

CHAPTER 289

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:*

C.40:48C-1.7 Imposition of mass transit access parking tax.

1. 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.

C.40:48C-1.8 Acceptance of credit cards.

2. 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.2019, c.289 (C.40:48C-1.7), 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:

C.40:48C-7 Collection of taxes, surcharges, liability of collector; payment to municipality.

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.2019, c.289 (C.40:48C-1.7), 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.

4. This act shall take effect immediately.

Approved January 9, 2020.