-1.6), section 1 of P.L., 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.

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

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.

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

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

4. This act shall take effect immediately.