ASSEMBLY, No. 2529

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:
Assemblywoman NANCY F. MUNOZ
District 21 (Morris, Somerset and Union)
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SYNOPSIS

"Highway Accident Property Tax Relief Act"; requires State to reimburse municipalities for costs of providing certain emergency services.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning reimbursement to municipalities for emergency services rendered on federal and State highways and supplementing Title 52 of the Revised Statutes.

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

1. This act shall be known and may be cited as the "Highway Accident Property Tax Relief Act."

2. For the purposes of this act:

"Commissioner" means the Commissioner of Community Affairs.

"Emergency highway services" means emergency police, fire or rescue services provided along federal and State roads and highways, including highways administered by a State authority, following a motor vehicle accident, other accident or act of God, by a person employed as a municipal police officer, firefighter or emergency medical technician or serving on a volunteer organization providing emergency firefighting, first aid or rescue services within the municipality.

"Fund" means the Highway Accident Property Tax Relief Fund created by section 3 of P.L. , c. (C.) (pending before the Legislature as this bill).

"Highway" means an interstate highway or a State highway, but does not include a toll road.

"Service fee" means the per incident cost of providing emergency highway services according to a schedule promulgated by the Commissioner of Community Affairs pursuant to subsection g. of section 4 of P.L. , c. (C.) (pending before the Legislature as this bill).

3. There is established in the Department of Community Affairs a fund to be known as the Highway Accident Property Tax Relief Fund.

4. a. A municipality providing emergency highway services along a highway or other State facility may submit a claim in the form of a bill setting forth a service fee to the Highway Accident Property Tax Relief Fund. The service fee charged shall be in accordance with the schedule promulgated by the Commissioner of Community Affairs pursuant to subsection g. of this section and shall be directly related to the use of municipal emergency vehicles and personnel, including the use of emergency vehicles and equipment operated by members of a volunteer firefighting, first aid or rescue organization providing emergency services within the municipality, to respond to any accident or other emergency condition occurring on a federal or State road or highway.

b. In accordance with subsection e. of this section the Highway Accident Property Tax Relief Fund shall reimburse a municipality for its service fee, up to $1,500 per incident and up to $20,000 per year. The per incident limit may be waived by the commissioner in the case of an extraordinary incident, as defined by the commissioner.

c. Each claim shall be deemed approved unless rejected by the commissioner within 180 days of receipt of the claim. The commissioner shall provide a method for administrative appeal of any claim that is rejected.

d. Prior to the end of the State fiscal year the commissioner shall report to the Legislature the number of incidents and the amount of reimbursement requested by municipalities pursuant to subsection a. of this section.

e. No later than the last day of the State fiscal year following the fiscal year in which a claim is received by the fund, the commissioner shall reimburse municipalities for approved claims submitted pursuant to subsection a. of this section, on a pro-rata basis, from money appropriated to the Highway Accident Property Tax Relief Fund.

f. Service fees reimbursed to a municipality pursuant to this section shall be treated as dedicated revenues under N.J.S.40A:4-36. Any right of a municipality to collect a service fee from any person receiving aid or otherwise involved in an incident, or that person's insurance carrier, shall be subrogated to the State to the extent of the amount of service fee paid to the municipality from the fund.

g. The commissioner shall promulgate rules and regulations along with a schedule, concerning the calculation of the costs associated with the provision of emergency highway services. The schedule shall include the calculation of costs associated with the provision of emergency highway services by members of a volunteer firefighting, first aid or rescue organization providing emergency services to the municipality and formulae for the pro rata distribution of reimbursement funds to those volunteer emergency services organizations.

5. This act shall take effect immediately.

STATEMENT

This bill permits municipalities to recoup the costs of providing emergency services, including use of emergency firefighting, first aid and rescue organizations operating within the municipality, on State and federal highways.

The bill establishes the Highway Accident Property Tax Relief Fund as a fund in the Department of Community Affairs. A

municipality will send a bill to the fund for the actual costs of providing the emergency services, up to $1,500 per incident and up to $20,000 annually.

The fund will be supported through an annual appropriation and through the subrogation of a municipality's right to reimbursement, from the parties or their insurance carriers, to the fund. Payments from the fund will be made in the State fiscal year following the fiscal year in which a claim is made so that the commissioner can accurately determine and recommend to the Legislature the amount of money that should be appropriated to the fund to satisfy the claims for that fiscal year.

The bill requires the Commissioner of Community Affairs to promulgate rules and regulations governing the calculation of a municipality's actual cost of providing emergency services and to report to the Legislature the number of claims made each fiscal year.