

CHAPTER 47

AN ACT concerning transportation-related surcharges, supplementing Title 54 of the Revised Statutes, and amending R.S.39:5-41 and P.L.2017, c.26 (C.39:5H-1 et seq.).

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

C.39:5H-4.1 Definitions relative to transportation-related surcharges.

1. a. As used in this section:

“Prearranged ride,” “Rider,” and “Transportation network company,” shall have the same meanings as provided in section 2 of P.L.2017, c.26 (C.39:5H-2).

“Shared ride” means a prearranged ride in which:

(1) prior to commencement of the prearranged ride, the rider requested to share the prearranged ride with one or more riders; and

(2) the rider is charged a fare that is calculated, in part, based on the rider’s request to share all or part of the prearranged ride with one or more riders, regardless of whether the rider actually shares all or part of the ride with one or more riders.

b. Commencing October 1, 2018, there is imposed on a transportation network company rider a surcharge of \$0.50 upon every prearranged ride that originates and terminates within the State, except that only a \$0.25 surcharge is imposed on the rider of a shared ride. The surcharge imposed under this section shall be collected by the transportation network company, and shall be separately stated on the electronic receipt provided to the rider pursuant to section 9 of P.L.2017, c.26 (C.39:5H-9).

c. Each transportation network company required to collect the surcharge imposed by this section shall be personally liable for the surcharge imposed, collected, or required to be collected under this section. Any such transportation network company shall have the same right with respect to collecting the surcharge from a rider as if the surcharge were a part of the sales price and payable at the same time.

d. In carrying out the provisions of this section, the Director of the Division of Taxation in the Department of the Treasury shall have all of the powers and authority granted in P.L.1966, c.30 (C.54:32B-1 et seq.). The surcharge shall be filed and paid by the transportation network company on a monthly basis in a manner prescribed by the director. The director shall promulgate such rules and regulations as the director determines are necessary to effectuate the provisions of this section.

e. The surcharge imposed by this section shall be governed by the provisions of the “State Uniform Tax Procedure Law,” R.S.54:48-1 et seq.

2. Section 9 of P.L.2017, c.26 (C.39:5H-9) is amended to read as follows:

C.39:5H-9 Electronic receipt.

9. Within 48 hours following completion of a prearranged ride, a transportation network company shall provide a transportation network company rider with an electronic receipt which shall include:

- a. the points of origin and destination of the prearranged ride;
- b. the total time and distance of the prearranged ride;
- c. an itemization of the total fare paid, if any; and
- d. the surcharge imposed pursuant to section 1 of P.L.2018, c.47 (C.39:5H-4.1).

3. Section 26 of P.L.2017, c.26 (C.39:5H-26) is amended to read as follows:

C.39:5H-26 Exclusive governing of company, driver.

26. Notwithstanding any other provision of law, a transportation network company and a transportation network company driver shall be governed exclusively by P.L.2017, c.26 (C.39:5H-1 et seq.), any supplements or amendments thereto, and any rules promulgated by the commission or division pursuant to P.L.2017, c.26 (C.39:5H-1 et seq.).

A county or municipality shall not require a transportation network company or transportation network company driver to obtain a license or permit to provide a prearranged ride in that county or municipality, or require a driver to obtain a license or permit for the driver's personal vehicle in order to provide a prearranged ride in that county or municipality.

A county or municipality shall not impose a tax or fee that only applies to a transportation network company or transportation network company driver; provided that a transportation network company or driver shall be subject to a tax or fee that applies generally to all businesses or residents of the county or municipality.

Except for the initial and annual permit fee imposed pursuant to subsection b. of section 4 of P.L.2017, c.26 (C.39:5H-4) and the surcharge imposed pursuant to section 1 of P.L.2018, c.47 (C.39:5H-4.1), the State shall not impose a tax or fee that only applies to a transportation network company or transportation network company driver; provided that, a transportation network company or driver shall be subject to a tax or fee that applies generally to all businesses or residents of the State.

Nothing in this section shall be construed to alter, supersede, or prohibit a financial access agreement between a transportation network company and a city of the first class with an international airport terminal, provided the transportation network company complies with all other provisions of P.L.2017, c.26 (C.39:5H-1 et seq.).

4. R.S. 39:5-41 is amended to read as follows:

Fines, penalties, forfeitures, disposition of; exceptions.

39:5-41. a. All fines, penalties and forfeitures imposed and collected under authority of law for any violations of R.S.39:4-63 and R.S.39:4-64 shall be forwarded by the judge to whom the same have been paid to the proper financial officer of a county, if the violation occurred within the jurisdiction of that county's central municipal court, established pursuant to N.J.S.2B:12-1 et seq. or the municipality wherein the violation occurred, to be used by the county or municipality to help finance litter control activities in addition to or supplementing existing litter pickup and removal activities in the municipality.

b. Except as otherwise provided by subsection a. of this section, all fines, penalties and forfeitures imposed and collected under authority of law for any violations of the provisions of this Title, other than those violations in which the complaining witness is the chief administrator, a member of his staff, a member of the State Police, a member of a county police department and force, a county park police system, or a sheriff's office in a county that has established a central municipal court, an inspector of the Board of Public Utilities, or a law enforcement officer of any other State agency, shall be forwarded by the judge to whom the same have been paid as follows: one-half of the total amount collected to the financial officer, as designated by the local governing body, of the respective municipalities wherein the violations occurred, to be used by the municipality for general municipal use and to defray the cost of operating the municipal court; and one-half of the total amount collected to the proper financial officer of the county wherein they were collected, to be used by the county as a fund for the construction, reconstruction, maintenance and repair of roads and

bridges, snow removal, the acquisition and purchase of rights-of-way, and the purchase, replacement and repair of equipment for use on said roads and bridges therein. Up to 25% of the money received by a municipality pursuant to this subsection, but not more than the actual amount budgeted for the municipal court, whichever is less, may be used to upgrade case processing.

All fines, penalties and forfeitures imposed and collected under authority of law for any violations of the provisions of this Title, in which the complaining witness is a member of a county police department and force, a county park police system, or a county sheriff's office in a county that has established a central municipal court, shall be forwarded by the judge to whom the same have been paid to the financial officer, designated by the governing body of the county, for all violations occurring within the jurisdiction of that court, to be used for general county use and to defray the cost of operating the central municipal court.

Whenever any county has deposited moneys collected pursuant to this section in a special trust fund in lieu of expending the same for the purposes authorized by this section, it may withdraw from said special trust fund in any year an amount which is not in excess of the amount expended by the county over the immediately preceding three-year period from general county revenues for said purposes. Such moneys withdrawn from the trust fund shall be accounted for and used as are other general county revenues.

c. (Deleted by amendment, P.L.1993, c.293.)

d. Notwithstanding the provisions of subsections a. and b. of this section, \$1 shall be added to the amount of each fine and penalty imposed and collected through a court under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. In addition, upon the forfeiture of bail, \$1 of that forfeiture shall be forwarded to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "Body Armor Replacement" fund established pursuant to section 1 of P.L.1997, c.177 (C.52:17B-4.4). Beginning in the fiscal year next following the effective date of this act, the State Treasurer annually shall allocate from those moneys so forwarded an amount not to exceed \$400,000 to the Department of the Treasury to be expended exclusively for the purposes of funding the operation of the "Law Enforcement Officer Crisis Intervention Services" telephone hotline established and maintained under the provisions of sections 115 and 116 of P.L.2008, c.29 (C.26:2NN-1 and C.26:2NN-2).

e. Notwithstanding the provisions of subsections a. and b. of this section, \$1 shall be added to the amount of each fine and penalty imposed and collected through a court under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "New Jersey Spinal Cord Research Fund" established pursuant to section 9 of P.L.1999, c.201 (C.52:9E-9). In order to comply with the provisions of Article VIII, Section II, paragraph 5 of the State Constitution, a municipal or county agency which forwards moneys to the State Treasurer pursuant to this subsection may retain an amount equal to 2% of the moneys which it collects pursuant to this subsection as compensation for its administrative costs associated with implementing the provisions of this subsection.

f. Notwithstanding the provisions of subsections a. and b. of this section, \$1 shall be added to the amount of each fine and penalty imposed and collected through a court under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or

any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "Autism Medical Research and Treatment Fund" established pursuant to section 1 of P.L.2003, c.144 (C.30:6D-62.2).

g. Notwithstanding the provisions of subsections a. and b. of this section, \$3 shall be added to the amount of each fine and penalty imposed and collected by a court under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "New Jersey Forensic DNA Laboratory Fund" established pursuant to P.L.2003, c.183. Prior to depositing the moneys into the fund, the State Treasurer shall forward to the Administrative Office of the Courts an amount not to exceed \$475,000 from moneys initially collected pursuant to this subsection to be used exclusively to establish a collection mechanism and to provide funding to update the Automated Traffic System Fund created pursuant to N.J.S.2B:12-30 to implement the provisions of this subsection.

h. Notwithstanding the provisions of subsections a. and b. of this section, \$1 shall be added to the amount of each fine and penalty imposed and collected under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "New Jersey Brain Injury Research Fund" established pursuant to section 9 of P.L.2003, c.200 (C.52:9EE-9). The Administrative Office of the Courts may retain an amount equal to \$475,000 from the moneys which it initially collects pursuant to this subsection, prior to depositing any moneys in the "New Jersey Brain Injury Research Fund," in order to meet the expenses associated with utilizing the Automated Traffic System Fund created pursuant to N.J.S.2B:12-30 to implement the provisions of this subsection and serve other statutory purposes.

i. Notwithstanding the provisions of subsections a. and b. of this section, all fines and penalties imposed and collected under authority of law for any violation related to the unlawful operation or the sale of a vehicle under section 1 of P.L.1955, c.53 (C.39:3-17.1) shall be forwarded by the judge to whom the same have been paid to the State Treasurer, if the complaining witness is the chief administrator, a member of his staff, a member of the State Police, an inspector of the Board of Public Utilities, or a law enforcement officer or other official of any other State agency; or, if the complaining witness is not one of the foregoing, one-half to the chief financial officer of the county and one-half to the chief financial officer of the municipality wherein the violation occurred.

C.39:5H-4.2 Rules, regulations.

5. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary, the Director of the Division of Taxation may adopt immediately upon filing with the Office of Administrative Law such rules and regulations as the director determines to be necessary to effectuate the purposes of P.L.2018, c.47 (C.39:5H-4.1 et al.), which rules and regulations shall be effective for a period not to exceed 360 days following the effective date of P.L.2018, c.47 (C.39:5H-4.1 et al.) and may thereafter be amended, adopted, or readopted by the director in accordance with the requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

6. This act shall take effect immediately, except that section 4 shall take effect on the first day of the third month following enactment.

Approved July 1, 2018.