

[First Reprint]

**ASSEMBLY, No. 5070**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

INTRODUCED FEBRUARY 14, 2019

**Sponsored by:**

**Assemblywoman SHANIQUE SPEIGHT**

**District 29 (Essex)**

**Assemblywoman CLEOPATRA G. TUCKER**

**District 28 (Essex)**

**Assemblywoman ELIANA PINTOR MARIN**

**District 29 (Essex)**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Senator RONALD L. RICE**

**District 28 (Essex)**

**Senator SANDRA B. CUNNINGHAM**

**District 31 (Hudson)**

**Co-Sponsored by:**

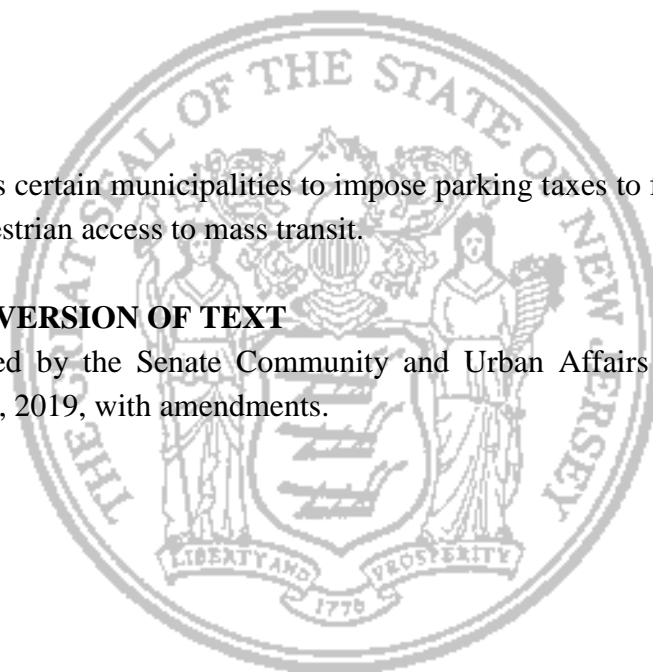
**Assemblywomen Chaparro and McKnight**

**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)**

A5070 [1R] SPEIGHT, TUCKER

2

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:

6

7 1. (New section) a. Any municipality with a population of  
8 100,000 or greater according to the most recent American Community  
9 Survey five-year estimate by the United States Census Bureau may  
10 adopt an ordinance imposing a mass transit access parking tax of three  
11 and one-half percent on fees for the parking, garaging, or storing of  
12 motor vehicles, other than parking in a garage which is part of  
13 premises occupied solely as a private one- or two-family dwelling.

14 b. All parking taxes collected pursuant to this section shall be  
15 anticipated and appropriated in the municipal budget as dedicated  
16 revenue pursuant to N.J.S.40A:4-39 for the exclusive purpose of  
17 funding or financing capital improvements for pedestrian access to  
18 mass transit stations, including, but not limited to, the construction of  
19 bridges, tunnels, platforms, walkways, elevators, escalators, and  
20 stairways directly related to mass transit pedestrian accessibility <sup>1</sup>;  
21 provided, however, that any parking tax revenues remaining after all  
22 the budgeted mass transit pedestrian access capital improvement  
23 expenditures have been used in a fiscal year may be used to fund  
24 quality of life projects within the municipality<sup>1</sup>.

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

32 <sup>1</sup>d. An ordinance adopted pursuant to subsection a. of this section  
33 shall exempt residents of the municipality from the full amount of the  
34 three and one-half percent parking tax. The exemption shall be  
35 implemented as follows:

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

39 (2) For long-term parking, a parking facility operator shall not  
40 charge a resident the three and one-half percent parking tax upon a  
41 display of proof of residence as provided in the ordinance.<sup>1</sup>

42

43 <sup>1</sup>**[**2. Section 6 of P.L.1970, c.326 (C.40:48C-6) is amended to  
44 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:

<sup>1</sup>Senate SCU committee amendments adopted December 12, 2019.

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

13       b. In addition to the tax authorized by subsection a. of this  
14 section, a municipality also may adopt an ordinance imposing a  
15 special event parking tax surcharge of **【7%】** seven percent on fees  
16 for the parking, garaging, or storing of motor vehicles for events  
17 held in the municipality during weekday evenings, beginning at  
18 6:00 p.m. or later, and held at any time on Saturdays, Sundays, and  
19 holidays. For the purposes of this subsection, "special events"  
20 means, but is not limited to, spectator sporting events, trade shows,  
21 expositions, concerts, and other public events. An ordinance  
22 adopted pursuant to this subsection shall designate the areas of the  
23 municipality, to be designated as "special event parking tax  
24 surcharge zones," in which the special event parking tax surcharge  
25 shall be imposed, but no zone designated under this subsection shall  
26 include a facility for the parking, garaging, or storing of motor  
27 vehicles that is located on land that comprises any part of an  
28 international airport. All surcharges required to be collected shall  
29 be anticipated and appropriated in the municipal budget as a  
30 dedicated revenue pursuant to N.J.S.40A:4-39 for the purpose of  
31 defraying municipal expenses for police, fire, sanitation work, and  
32 other services associated with the hosting of special events;  
33 provided, however, that sanitation work services paid for out of the  
34 surcharge receipts shall be performed solely by employees of the  
35 municipality. The ordinance imposing the special event parking tax  
36 surcharge shall be void and the surcharge shall not be collected if  
37 sanitation work services related to special events and paid for out of  
38 the surcharge receipts are not performed solely by employees of the  
39 municipality.

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

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

47       (a) individually owned by the applicant;

1     (b) registered to the applicant's primary residence in the  
2 municipality;

3     (c) parked in a long-term rented space for one month or more;  
4 and

5     (d) used only for personal, non-commercial purposes.

6     (3) If an application is granted pursuant to paragraph (2) of this  
7 subsection, the municipality shall provide a certificate that, upon  
8 display, entitles the resident of the municipality to the discount.

9     (4) A recipient of a discount certificate shall file an amended  
10 application upon any change of:

11     (a) primary residence;

12     (b) parking facility;

13     (c) vehicle; or

14     (d) license plate number.

15     (5) An ordinance establishing a discount pursuant to this  
16 subsection may provide penalties for obtaining or using a discount  
17 certificate in violation of the provisions of the ordinance.

18 (cf: P.L.2007, c.296, s.1)]<sup>1</sup>

19

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

26

27     3. Section 7 of P.L.1970, c.326 (C.40:48C-7) is amended to read  
28 as follows:

29     7. a. All taxes imposed by the ordinances authorized pursuant to  
30 <sup>1</sup>section 3 of P.L.2013, c.284 (C.40:48C-1.6),<sup>1</sup> section 1 of P.L. , c.  
31 (C. ) (pending before the Legislature as this bill) <sup>1</sup>,<sup>1</sup> or section 6 of  
32 P.L.1970, c.326 (C.40:48C-6) shall be collected on behalf of the  
33 municipality by the person (hereinafter sometimes referred to as  
34 "taxpayer") providing parking services to the customer.

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

44     c. No person required to collect any tax , including surcharges,  
45 hereunder shall advertise or hold out to any person or to the public in  
46 general, in any manner, directly or indirectly, that the tax is not  
47 considered as an element in the charge payable by the customer, that

**A5070 [1R] SPEIGHT, TUCKER**

5

1 he will pay the tax, that the tax will not be separately charged and  
2 stated to the customer or that the tax will be refunded to the customer.

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

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

8

9 4. This act shall take effect immediately.