Sponsored by:
Assemblyman VINCENT PRIETO
District 32 (Bergen and Hudson)
Assemblyman JOHN F. MCKEON
District 27 (Essex and Morris)
Assemblyman GARY S. SCHAER
District 36 (Bergen and Passaic)
Assemblywoman SHAVONDA E. SUMTER
District 35 (Bergen and Passaic)
Assemblyman RALPH R. CAPUTO
District 28 (Essex)
Assemblywoman VALERIE VAINIERI HUTTLE
District 37 (Bergen)
Assemblyman THOMAS P. GIBLIN
District 34 (Essex and Passaic)
Assemblyman DAVID P. RIBLE
District 30 (Monmouth and Ocean)

SYNOPSIS
Adjusts certain State taxes to support strengthened investments in public and private assets in this State.

CURRENT VERSION OF TEXT
As reported by the Senate Budget and Appropriations Committee on July 29, 2016, with amendments.
AN ACT adjusting certain State taxes to support strengthened investments in public and private assets in this State, amending and supplementing various parts of the statutory law pertaining to taxes of this State.

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

1. Section 3 of P.L.1966, c.30 (C.54:32B-3) is amended to read as follows:
   3. There is imposed and there shall be paid a tax of 7% percent on or before December 31, 2016, 6.5 percent on and after January 1, 2017, but before January 1, 2018, and 6 percent on and after January 1, 2018 upon:
      (a) The receipts from every retail sale of tangible personal property or a specified digital product for permanent use or less than permanent use, and regardless of whether continued payment is required, except as otherwise provided in this act.
      (b) The receipts from every sale, except for resale, of the following services:
         (1) Producing, fabricating, processing, printing or imprinting tangible personal property or a specified digital product, performed for a person who directly or indirectly furnishes the tangible personal property or specified digital product, not purchased by him for resale, upon which such services are performed.
         (2) Installing tangible personal property or a specified digital product, or maintaining, servicing, repairing tangible personal property or a specified digital product not held for sale in the regular course of business, whether or not the services are performed directly or by means of coin-operated equipment or by any other means, and whether or not any tangible personal property or specified digital product is transferred in conjunction therewith, except (i) such services rendered by an individual who is engaged directly by a private homeowner or lessee in or about his residence and who is not in a regular trade or business offering his services to the public, (ii) such services rendered with respect to personal property exempt from taxation hereunder pursuant to section 13 of P.L.1980, c.105 (C.54:32B-8.1), (iii) (Deleted by amendment, P.L.1990, c.40), (iv) any receipts from laundering, dry cleaning, tailoring, weaving, or pressing clothing, and shoe repairing and shoeshining and (v) services rendered in installing property which, when installed, will constitute an addition or capital improvement to real property, property or land, other than landscaping services and other than installing carpeting and other flooring.

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 SBA committee amendments adopted July 29, 2016.
(3) Storing all tangible personal property not held for sale in the regular course of business; the rental of safe deposit boxes or similar space; and the furnishing of space for storage of tangible personal property by a person engaged in the business of furnishing space for such storage.

"Space for storage" means secure areas, such as rooms, units, compartments or containers, whether accessible from outside or from within a building, that are designated for the use of a customer and wherein the customer has free access within reasonable business hours, or upon reasonable notice to the furnisher of space for storage, to store and retrieve property. Space for storage shall not include the lease or rental of an entire building, such as a warehouse or airplane hangar.

(4) Maintaining, servicing or repairing real property, other than a residential heating system unit serving not more than three families living independently of each other and doing their cooking on the premises, whether the services are performed in or outside of a building, as distinguished from adding to or improving such real property by a capital improvement, but excluding services rendered by an individual who is not in a regular trade or business offering his services to the public, and excluding garbage removal and sewer services performed on a regular contractual basis for a term not less than 30 days.

(5) Mail processing services for printed advertising material, except for mail processing services in connection with distribution of printed advertising material to out-of-State recipients.


(7) Utility service provided to persons in this State, any right or power over which is exercised in this State.

(8) Tanning services, including the application of a temporary tan provided by any means.

(9) Massage, bodywork or somatic services, except such services provided pursuant to a doctor's prescription.

(10) Tattooing, including all permanent body art and permanent cosmetic make-up applications, except such services provided pursuant to a doctor's prescription in conjunction with reconstructive breast surgery.

(11) Investigation and security services.

(12) Information services.

(13) Transportation services originating in this State and provided by a limousine operator, as permitted by law, except such services provided in connection with funeral services.

(14) Telephone answering services.

(15) Radio subscription services.

Wages, salaries and other compensation paid by an employer to an employee for performing as an employee the services described in this subsection are not receipts subject to the taxes imposed under this subsection (b).
Services otherwise taxable under paragraph (1) or (2) of this subsection (b) are not subject to the taxes imposed under this subsection, where the tangible personal property or specified digital product upon which the services were performed is delivered to the purchaser outside this State for use outside this State.

(c) (1) Receipts from the sale of prepared food in or by restaurants, taverns, or other establishments in this State, or by caterers, including in the amount of such receipts any cover, minimum, entertainment or other charge made to patrons or customers, except for meals especially prepared for and delivered to homebound elderly, age 60 or older, and to disabled persons, or meals prepared and served at a group-sitting at a location outside of the home to otherwise homebound elderly persons, age 60 or older, and otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private, nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization; and

(2) Receipts from sales of food and beverages sold through vending machines, at the wholesale price of such sale, which shall be defined as 70% of the retail vending machine selling price, except sales of milk, which shall not be taxed. Nothing herein contained shall affect other sales through coin-operated vending machines taxable pursuant to subsection (a) above or the exemption thereto provided by section 21 of P.L.1980, c.105 (C.54:32B-8.9).

The tax imposed by this subsection (c) shall not apply to food or drink which is sold to an airline for consumption while in flight.

(3) For the purposes of this subsection:

"Food and beverages sold through vending machines” means food and beverages dispensed from a machine or other mechanical device that accepts payment; and

"Prepared food” means:

(i) A. food sold in a heated state or heated by the seller; or

B. two or more food ingredients mixed or combined by the seller for sale as a single item, but not including food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the Food and Drug Administration in Chapter 3, part 401.11 of its Food Code so as to prevent food borne illnesses; or

C. food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport the food;

provided however, that

(ii) "prepared food” does not include the following sold without eating utensils:
A. food sold by a seller whose proper primary NAICS classification is manufacturing in section 311, except subsector 3118 (bakeries);
B. food sold in an unheated state by weight or volume as a single item; or
C. bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies, and tortillas.

(d) The rent for every occupancy of a room or rooms in a hotel in this State, except that the tax shall not be imposed upon a permanent resident.

(e) (1) Any admission charge to or for the use of any place of amusement in the State, including charges for admission to race tracks, baseball, football, basketball or exhibitions, dramatic or musical arts performances, motion picture theaters, except charges for admission to boxing, wrestling, kick boxing or combative sports exhibitions, events, performances or contests which charges are taxed under any other law of this State or under section 20 of P.L.1985, c.83 (C.5:2A-20), and, except charges to a patron for admission to, or use of, facilities for sporting activities in which such patron is to be a participant, such as bowling alleys and swimming pools. For any person having the permanent use or possession of a box or seat or lease or a license, other than a season ticket, for the use of a box or seat at a place of amusement, the tax shall be upon the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by the holder, licensee or lessee, and shall be paid by the holder, licensee or lessee.
   (2) The amount paid as charge of a roof garden, cabaret or other similar place in this State, to the extent that a tax upon such charges has not been paid pursuant to subsection (c) hereof.

(f) (1) The receipts from every sale, except for resale, of intrastate, interstate, or international telecommunications services and ancillary services sourced to this State in accordance with section 29 of P.L.2005, c.126 (C.54:32B-3.4).
   (2) (Deleted by amendment, P.L.2008, c.123)
   (g) (Deleted by amendment, P.L.2008, c.123)
   (h) Charges in the nature of initiation fees, membership fees or dues for access to or use of the property or facilities of a health and fitness, athletic, sporting or shopping club or organization in this State, except for: (1) membership in a club or organization whose members are predominantly age 18 or under; and (2) charges in the nature of membership fees or dues for access to or use of the property or facilities of a health and fitness, athletic, sporting or shopping club or organization that is exempt from taxation pursuant to paragraph (1) of subsection (a) of section 9 of P.L.1966, c.30 (C.54:32B-9), or that is exempt from taxation pursuant to paragraph
(1) or (2) of subsection (b) of section 9 of P.L.1966, c.30 and that
has complied with subsection (d) of section 9 of P.L.1966, c.30.

(i) The receipts from parking, storing or garaging a motor
vehicle, excluding charges for the following: residential parking;
employee parking, when provided by an employer or at a facility
owned or operated by the employer; municipal parking, storing or
garaging; receipts from charges or fees imposed pursuant to section
3 of P.L.1993, c.159 (C.5:12-173.3) or pursuant to an agreement
between the Casino Reinvestment Development Authority and a
casino operator in effect on the date of enactment of P.L.2007,
c.105; and receipts from parking, storing or garaging a motor
vehicle subject to tax pursuant to any other law or ordinance.

For the purposes of this subsection, "municipal parking, storing
or garaging" means any motor vehicle parking, storing or garaging
provided by a municipality or county, or a parking authority
thereof.

(cf: P.L.2013, c.193, s.1)

2. Section 4 of P.L.1966, c.30 (C.54:32B-4) is amended to
read as follows:

4. a. For the purpose of adding and collecting the tax imposed
by this act, or an amount equal as nearly as possible or practicable
to the average equivalent thereof, to be reimbursed to the seller by
the purchaser, a seller shall use one of the two following options:

(1) (a) on or before December 31, 2016, a tax shall be calculated
based on the following formula:

<table>
<thead>
<tr>
<th>Amount of Sale</th>
<th>Amount of Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0.01 to $0.10</td>
<td>No Tax</td>
</tr>
<tr>
<td>0.11 to 0.19</td>
<td>$0.01</td>
</tr>
<tr>
<td>0.20 to 0.32</td>
<td>0.02</td>
</tr>
<tr>
<td>0.33 to 0.47</td>
<td>0.03</td>
</tr>
<tr>
<td>0.48 to 0.62</td>
<td>0.04</td>
</tr>
<tr>
<td>0.63 to 0.77</td>
<td>0.05</td>
</tr>
<tr>
<td>0.78 to 0.90</td>
<td>0.06</td>
</tr>
<tr>
<td>0.91 to $1.10</td>
<td>0.07</td>
</tr>
</tbody>
</table>

and in addition to a tax of $0.07 on each full dollar, a tax shall be
collected on each part of a dollar in excess of a full dollar, in
accordance with the above formula;

(b) on and after January 1, 2017, but before January 1, 2018, a
tax shall be calculated based on the following formula:

<table>
<thead>
<tr>
<th>Amount of Sale</th>
<th>Amount of Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0.01 to $0.06</td>
<td>No Tax</td>
</tr>
<tr>
<td>0.07 to 0.22</td>
<td>$0.01</td>
</tr>
<tr>
<td>0.23 to 0.37</td>
<td>0.02</td>
</tr>
<tr>
<td>0.38 to 0.53</td>
<td>0.03</td>
</tr>
<tr>
<td>0.54 to 0.68</td>
<td>0.04</td>
</tr>
<tr>
<td>0.69 to 0.83</td>
<td>0.05</td>
</tr>
<tr>
<td>0.84 to 0.99</td>
<td>0.06</td>
</tr>
<tr>
<td>Amount of Sale</td>
<td>Amount of Tax</td>
</tr>
<tr>
<td>---------------</td>
<td>--------------</td>
</tr>
<tr>
<td>$0.01 to $0.10</td>
<td>No Tax</td>
</tr>
<tr>
<td>0.11 to 0.22</td>
<td>$0.01</td>
</tr>
<tr>
<td>0.23 to 0.38</td>
<td>0.02</td>
</tr>
<tr>
<td>0.39 to 0.56</td>
<td>0.03</td>
</tr>
<tr>
<td>0.57 to 0.72</td>
<td>0.04</td>
</tr>
<tr>
<td>0.73 to 0.88</td>
<td>0.05</td>
</tr>
<tr>
<td>0.89 to 1.10</td>
<td>0.06</td>
</tr>
</tbody>
</table>

and in addition to a tax of $0.06 on each full dollar, a tax shall be collected on each part of a dollar in excess of a full dollar, in accordance with the above formula;

(c) on and after January 1, 2018, a tax shall be calculated based on the following formula:

- **(2)** tax shall be calculated to the third decimal place. One-half cent ($0.005) or higher shall be rounded up to the next cent; less than $0.005 shall be dropped in order to round the result down.
- Sellers may compute the tax due on a transaction on either an item or an invoice basis.
- (b. (Deleted by amendment, P.L.2008, c.123))

(cf: P.L. 2008, c.123, s.4)
days falling within each of the said periods to the total number of
days covered thereby.

(2) Except as otherwise provided in this act, receipts received
from all sales made and services rendered on and after July 1, 1990
but prior to July 1, 1992, are subject to the taxes imposed under
subsections (a), (b), (c) and (f) of section 3 of this act at the rate of
7%, except if the property so sold is delivered or the services so
sold are rendered on or after July 1, 1992 but prior to July 15, 2006,
in which case the tax shall be computed and paid at the rate of 6%,
provided, however, that if a service or maintenance agreement
taxable under this act covers any period commencing on or after
July 1, 1990, and ending after July 1, 1992, the receipts from such
agreement are subject to tax at the rate applicable to each period as
set forth hereinabove and shall be apportioned on the basis of the
ratio of the number of days falling within each of the said periods to
the total number of days covered thereby.

(3) Except as otherwise provided in this act, receipts received
from all sales made and services rendered on and after July 1, 1992
but prior to July 15, 2006, are subject to the taxes imposed under
subsections (a), (b), (c), (f) and (g) of section 3 of P.L.1966, c.30
(C.54:32B-3) at the rate of 6%, except if the property so sold is
delivered or the services so sold are rendered on or after July 15,
2006, in which case the tax shall be computed and paid at the rate
of 7%, provided, however, that if a service or maintenance
agreement taxable under this act covers any period commencing on
or after July 1, 1992, and ending after July 15, 2006, the receipts
from such agreement are subject to tax at the rate applicable to each
period as set forth hereinabove and shall be apportioned on the
basis of the ratio of the number of days falling within each of the
said periods to the total number of days covered thereby; provided
however, if a service or maintenance agreement in effect on July 14,
2006 covers billing periods ending after July 15, 2006, the seller
shall charge and collect from the purchaser a tax on such sales at
the rate of 6%, unless the billing period starts on or after July 15,
2006 in which case the seller shall charge and collect a tax at the
rate of 7%.

b. (1) The tax imposed under subsection (d) of section 3 shall
be paid at the rate of 7% upon any occupancy on and after July 1,
1990 but prior to July 1, 1992, although such occupancy is pursuant
to a prior contract, lease or other arrangement. If an occupancy,
taxable under this act, covers any period on or after January 3, 1983
but prior to July 1, 1990, the rent for the period of occupancy prior
to July 1, 1990 shall be taxed at the rate of 6%. If rent is paid on a
weekly, monthly or other term basis, the rent applicable to each
period as set forth hereinabove shall be apportioned on the basis of
the ratio of the number of days falling within each of the said
periods to the total number of days covered thereby.
(2) The tax imposed under subsection (d) of section 3 shall be paid at the rate of 6% upon any occupancy on and after July 1, 1992 but prior to July 15, 2006, although such occupancy is pursuant to a prior contract, lease or other arrangement. If an occupancy, taxable under this act, covers any period on or after July 1, 1990 but prior to July 1, 1992, the rent for the period of occupancy prior to July 1, 1992 shall be taxed at the rate of 7%. If rent is paid on a weekly, monthly or other term basis, the rent applicable to each period as set forth hereinabove shall be apportioned on the basis of the ratio of the number of days falling within each of the said periods to the total number of days covered thereby.

(3) The tax imposed under subsection (d) of section 3 shall be paid at the rate of 7% upon any occupancy on and after July 15, 2006, although such occupancy is pursuant to a prior contract, lease or other arrangement. If an occupancy, taxable under this act, covers any period on or after July 1, 1990 but prior to July 15, 2006, the rent for the period of occupancy prior to July 15, 2006 shall be taxed at the rate of 6%. If rent is paid on a weekly, monthly or other term basis, the rent applicable to each period as set forth hereinabove shall be apportioned on the basis of the ratio of the number of days falling within each of the said periods to the total number of days covered thereby.

c. (1) Except as otherwise hereinafter provided, the tax imposed under subsection (e) of section 3 shall be applicable at the rate of 7% to any admission to or for the use of facilities of a place of amusement occurring on or after July 1, 1990 but prior to July 1, 1992, whether or not the admission charge has been paid prior to July 1, 1990, unless the tickets were actually sold and delivered, other than for resale, prior to July 1, 1990 and the tax imposed under this act during the period January 3, 1983 through June 30, 1990 shall have been paid.

(2) Except as otherwise hereinafter provided, the tax imposed under subsection (e) of section 3 shall be applicable at the rate of 6% to any admission to or for the use of facilities of a place of amusement occurring on or after July 1, 1992 but prior to July 15, 2006, whether or not the admission charge has been paid prior to July 1, 1992, unless the tickets were actually sold and delivered, other than for resale, prior to July 1, 1992 and the tax imposed under this act during the period July 1, 1990 through December 31, 1990 shall have been paid.

(3) Except as otherwise hereinafter provided, the tax imposed under subsection (e) of section 3 shall be applicable at the rate of 7% to any admission to or for the use of facilities of a place of amusement occurring on or after July 15, 2006, whether or not the admission charge has been paid prior to that date, unless the tickets were actually sold and delivered, other than for resale, prior to July 15, 2006 and the tax imposed under this act during the period July 1, 1992 through July 14, 2006 shall have been paid.
d. (1) Sales made on and after July 1, 1990 but prior to July 1, 1992 to contractors, subcontractors or repairmen of materials, supplies, or services for use in erecting structures for others, or building on, or otherwise improving, altering or repairing real property of others shall be subject to the taxes imposed by subsections (a) and (b) of section 3 and section 6 hereof at the rate of 7%; provided, however, that if such sales are made for use in performance of a contract which is either of a fixed price not subject to change or modification, or entered into pursuant to the obligation of a formal written bid which cannot be altered or withdrawn, and, in either case, such contract was entered into or such bid was made on or after January 3, 1983 but prior to July 1, 1990, such sales shall be subject to tax at the rate of 6%, but the vendor shall charge and collect from the purchaser a tax on such sales at the rate of 7%.

(2) Sales made on or after July 1, 1992 but prior to July 15, 2006 to contractors, subcontractors or repairmen of materials, supplies, or services for use in erecting structures for others, or building on, or otherwise improving, altering or repairing real property of others shall be subject to the taxes imposed by subsections (a) and (b) of section 3 and section 6 hereof at the rate of 6%; provided, however, that if such sales are made for use in performance of a contract which is either of a fixed price not subject to change or modification, or entered into pursuant to the obligation of a formal written bid which cannot be altered or withdrawn, and, in either case, such contract was entered into or such bid was made on or after July 1, 1990, but prior to July 1, 1992, such sales shall be subject to tax at the rate of 7%.

(3) Sales made on or after July 15, 2006 to contractors, subcontractors or repairmen of materials, supplies, or services for use in erecting structures for others, or building on, or otherwise improving, altering or repairing real property of others shall be subject to the taxes imposed by subsections (a) and (b) of section 3 and section 6 hereof at the rate of 7%; provided, however, that if such sales are made for use in performance of a contract which is either of a fixed price not subject to change or modification, or entered into pursuant to the obligation of a formal written bid which cannot be altered or withdrawn, and, in either case, such contract was entered into or such bid was made on or after July 1, 1992, but prior to July 15, 2006, such sales shall be subject to tax at the rate of 6%, but the seller shall charge and collect from the purchaser a tax on such sales at the rate of 7%.

e. (1) As to sales other than those referred to in d. above, the taxes imposed under subsections (a) and (b) of section 3 and section 6 hereof, and the taxes imposed under subsection (f) of section 3 and section 6 hereof, upon receipts received on or after July 1, 1990 and on or before December 31, 1990, shall be at the rate in effect on June 30, 1990, in case of sales made or services rendered pursuant
to a written contract entered on or after January 3, 1983 but prior to
July 1, 1990, and accompanied by a deposit or partial payment of
the contract price, except in the case of a contract which, in the
usage of trade, is not customarily accompanied by a deposit or
partial payment of the contract price, but the vendor shall charge
and collect from the purchaser on such sales at the rate of 7%,
which tax shall be reduced to the rate, if any, in effect on June 30,
1990, only by a claim for refund filed by the purchaser with the
director within 90 days after receipt of said receipts and otherwise
pursuant to the provisions of section 20 of P.L.1966, c.30
(C.54:32B-20). A claim for refund shall not be allowed if there has
been no deposit or partial payment of the contract price unless the
claimant shall establish by clear and convincing evidence that, in
the usage of trade, such contracts are not customarily accompanied
by a deposit or partial payment of the contract price.

(2) As to sales other than those referred to in d. above, the taxes
imposed under subsections (a) and (b) of section 3 and section 6
hereof, and the taxes imposed under subsections (f) and (g) of
section 3 and section 6 hereof, upon receipts received on or after
July 15, 2006 and on or before December 31, 2006, shall be at the
rate in effect on July 14, 2006, in case of sales made or services
rendered pursuant to a written contract entered on or after July 1,
1992 but prior to July 15, 2006, and accompanied by a deposit or
partial payment of the contract price, except in the case of a
contract which, in the usage of trade, is not customarily
accompanied by a deposit or partial payment of the contract price,
but the seller shall charge and collect from the purchaser on such
sales at the rate of 7%, which tax shall be reduced to the rate, if any,
in effect on July 14, 2006, only by a claim for refund filed by the
purchaser with the director within 90 days after receipt of said
receipts and otherwise pursuant to the provisions of section 20 of
P.L.1966, c.30 (C.54:32B-20). A claim for refund shall not be
allowed if there has been no deposit or partial payment of the
contract price unless the claimant shall establish by clear and
convincing evidence that, in the usage of trade, such contracts are
not customarily accompanied by a deposit or partial payment of the
contract price.

f. (1) The taxes imposed under subsections (a), (b), (c) and (f)
of section 3 upon receipts received on or after July 1, 1990 but prior
to July 1, 1992 shall be at the rate, if any, in effect on June 30, 1990
in the case of sales made or services rendered, if delivery of the
property which was the subject matter of the sale has been
completed or such services have been entirely rendered prior to July
1, 1990.

(2) The taxes imposed under subsections (a), (b), (c) and (f) of
section 3 upon receipts received on or after July 1, 1992 but prior to
July 15, 2006 shall be at the rate of 7% in the case of sales made or
services rendered, where delivery of the property which was the
subject matter of the sale has been completed or such services have
been entirely rendered on or after July 1, 1990 but prior to July 1,

(3) The taxes imposed under subsections (a), (b), (c), (f) and (g)
of section 3 upon receipts received on or after July 15, 2006 shall be
at the rate of 6% in the case of sales made or services rendered,
where delivery of the property which was the subject matter of the
sale has been completed or such services have been entirely
rendered on or after July 1, 1992 but prior to July 15, 2006.

g. The director is empowered to promulgate rules and
regulations to implement the provisions of this section.

h. The transitional provisions for sales made and services rendered
on and after the rate decrease to 6.5 percent on and after January 1,
2017, but before January 1, 2018 and the rate decrease to 6 percent on
and after January 1, 2018 pursuant to P.L. , c. (C. )(pending
before the Legislature as this bill), shall be implemented in a manner
analogous to each paragraph (2) of subsection a., b., c., d., and f. of
this section.
(cf: P.L. 2011, c.49, s.3)]

4. Section 6 of P.L.1966, c.30 (C.54:32B-6) is amended to
read as follows:

6. Unless property or services have already been or will be
subject to the sales tax under this act, there is hereby imposed on
and there shall be paid by every person a use tax for the use within
this State of [7%] 7 percent on or before December 31, 2016. 6.5
percent on and after January 1, 2017 but before January 1, 2018,
and 6 percent on and after January 1, 2018, except as otherwise
exempted under this act, (A) of any tangible personal property or
specified digital product purchased at retail, including energy,
provided however, that electricity consumed by the generating
facility that produced it shall not be subject to tax, (B) of any
 tangible personal property or specified digital product
manufactured, processed or assembled by the user, if items of the
same kind of tangible personal property or specified digital
products are offered for sale by him in the regular course of
business, or if items of the same kind of tangible personal property
are not offered for sale by him in the regular course of business and
are used as such or incorporated into a structure, building or real
property, (C) of any tangible personal property or specified digital
product, however acquired, where not acquired for purposes of
resale, upon which any taxable services described in paragraphs (1)
and (2) of subsection (b) of section 3 of P.L.1966, c.30 (C.54:32B-3)
have been performed, (D) of intrastate, interstate, or international
telecommunications services described in subsection (f) of section 3
(F) of utility service provided to persons in this State for use in this
State, provided however, that utility service used by the facility that
provides the service shall not be subject to tax, (G) of mail
processing services described in paragraph (5) of subsection (b) of
section 3 of P.L.1966, c.30 (C.54:32B-3), (H) (Deleted by
amendment, P.L.2008, c.123), (I) of any services subject to tax
pursuant to subsection (11), (12), (13), (14) or (15) of subsection
(b) of section 3 of P.L.1966, c.30 (C.54:32B-3), and (J) of access to
or use of the property or facilities of a health and fitness, athletic,
sporting or shopping club or organization in this State. For
purposes of clause (A) of this section, the tax shall be at the
applicable rate, as set forth hereinabove, of the consideration given
or contracted to be given for such property or for the use of such
property including delivery charges made by the seller, but
excluding any credit for property of the same kind accepted in part
payment and intended for resale. For the purposes of clause (B) of
this section, the tax shall be at the applicable rate, as set forth
hereinabove, of the price at which items of the same kind of
tangible personal property or specified digital products are offered
for sale by the user, or if items of the same kind of tangible personal
property are not offered for sale by the user in the regular course of
business and are used as such or incorporated into a structure,
building or real property the tax shall be at the applicable rate, as
set forth hereinabove, of the consideration given or contracted to be
given for the tangible personal property manufactured, processed or
assembled by the user into the tangible personal property the use of
which is subject to use tax pursuant to this section, and the mere
storage, keeping, retention or withdrawal from storage of tangible
personal property or specified digital products by the person who
manufactured, processed or assembled such property shall not be
deemed a taxable use by him. For purposes of clause (C) of this
section, the tax shall be at the applicable rate, as set forth
hereinabove, of the consideration given or contracted to be given
for the service, including the consideration for any tangible personal
property or specified digital product transferred in conjunction with
the performance of the service, including delivery charges made by
the seller. For the purposes of clause (D) of this section, the tax
shall be at the applicable rate on the charge made by the
telecommunications service provider; provided however, that for
prepaid calling services and prepaid wireless calling services the tax
shall be at the applicable rate on the consideration given or
contracted to be given for the prepaid calling service or prepaid
wireless calling service or the recharge of the prepaid calling
service or prepaid wireless calling service. For purposes of clause
(F) of this section, the tax shall be at the applicable rate on the
charge made by the utility service provider. For purposes of clause
(G) of this section, the tax shall be at the applicable rate on that
proportion of the amount of all processing costs charged by a mail
processing service provider that is attributable to the service
distributed in this State. For purposes of clause (I) of this section,
the tax shall be at the applicable rate on the charge made by the
service provider. For purposes of clause (J) of this section, the tax
shall be at the applicable rate on the charges in the nature of
initiation fees, membership fees or dues.
(cf: P.L.2011, c.49, s.4) 

5. Section 31 of P.L.1980, c.105 (C.54:32B-8.19) is amended
to read as follows:
31. Receipts from sales of tangible personal property and
services taxable under any municipal ordinance which was adopted
pursuant to P.L.1947, c.71 (C.40:48-8.15 et seq.) and was in effect
on April 27, 1966 are exempt from the tax imposed under the Sales
and Use Tax Act, subject to the following conditions:
   a. To the extent that the tax that is or would be imposed under
   section 3 of P.L.1966, c.30 (C.54:32B-3) is greater than the tax
   imposed by such ordinance, such sales shall not be exempt under
   this section; and
   b. Irrespective of the rate of tax imposed by such ordinance,
such sales shall be exempt only to the extent that the rate of taxation
imposed by the ordinance exceeds 6%, except that the combined
rate of taxation imposed under the ordinance and under this section
shall not exceed 13% on or before December 31, 2016, 12.5 percent on and after January 1, 2017 but before January
1, 2018, and 12 percent on and after January 1, 2018.
(cf: P.L.2006, c.44, s.10) 

6. Section 1 of P.L.2003, c.114 (C.54:32D-1) is amended to
read as follows:
1. a. In addition to any other tax, assessment or use fee
authorized by law, there is imposed and shall be paid a hotel and
motel occupancy fee of 7% for occupancies on and after August 1,
2003 but before July 1, 2004, and of 5% for occupancies on and
after July 1, 2004, upon the rent for every occupancy of a room or
rooms in a hotel subject to taxation pursuant to subsection (d) of
section 3 of P.L. 1966, c.30 (C:54:32B-3), which every person
required to collect tax shall collect from the customer when
collecting the rent to which it applies; provided however, that on
and after the tenth day following a certification by the Director of
the Division of Budget and Accounting in the Department of the
Treasury pursuant to subsection d. of section 2 of P.L.2003, c.114
(C.54:32D-2), no such fee shall be paid or collected; and provided
further that:
   (1) the combined rates of the fee imposed under this section,
   plus the tax imposed under the "Sales and Use Tax Act", P.L.1966,
c.30 (C.54:32B-1 et seq.), plus any tax imposed under P.L.1947,
c.71 (C.40:48-8.15 et seq.), shall not exceed a total rate of 14% on
or before December 31, 2016, 13.5% on and after January 1, 2017
but before January 1, 2018, and 13% on and after January 1, 2018.
and to the extent that the total combined rate of taxation for the
listed fees and taxes would exceed 14% on or before December 31,
2016, 13.5% on and after January 1, 2017 but before January 1,
2018, and 13% on and after January 1, 2018, the fee imposed under
this section shall be reduced so that the total combined rate equals
14% on or before December 31, 2016, 13.5% on and after January
1, 2017 but before January 1, 2018, and 13% on and after January 1,
2018:

(2) the combined rates of the fee imposed under this section,
plus the tax imposed under the "Sales and Use Tax Act", P.L.1966,
c.30 (C.54:32B-1 et seq.), plus any tax and assessment imposed
under section 4 of P.L.1992, c.165 (C.40:54D-4), shall not exceed a
total rate of 14% on or before December 31, 2016, 13.5% on and
after January 1, 2017 but before January 1, 2018, and 13% on and
after January 1, 2018, and to the extent that the total combined rate
of taxation for the listed fees and taxes would exceed 14% on or
before December 31, 2016, 13.5% on and after January 1, 2017 but
before January 1, 2018, and 13% on and after January 1, 2018, the
fee imposed under this section shall be reduced so that the total
combined rate equals 14% on or before December 31, 2016, 13.5%
on and after January 1, 2017 but before January 1, 2018, and 13%
on and after January 1, 2018; and

(3) the fee imposed under this section shall be at the rate of 1%
in a city in which the tax authorized under P.L.1981, c. 77
(C.40:48E-1 et seq.) is imposed.

b. The hotel and motel occupancy fee imposed by subsection a.
of this section shall not be imposed on the rent for an occupancy if
the purchaser, user or consumer is an entity exempt from the tax
imposed on an occupancy under the "Sales and Use Tax Act"
pursuant to subsection (a) of section 9 of P.L.1966, c.30 (C.54:32B-9).

c. Terms used in this section shall have the meaning given
those terms pursuant to section 2 of P.L.1966, c.30 (C.54:32B-2).

(cf: P.L.2006, c.44, s.18)1

1. R.S.54:38-1 is amended to read as follows:

54:38-1. a. In addition to the inheritance, succession or legacy
taxes imposed by this State under authority of chapters 33 to 36 of
this title (R.S.54:33-1 et seq.), or hereafter imposed under authority
of any subsequent enactment, there is hereby imposed an estate or
transfer tax:

(1) Upon the transfer of the estate of every resident decedent
dying before January 1, 2002 which is subject to an estate tax
payable to the United States under the provisions of the federal
revenue act of one thousand nine hundred and twenty-six and the
amendments thereof and supplements thereto or any other federal
revenue act in effect as of the date of death of the decedent, the
amount of which tax shall be the sum by which the maximum credit
allowable against any federal estate tax payable to the United States under any federal revenue act on account of taxes paid to any state or territory of the United States or the District of Columbia, shall exceed the aggregate amount of all estate, inheritance, succession or legacy taxes actually paid to any state or territory of the United States or the District of Columbia, including inheritance, succession or legacy taxes actually paid this State, in respect to any property owned by such decedent or subject to such taxes as a part of or in connection with the estate; and

(2) (a) Upon the transfer of the estate of every resident decedent dying after December 31, 2001, but before January 1, 2017, which would have been subject to an estate tax payable to the United States under the provisions of the federal Internal Revenue Code of 1986 (26 U.S.C. s.1 et seq.) in effect on December 31, 2001, the amount of which tax shall be, at the election of the person or corporation liable for the payment of the tax under this chapter, either

(i) the maximum credit that would have been allowable under the provisions of that federal Internal Revenue Code in effect on that date against the federal estate tax that would have been payable under the provisions of that federal Internal Revenue Code in effect on that date on account of taxes paid to any state or territory of the United States or the District of Columbia, or

(ii) determined pursuant to the simplified tax system as may be prescribed by the Director of the Division of Taxation in the Department of the Treasury to produce a liability similar to the liability determined pursuant to clause (i) of this paragraph reduced pursuant to paragraph (b) of this subsection.

(b) The amount of tax liability determined pursuant to subparagraph (a) of this paragraph shall be reduced by the aggregate amount of all estate, inheritance, succession or legacy taxes actually paid to any state or territory of the United States or the District of Columbia, including inheritance, succession or legacy taxes actually paid this State, in respect to any property owned by such decedent or subject to such taxes as a part of or in connection with the estate; provided however, that the amount of the reduction shall not exceed the proportion of the tax otherwise due under this subsection that the amount of the estate's property subject to tax by other jurisdictions bears to the entire estate taxable under this chapter.

(3) (a) Upon the transfer of the estate of each resident decedent dying on or after January 1, 2017, whether or not subject to an estate tax payable to the United States under the provisions of the federal Internal Revenue Code (26 U.S.C. s.1 et seq.), the amount of the taxable estate, determined pursuant to section 2051 of the federal Internal Revenue Code (26 U.S.C. s.2051), shall be subject to tax pursuant to the following schedule:
<table>
<thead>
<tr>
<th>Amount Range</th>
<th>Rate or Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>On any amount up to $100,000</td>
<td>0.0%</td>
</tr>
<tr>
<td>On any amount in excess of $100,000, up to $150,000</td>
<td>0.8% of the excess over $100,000</td>
</tr>
<tr>
<td>On any amount in excess of $150,000, up to $200,000</td>
<td>$400 plus 1.6% of the excess over $150,000</td>
</tr>
<tr>
<td>On any amount in excess of $200,000, up to $300,000</td>
<td>$1,200 plus 2.4% of the excess over $200,000</td>
</tr>
<tr>
<td>On any amount in excess of $300,000, up to $500,000</td>
<td>$3,600 plus 3.2% of the excess over $300,000</td>
</tr>
<tr>
<td>On any amount in excess of $500,000, up to $700,000</td>
<td>$10,000 plus 4.0% of the excess over $500,000</td>
</tr>
<tr>
<td>On any amount in excess of $700,000, up to $900,000</td>
<td>$18,000 plus 4.8% of the excess over $700,000</td>
</tr>
<tr>
<td>On any amount in excess of $900,000, up to $1,100,000</td>
<td>$27,600 plus 5.6% of the excess over $900,000</td>
</tr>
<tr>
<td>On any amount in excess of $1,100,000, up to $1,600,000</td>
<td>$38,800 plus 6.4% of the excess over $1,100,000</td>
</tr>
<tr>
<td>On any amount in excess of $1,600,000, up to $2,100,000</td>
<td>$70,800 plus 7.2% of the excess over $1,600,000</td>
</tr>
<tr>
<td>On any amount in excess of $2,100,000, up to $2,600,000</td>
<td>$106,800 plus 8.0% of the excess over $2,100,000</td>
</tr>
<tr>
<td>On any amount in excess of $2,600,000, up to $3,100,000</td>
<td>$146,800 plus 8.8% of the excess over $2,600,000</td>
</tr>
<tr>
<td>On any amount in excess of $3,100,000, up to $3,600,000</td>
<td>$190,800 plus 9.6% of the excess over $3,100,000</td>
</tr>
</tbody>
</table>
On any amount in excess of $3,600,000, up to $4,100,000 . . . . . . $238,800 plus 10.4% of the excess over $3,600,000

On any amount in excess of $4,100,000, up to $5,100,000 . . . . . . $290,800 plus 11.2% of the excess over $4,100,000

On any amount in excess of $5,100,000, up to $6,100,000 . . . . . . $402,800 plus 12.0% of the excess over $5,100,000

On any amount in excess of $6,100,000, up to $7,100,000 . . . . . . $522,800 plus 12.8% of the excess over $6,100,000

On any amount in excess of $7,100,000, up to $8,100,000 . . . . . . $650,800 plus 13.6% of the excess over $7,100,000

On any amount in excess of $8,100,000, up to $9,100,000 . . . . . . $786,800 plus 14.4% of the excess over $8,100,000

On any amount in excess of $9,100,000, up to $10,100,000 . . . . . . $930,800 plus 15.2% of the excess over $9,100,000

On any amount in excess of $10,100,000 . . . . . . . . . . . . . . . . . . . . $1,082,800 plus 16.0% of the excess over $10,100,000

(b) A credit shall be allowed against the tax imposed pursuant to subparagraph (a) of this paragraph equal to the amount of tax which would be determined by subparagraph (a) of this paragraph if the amount of the taxable estate were equal to the exclusion amount.

For the transfer of the estate of each resident decedent dying on or after January 1, 2017, but before January 1, 2018, the exclusion amount is $2,000,000.

For the transfer of the estate of each resident decedent dying on or after January 1, 2018, but before January 1, 2020, the tax imposed by this section shall be based upon the applicable exclusion amount determined pursuant to subsection (c) of section 2010 of the federal Internal Revenue Code (26 U.S.C. s.2010), as amended or adjusted by federal law, rule or regulation.

(c) The amount of tax liability of a resident decedent determined pursuant to subparagraphs (a) and (b) of this paragraph shall be reduced by the aggregate amount of all estate, inheritance,
succession or legacy taxes actually paid to any state of the United
States, including inheritance taxes actually paid this State, in
respect to any property owned by that decedent or subject to those
taxes as a part of or in connection with the estate; provided
however, that the amount of the reduction shall not exceed the
proportion of the tax otherwise due under this subsection that the
amount of the estate's property subject to tax by other jurisdictions
bears to the entire estate taxable under this chapter.

(4) For the transfer of the estate of each resident decedent dying
on or after January 1, 2020, there shall be no tax imposed.

(5) Upon the transfer of the real or tangible personal property
within New Jersey of each nonresident decedent dying on or after
January 1, 2017, but before January 1, 2020, which tax shall bear
the same ratio to the entire tax which that estate would have been
subject to pursuant to subparagraphs (a) and (b) of paragraph (3)
and paragraph (4) of this subsection if that nonresident decedent
had been a resident of this State, and all of the decedent’s property,
real and personal, had been located within this State, as the taxable
property within this State bears to the entire estate, wherever
situated.

b. (1) In the case of the estate of a decedent dying before
January 1, 2002 where no inheritance, succession or legacy tax is
due this State under the provisions of chapters 33 to 36 of this title
or under authority of any subsequent enactment imposing taxes of a
similar nature, but an estate tax is due the United States under the
provisions of any federal revenue act in effect as of the date of
death, wherein provision is made for a credit on account of taxes
paid the several states or territories of the United States, or the
District of Columbia, the tax imposed by this chapter shall be the
maximum amount of such credit less the aggregate amount of such
estate, inheritance, succession or legacy taxes actually paid to any
state or territory of the United States or the District of Columbia.

(2) In the case of the estate of a decedent dying after December
31, 2001, but before January 1, 2017, where no inheritance,
succession or legacy tax is due this State under the provisions of
chapters 33 to 36 of this title or under authority of any subsequent
enactment imposing taxes of a similar nature, the tax imposed by
this chapter shall be determined pursuant to paragraph (2) of
subsection a. of this section.

(3) In the case of the estate of a decedent dying on or after
January 1, 2017 the tax imposed by this chapter shall be determined
pursuant to paragraphs (3), (4) and (5) of subsection a. of this
section.

c. For the purposes of this section, a "simplified tax system" to
produce a liability similar to the liability determined pursuant to
clause (i) of subparagraph (a) of paragraph (2) of subsection a. of
this section is a tax system that is based upon the $675,000 unified
estate and gift tax applicable exclusion amount in effect under the
provisions of the federal Internal Revenue Code of 1986 (26 U.S.C. s.1 et seq.) in effect on December 31, 2001, and results in general in the determination of a similar amount of tax but which will enable the person or corporation liable for the payment of the tax to calculate an amount of tax notwithstanding the lack or paucity of information for compliance due to such factors as the absence of an estate valuation made for federal estate tax purposes, the absence of a measure of the impact of gifts made during the lifetime of the decedent in the absence of federal gift tax information, and any other information compliance problems as the director determines are the result of the phased repeal of the federal estate tax.¹

¹2. N.J.S.54A:3-1 is amended to read as follows:

54A:3-1. Personal exemptions and deductions. Each taxpayer shall be allowed personal exemptions and deductions against his gross income as follows:

(a) Taxpayer. Each taxpayer shall be allowed a personal exemption of $1,000.00 which may be taken as a deduction from his New Jersey gross income.

(b) Additional exemptions. In addition to the personal exemptions allowed in (a), the following additional personal exemptions shall be allowed as a deduction from gross income:

1. For the taxpayer's spouse, or domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3), who does not file separately - $1,000.00.

2. For each dependent who qualifies as a dependent of the taxpayer during the taxable year for federal income tax purposes - $1,500.00.

3. Taxpayer 65 years of age or over at the close of the taxable year - $1,000.00.

4. Taxpayer's spouse 65 years of age or over at the close of the taxable year - $1,000.00.

5. Blind or disabled taxpayer - $1,000.00.

6. Blind or disabled spouse - $1,000.00.

7. Taxpayer who is a veteran honorably discharged or released under honorable circumstances from active duty in the Armed Forces of the United States, a reserve component thereof, or the National Guard of New Jersey in a federal active duty status, as those terms are used in N.J.S.38A:1-1 - $3,000.

(c) Special Rule. The personal exemptions allowed under this section shall be limited to that percentage which the total number of months within a taxpayer's taxable year under this act bears to 12. For this purpose 15 days or more shall constitute a month.

(d) (Deleted by amendment, P.L.1993, c.178).

(e) Nonresidents. For taxable years to which a certification pursuant to section 3 of P.L.1993, c.320 (C.54A:2-1.2) applies, a nonresident taxpayer shall be allowed the same deduction for
personal exemptions as a resident taxpayer. However, if (1) the nonresident taxpayer's gross income which is subject to tax under this act is exceeded by (2) the gross income which the nonresident taxpayer would be required to report under this act if the taxpayer were a resident by more than $100.00, the taxpayer's deduction for personal exemptions shall be limited by the percentage which (1) is to (2).\(^1\)

(cf: P.L.2003, c.246, s.40)

3. (New section) a. A taxpayer who has gross income for the taxable year of not more than $100,000, including a married couple filing jointly, a married person filing separately, or an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1, may deduct from the taxpayer's gross income reported pursuant to the “New Jersey Gross Income Tax Act,” N.J.S.54A:1-1 et seq., an amount equal to the State taxes paid on purchases of motor fuel for the operation for personal use of the taxpayer's motor vehicles during the taxable year.

b. An amount shall not be deductible under subsection a. of this section if the amount is:

(1) reimbursed to the taxpayer by or for the taxpayer’s employer;

(2) deductible in determining net profits from business pursuant to subsection b. of N.J.S.54A:5-1, even if not so deducted;

(3) deductible in determining net gains or net income derived from or in the form of rents, royalties, patents, and copyrights pursuant to subsection d. of N.J.S.A.54A:5-1, even if not so deducted;

(4) deductible in determining distributive share of partnership income pursuant to subsection k. of N.J.S.54A:5-1, even if not so deducted;

(5) deductible in determining net pro rata share of S corporation income pursuant to subsection p. of N.J.S.54A:5-1, even if not so deducted; or

(6) deductible as a medical expense pursuant to N.J.S.54A:3-3, even if not so deducted, or paid or distributed out of a medical savings account excluded from gross income pursuant to section 5 of P.L.1997, c.414 (C.54A:6-27).

c. The deduction allowed under this section shall not exceed the amount of $250 for the taxpayer's taxable year beginning on or after January 1, 2016 but before January 1, 2017, and shall not exceed the amount of $500 for the taxpayer's taxable years beginning on or after January 1, 2017.

N.J.S.54A:6-10 is amended to read as follows:

a. Gross income shall not include that part of any amount received as an annuity under an annuity, endowment, or life insurance contract which bears the same ratio to such amount as the investment in the contract as of the annuity starting date bears to the expected return under the contract as of such date. Where (1) part of the consideration for an annuity, endowment, or life insurance contract is contributed by the employer, and (2) during the three-year period beginning on the date on which an amount is first received under the contract as an annuity, the aggregate amount receivable by the employee under the terms of the contract is equal to or greater than the consideration for the contract contributed by the employee, then all amounts received as an annuity under the contract shall be excluded from gross income until there has been so excluded an amount equal to the consideration for the contract contributed by the employee.

b. (1) In addition to that part of any amount received as an annuity which is excludable from gross income as herein provided, gross income shall not include payments:

   - for taxable years beginning before January 1, 2000, of up to $10,000 for a married couple filing jointly, $5,000 for a married person filing separately, or $7,500 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

   - for the taxable year beginning on or after January 1, 2000, but before January 1, 2001, of up to $12,500 for a married couple filing jointly, $6,250 for a married person filing separately, or $9,375 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

   - for the taxable year beginning on or after January 1, 2001, but before January 1, 2002, of up to $15,000 for a married couple filing jointly, $7,500 for a married person filing separately, or $11,250 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

   - for the taxable year beginning on or after January 1, 2002, but before January 1, 2003, of up to $17,500 for a married couple filing jointly, $8,750 for a married person filing separately, or $13,125 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

   - for taxable years beginning on or after January 1, 2003, but before January 1, 2017 of up to $20,000 for a married couple filing jointly, $10,000 for a married person filing separately, or $15,000 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

   - for taxable years beginning on or after January 1, 2017, but before January 1, 2018, of up to $40,000 for a married couple filing jointly, $20,000 for a married person filing separately, or $30,000
for an individual filing as a single taxpayer or an individual
determining tax pursuant to subsection a. of N.J.S.54A:2-1;
for taxable years beginning on or after January 1, 2018, but
before January 1, 2019, gross income shall not include income of up
to $60,000 for a married couple filing jointly, $30,000 for a married
person filing separately, or $50,000 for an individual filing as a
single taxpayer or an individual determining tax pursuant to
subsection a. of N.J.S.54A:2-1;
for taxable years beginning on or after January 1, 2019, but
before January 1, 2020, of up to $80,000 for a married couple filing
jointly, $40,000 for a married person filing separately, or $60,000
for an individual filing as a single taxpayer or an individual
determining tax pursuant to subsection a. of N.J.S.54A:2-1;
for taxable years beginning on or after January 1, 2020, of up to
$100,000 for a married couple filing jointly, $50,000 for a married
person filing separately, or $75,000 for an individual filing as a
single taxpayer or an individual determining tax pursuant to
subsection a. of N.J.S.54A:2-1,
which are received as an annuity, endowment or life insurance
contract, or payments of any such amounts which are received as
pension, disability, or retirement benefits, under any public or
private plan, whether the consideration therefor is contributed by
the employee or employer or both, by any person who is 62 years of
age or older or who, by virtue of disability, is or would be eligible
to receive payments under the federal Social Security Act [1], but
for 2.
(2) For taxable years beginning on or after January 1, 2005, but
before January 1, 2021, the exclusion provided by this subsection
shall only be allowed if the taxpayer has gross income for the
taxable year of not more than $100,000;
for taxable years beginning on or after January 1, 2021, if the
taxpayer has gross income for the taxable year of not more than
$100,000 the exclusion provided by this subsection shall be fully
allowed, if the taxpayer has gross income for the taxable year in
excess of $100,000 but not more than $125,000 then the taxpayer
may exclude 50 percent of the amount otherwise allowed, and if the
taxpayer has gross income for the taxable year in excess of
$125,000 but not more than $150,000 then the taxpayer may
exclude 25 percent of the amount otherwise allowed.
(c) Gross income shall not include any amount received under
any public or private plan by reason of a permanent and total
disability.
d) Gross income shall not include distributions from an
employees’ trust described in section 401(a) of the Internal Revenue
Code of 1986, as amended (hereinafter referred to as "the Code"),
which is exempt from tax under section 501(a) of the Code if the
distribution, except the portion representing the employees’
contributions, is rolled over in accordance with section 402(a)(5) or
section 403(a)(4) of the Code. The distribution shall be paid in one
or more installments which constitute a lump-sum distribution
within the meaning of section 402(e)(4)(A) (determined without
reference to subsection (e)(4)(B)), or be on account of a termination
of a plan of which the trust is a part or, in the case of a profit-
sharing or stock bonus plan, a complete discontinuance of
contributions under such plan.
(cf: P.L.2005, c.130, s.1)

8. Section 3 of P.L.1977, c.273 (C.54A:6-15) is amended
to read as follows:

3. Other retirement income. a. (1) Gross income shall not
include income:

for taxable years beginning before January 1, 2000, of up to
$10,000 for a married couple filing jointly, $5,000 for a married
person filing separately, or $7,500 for an individual filing as a
single taxpayer or an individual determining tax pursuant to
subsection a. of N.J.S.54A:2-1;

for the taxable year beginning on or after January 1, 2000, but
before January 1, 2001, of up to $12,500 for a married couple filing
jointly, $6,250 for a married person filing separately, or $9,375 for
an individual filing as a single taxpayer or an individual
determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for the taxable year beginning on or after January 1, 2001, but
before January 1, 2002, of up to $15,000 for a married couple filing
jointly, $7,500 for a married person filing separately, or $11,250 for
an individual filing as a single taxpayer or an individual
determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for the taxable year beginning on or after January 1, 2002, but
before January 1, 2003, of up to $17,500 for a married couple filing
jointly, $8,750 for a married person filing separately, or $13,125 for
an individual filing as a single taxpayer or an individual
determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for the taxable year beginning on or after January 1, 2003, but
before January 1, 2017, gross income shall not include income of up
to $20,000 for a married couple filing jointly, $10,000 for a married
person filing separately, or $15,000 for an individual filing as a
single taxpayer or an individual determining tax pursuant to
subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2017 but
before January 1, 2018, gross income shall not include income of up
to $40,000 for a married couple filing jointly, $20,000 for a married
person filing separately, or $30,000 for an individual filing as a
single taxpayer or an individual determining tax pursuant to
subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2018, but
before January 1, 2019, gross income shall not include income of up
to $60,000 for a married couple filing jointly, $30,000 for a married
person filing separately, or $50,000 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2019, but before January 1, 2020, gross income shall not include income of up to $80,000 for a married couple filing jointly, $40,000 for a married person filing separately, or $60,000 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2020, gross income shall not include income of up to $100,000 for a married couple filing jointly, $50,000 for a married person filing separately, or $75,000 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

when received in any tax year by a person aged 62 years or older who received no income in excess of $3,000 from one or more of the sources enumerated in subsections a., b., k. and p. of N.J.S.54A:5-1 [1], but for [2];

(2) For taxable years beginning on or after January 1, 2005, but before January 1, 2021, the exclusion provided by this subsection shall only be allowed if the taxpayer has gross income for the taxable year of not more than $100,000 [1], provided, however, that the [3];

for taxable years beginning on or after January 1, 2021, if the taxpayer has gross income for the taxable year of not more than $100,000 the exclusion provided by this subsection shall be fully allowed, if the taxpayer has gross income for the taxable year in excess of $100,000 but not more than $125,000 then the taxpayer may exclude 50 percent of the amount otherwise allowed, and if the taxpayer has gross income for the taxable year in excess of $125,000 but not more than $150,000 then the taxpayer may exclude 25 percent of the amount otherwise allowed.

(3) The total exclusion under this subsection and that allowable under N.J.S.54A:6-10 shall not exceed the amounts of the exclusions set forth in this subsection.

b. In addition to the exclusion provided under N.J.S.54A:6-10 and subsection a. of this section, gross income shall not include income of up to $6,000 for a married couple filing jointly or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1, or $3,000 for a single person or a married person filing separately, who is not covered under N.J.S.54A:6-2 or N.J.S.54A:6-3, but who would be eligible in any year to receive payments under either section if he or she were covered thereby.

(cf: P.L.2005, c.130, s.2)

6. Section 2 of P.L.2000, c.80 (C.54A:4-7) is amended to read as follows:
2. There is established the New Jersey Earned Income Tax Credit program in the Division of Taxation in the Department of the Treasury.

a. (1) A resident individual who is eligible for a credit under section 32 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.32) shall be allowed a credit for the taxable year equal to a percentage, as provided in paragraph (2) of this subsection, of the federal earned income tax credit that would be allowed to the individual or the married individuals filing a joint return under section 32 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.32) for the same taxable year for which a credit is claimed pursuant to this section, subject to the restrictions of this subsection and subsections b., c., d. and e. of this section.

(2) For the purposes of the calculation of the New Jersey earned income tax credit, the percentage of the federal earned income tax credit referred to in paragraph (1) of this subsection shall be:

(a) 10% for the taxable year beginning on or after January 1, 2000, but before January 1, 2001;

(b) 15% for the taxable year beginning on or after January 1, 2001, but before January 1, 2002;

(c) 17.5% for the taxable year beginning on or after January 1, 2002, but before January 1, 2003;

(d) 20% for taxable years beginning on or after January 1, 2003, but before January 1, 2008;

(e) 22.5% for taxable years beginning on or after January 1, 2008 but before January 1, 2009;

(f) 25% for taxable years beginning on or after January 1, 2009 but before January 1, 2010;

(g) 20% for taxable years beginning on or after January 1, 2010, but before January 1, 2015; [and]

(h) 30% for taxable years beginning on or after January 1, 2015, but before January 1, 2016; and

(i) 40% for taxable years beginning on or after January 1, 2016.

b. In the case of a part-year resident claimant, the amount of the credit allowed pursuant to this section shall be pro-rated, based upon that proportion which the total number of months of the claimant’s residency in the taxable year bears to 12 in that period.

For this purpose, 15 days or more shall constitute a month.

c. The amount of the credit allowed pursuant to this section shall be applied against the tax otherwise due under N.J.S.54A:1-1 et seq., after all other credits and payments. If the credit exceeds the amount of tax otherwise due, that amount of excess shall be an overpayment for the purposes of N.J.S.54A:9-7; provided however,
that subsection (f) of N.J.S.54A:9-7 shall not apply. The credit provided under this section as a credit against the tax otherwise due and the amount of the credit treated as an overpayment shall be treated as a credit towards or overpayment of gross income tax, subject to all provisions of N.J.S.54A:1-1 et seq., except as may be otherwise specifically provided in P.L.2000, c.80 (C.54A:4-6 et al.).

d. The Director of the Division of Taxation in the Department of the Treasury shall have discretion to establish a program for the distribution of earned income tax credits pursuant to the provisions of this section.

e. Any earned income tax credit pursuant to this section shall not be taken into account as income or receipts for purposes of determining the eligibility of an individual for benefits or assistance or the amount or extent of benefits or assistance under any State program and, to the extent permitted by federal law, under any State program financed in whole or in part with federal funds.1

(cf: P.L.2015, c.73, s.1)

9. Section 2 of P.L.1990, c. 42 (C.54:15B-2) is amended to read as follows:

2. For the purposes of this act:

"Aviation fuel" means aviation gasoline or aviation grade kerosene or any other fuel that is used in aircraft.

"Aviation gasoline" means fuel specifically compounded for use in reciprocating aircraft engines.

"Aviation grade kerosene" means any kerosene type jet fuel covered by ASTM Specification D 1655 or meeting specification MIL-DTL-5624T (Grade JP-5) or MIL-DTL-83133E (Grade JP-8).

"Blended fuel" means a mixture composed of gasoline, diesel fuel, kerosene or blended fuel and another liquid, including blend stock other than a de minimis amount of a product such as carburetor detergent or oxidation inhibitor, that can be used as a fuel in a highway vehicle. "Blended fuel" includes but is not limited to gasohol, biobased liquid fuel, biodiesel fuel, ethanol, methanol, fuel grade alcohol, diesel fuel enhancers and resulting blends.

"Company" includes a corporation, partnership, limited partnership, limited liability company, association, individual, or any fiduciary thereof.

"Diesel fuel" means a liquid that is commonly or commercially known or sold as a fuel that is suitable for use in a diesel-powered highway vehicle. A liquid meets this requirement if, without further processing or blending, the liquid has practical and commercial fitness for use in the propulsion engine of a diesel-powered highway vehicle. "Diesel fuel" includes biobased liquid fuel, biodiesel fuel, and number 1 and number 2 diesel.

"Director" means the Director of the Division of Taxation in the Department of the Treasury.
"First sale of petroleum products within this State" means the initial sale of a petroleum product delivered to a location in this State. A "first sale of petroleum products within this State" does not include a book or exchange transfer of petroleum products if such products are intended to be sold in the ordinary course of business.

"Gasoline" means all products commonly or commercially known or sold as gasoline that are suitable for use as a motor fuel. "Gasoline" does not include products that have an ASTM octane number of less than 75 as determined by the "motor method." ASTM D2700-92. The term does not include racing gasoline or aviation gasoline, but for administrative purposes does include fuel grade alcohol.

"Gross receipts" means all consideration derived from the first sale of petroleum products within this State except sales of:

a. asphalt;

b. petroleum products sold pursuant to a written contract extending one year or longer to nonprofit entities qualifying under subsection (b) of section 9 of P.L.1966, c.30 (C.54:32B-9) as evidenced by an invoice in form prescribed by subsection b. of section 3 of P.L.1991, c.19 (C.54:15B-10);

c. petroleum products sold to governmental entities qualifying under subsection (a) of section 9 of P.L.1966, c.30 (C.54:32B-9) as evidenced by an invoice in form prescribed by subsection b. of section 3 of P.L.1991, c.19 (C.54:15B-10); and

d. polymer grade propylene used in the manufacture of polypropylene.

"Highway fuel" means gasoline, blended fuel that contains gasoline or is intended for use as gasoline, liquefied petroleum gas, and diesel fuel, blended fuel that contains diesel fuel or is intended for use as diesel fuel, and kerosene, other than aviation grade kerosene.

"Kerosene" means the petroleum fraction containing hydrocarbons that are slightly heavier than those found in gasoline and naphtha, with a boiling range of 149 to 300 degrees Celsius.

"Petroleum products" means refined products made from crude petroleum and its fractionation products, through straight distillation of crude oil or through redistillation of unfinished derivatives, but shall not mean the products commonly known as number 2 heating oil, number 4 heating oil, number 6 heating oil, kerosene and propane gas to be used exclusively for residential use.

"Quarterly period" means a period of three calendar months commencing on the first day of January, April, July or October and ending on the last day of March, June, September or December, respectively.

"Retail gasoline price survey" means a Statewide representative random sample of retail gasoline prices conducted by the Board of
Public Utilities, Office of the Economist, or its successor, that shall be completed for the month of November and May of each year.

"Retail price per gallon" means the price charged by retailers in the State for a gallon of the petroleum product dispensed into the fuel tanks of motor vehicles without State or federal tax included.

"Unleaded regular gasoline" means gasoline of the octane rating equal to the lowest octane rated gasoline offered for sale at a majority of the gasoline retailers in the State.

"2016 implementation date" means the later of September 1, 2016 or the 15th day after the date of enactment of P.L. , c. (pending before the Legislature as this bill).

Section 7 of P.L.1991, c.181 (C.54:15B-2.1) is amended to read as follows:

7. a. "Gross receipts," as otherwise defined by section 2 of P.L.1990, c.42 (C.54:15B-2), shall not include receipts from sales of petroleum products used by marine vessels engaged in interstate or foreign commerce and receipts from sales of aviation fuels used by common carriers in interstate or foreign commerce other than the "burnout" portion which shall be taxable pursuant to rules promulgated by the director.

b. [Motor fuel] Highway fuel1 used for the following purposes is exempt from the tax imposed by section 3 of P.L.1990, c.42 (C.54:15B-3), and a refund of the tax imposed by that section may be claimed by the consumer providing proof the tax has been paid and no refund has been previously issued:

(1) autobuses while being operated over the highways of this State in those municipalities to which the operator has paid a monthly franchise tax for the use of the streets therein under the provisions of R.S.48:16-25 and autobuses while being operated over the highways of this State in a regular route bus operation as defined in R.S.48:4-1 and under operating authority conferred pursuant to R.S.48:4-3, or while providing bus service under a contract with the New Jersey Transit Corporation or under a contract with a county for special or rural transportation bus service subject to the jurisdiction of the New Jersey Transit Corporation pursuant to P.L.1979, c.150 (C.27:25-1 et seq.), and autobuses providing commuter bus service which receive or discharge passengers in New Jersey. For the purpose of this paragraph "commuter bus service" means regularly scheduled passenger service provided by motor vehicles whether within or across the geographical boundaries of New Jersey and utilized by passengers using reduced fare, multiple ride, or commutation tickets and shall not include charter bus operations for the transportation of enrolled children and adults referred to in subsection c. of R.S.48:4-1 and
"regular route service" does not mean a regular route in the nature of special bus operation or a casino bus operation;
(2) agricultural tractors not operated on a public highway;
(3) farm machinery;
(4) ambulances;
(5) rural free delivery carriers in the dispatch of their official business;
(6) vehicles that run only on rails or tracks, and such vehicles as run in substitution therefor;
(7) highway motor vehicles that are operated exclusively on private property;
(8) motor boats or motor vessels used exclusively for or in the propagation, planting, preservation and gathering of oysters and clams in the tidal waters of this State;
(9) motor boats or motor vessels used exclusively for commercial fishing;
(10) motor boats or motor vessels, while being used for hire for fishing parties or being used for sightseeing or excursion parties;
(11) fire engines and fire-fighting apparatus;
(12) stationary machinery and vehicles or implements not designed for the use of transporting persons or property on the public highways;
(13) heating and lighting devices;
(14) motor boats or motor vessels used exclusively for Sea Scout training by a duly chartered unit of the Boy Scouts of America; and
(15) emergency vehicles used exclusively by volunteer first-aid or rescue squads.
(cf: P.L.1991, c.181, s.7)

Section 3 of P.L.1990, c.42 (C.54:15B-3) is amended to read as follows:

3. a. (1) (a) There is imposed on each company which is engaged in the refining or distribution, or both, of petroleum products other than highway fuel and aviation fuel and which distributes such products in this State a tax at the rate of [two and three-quarters percent (2 3/4%) seven percent of its gross receipts derived from the first sale of petroleum products within this State and there is imposed on each company which is engaged in the refining or distribution, or both, of highway fuel a tax at the rate of [12.512.85 percent, as adjusted pursuant to subsection c. of this section, of its gross receipts derived from the first sale of those products within this State, [; provided however, that the]

(b) The applicable tax rate for [fuel oils, aviation fuels and motor fuels subject to tax under R.S.54:39-1 et seq.] gasoline, blended fuel that contains gasoline or is intended for use as gasoline, and liquefied petroleum gas, which are taxed as a highway fuel pursuant to subparagraph (a) of this paragraph, shall be converted to a cents-per-gallon rate, rounded to the nearest tenth of
a cent, [that shall be calculated by the use of] and adjusted quarterly by the director, effective on July 1, October 1, January 1, and April 1, based on the average retail price per gallon of unleaded regular gasoline [in December 1990, ] in the State, as determined in [a] the most recent survey of the retail price per gallon of gasoline [prices] that [included] includes a Statewide representative random sample conducted [in December 1990 for that month] by the Board of Public Utilities, Office of the Economist, [and shall be] or its successor.

(c) The cents-per-gallon rate determined pursuant to subparagraph (b) of this paragraph shall not be less than the rate determined for the first quarter beginning average retail price per gallon of unleaded gasoline in the State on July 1, 2016.

(d) The applicable tax rate for diesel fuel, blended fuel that contains diesel fuel or is intended for use as diesel fuel, and kerosene, other than aviation grade kerosene, which are taxed as a highway fuel pursuant to subparagraph (a) of this paragraph, shall be converted to a cents-per-gallon rate, rounded to the nearest tenth of a cent, and adjusted quarterly by the director, effective on July 1, October 1, January 1, and April 1, based on the average retail price per gallon of number 2 diesel in the State, as determined in the most recent survey of retail diesel fuel prices that includes a Statewide representative random sample conducted by the Board of Public Utilities, Office of the Economist, or its successor.

Notwithstanding the provisions of subparagraph (a) of this paragraph to the contrary, for the period from July 1, 2016 through December 31, 2016, no rate of tax shall be applied to diesel fuel, blended fuel that contains diesel fuel or is intended for use as diesel fuel, or kerosene, other than aviation grade kerosene; for the period from January 1, 2017 through June 30, 2017, the applicable rate for those fuels shall be 70 percent of the rate otherwise determined pursuant to subparagraph (a) of this paragraph, and for July 1, 2017 and thereafter the applicable rate for those fuels determined pursuant to subparagraph (a) of this paragraph.

(e) The cents-per-gallon rate determined pursuant to subparagraph (d) of this paragraph shall not be less than the rate determined for the first quarter beginning average retail price per gallon of number 2 diesel in the State on July 1, 2016.

(f) The applicable tax rate for fuel oil determined pursuant to subparagraph (a) of this paragraph shall be converted to a cents-per-gallon rate, rounded to the nearest tenth of a cent, and adjusted quarterly by the director, effective on July 1, October 1, January 1, and April 1, to reflect the average price per gallon, without State or federal tax included, of retail sales of number 2 fuel oil in the State, as determined in the most recent survey of retail diesel fuel prices.
that included a Statewide representative random sample conducted by the Board of Public Utilities, Office of the Economist, or its successor.

(g) The cents-per-gallon rate determined pursuant to subparagraph (f) of this paragraph shall not be less than the rate determined for the "quarter beginning" average price per gallon, without State or federal tax included, of retail sales of number 2 fuel oil in the State on July 1, 2016.

(h) On and after the 10th day following a certification by the review council pursuant to subsection c. of section 16 of P.L. , c. (pending before the Legislature as this bill), no tax shall be imposed pursuant to this paragraph.

(2) (a) In addition to the tax, if any, imposed by paragraph (1) of this subsection, a cents-per-gallon tax is imposed on each company’s gross receipts derived from the first sale of petroleum products within this State on gasoline, blended fuel that contains gasoline or that is intended for use as gasoline, liquefied petroleum gas and aviation fuel at the rate of four cents per gallon; and

(b) In addition to the tax, if any, imposed by paragraph (1) of this subsection, a cents-per-gallon tax is imposed on each company’s gross receipts derived from the first sale of petroleum products within this State on diesel fuel, blended fuel that contains diesel fuel or is intended for use as diesel fuel, and kerosene other than aviation grade kerosene at the rate of four cents per gallon before July 1, 2017 and at the rate of eight cents per gallon on and after July 1, 2017.

b. There is imposed on each company that imports or causes to be imported, other than by a company subject to and having paid the tax on those imported petroleum products that have generated gross receipts taxable under subsection a. of this section, petroleum products for use or consumption by it within this State a tax at the rate [of two and three-quarters percent (2 3/4%)] or rates of the consideration given or contracted to be given and the gallonage, determined pursuant to subsection a. of this section, for such petroleum products if the consideration given or contracted to be given for all such deliveries made during a quarterly period exceeds $5,000; provided however, that the applicable tax rate for fuel oils, aviation fuels and motor fuels subject to tax under R.S.54:39-1 et seq. shall be converted to a cents per gallon rate, rounded to the nearest cent, that shall be calculated by the use of the average retail price per gallon of unleaded regular gasoline in December 1990, as determined in a survey of retail gasoline prices that included a Statewide representative random sample conducted in December 1990 for that month by the Board of Public Utilities, Office of the Economist, and shall be effective for the tax due for months ending after that date].

c. (1) For State fiscal years 2018 through 2026, the rate of tax imposed on highway fuel pursuant to subsection a. of this section
shall be adjusted annually so that the total revenue derived from
highway fuel shall not exceed the highway fuel cap amount.

(2) The State Treasurer shall, on or before December 31, 2016,
determine the highway fuel cap amount as the sum of:
   (a) the taxes collected for State Fiscal Year 2016 pursuant to
paragraphs (1) and (2) of subsection a. of section 3 of P.L.2010,
c.22 (C.54:39-103) on highway fuel,
   (b) the amount derived from taxing the gallonage of highway
fuel subject to motor fuel tax in State Fiscal Year 2016 at the rate of
four cents per gallon, and
   (c) the amount that would have been derived from taxing the
gallonage of highway fuel subject to motor fuel tax in State Fiscal
Year 2016 at the rate of 23 cents per gallon.

(3) On or before August 15 of each State Fiscal Year following
State Fiscal Year 2017, the State Treasurer and the Legislative
Budget and Finance Officer shall determine the total revenue
derived from:
   (a) the taxes collected for the prior State Fiscal Year pursuant to
paragraphs (1) and (2) of subsection a. of section 3 of P.L.2010,
c.22 (C.54:39-103) on highway fuel,
   (b) the revenue that would be derived from imposing the tax
pursuant to paragraph (2) of subsection a. of this section on
highway fuel at the rate of four cents per gallon, and
   (c) the revenue derived from the taxation of highway fuel
pursuant to paragraph (1) of subsection a. of this section.

(4) Upon consideration of the result of the determination
pursuant to paragraph (3) of this subsection, and consultation with
the Legislative Budget and Finance Officer, the State Treasurer
shall determine the rate of tax to be imposed on highway fuel
pursuant to subsection a. of this section that will result in revenue
from:
   (a) the taxes collected on highway fuel for the current State
Fiscal Year pursuant to paragraphs (1) and (2) of subsection a. of
section 3 of P.L.2010, c.22 (C.54:39-103),
   (b) the revenue derived from the tax imposed pursuant to
paragraph (2) of subsection a. of this section on highway fuel at the
rate of four cents per gallon for the current State Fiscal Year, and
   (c) the revenue derived from the taxation of highway fuel
pursuant to paragraph (1) of subsection a. of this section
equaling the highway fuel cap amount determined pursuant to
paragraph (2) of this subsection, as adjusted pursuant to paragraph
(5) of this subsection;
   and that rate shall take effect on the October 1 of that year.

(5) If the actual revenue determined pursuant to paragraph (3) of
this subsection exceeds the highway fuel cap amount determined
pursuant to paragraph (2) of this subsection, then the highway fuel
cap amount for the succeeding year shall be decreased by the
amount of the excess in setting the rate pursuant to paragraph (4) of
this subsection. If the actual revenue determined pursuant to paragraph (3) of this subsection is less than the highway fuel cap amount determined pursuant to paragraph (2) of this subsection, then the highway fuel cap amount for the succeeding year shall be increased by the amount of the shortfall in setting the rate pursuant to paragraph (4) of this subsection.

(cf: P.L.2000, c.48, s.1)

Section 2 of P.L.1991, c.19 (C.54:15B-9) is amended to read as follows:

2. a. A person who shall purchase or otherwise acquire petroleum products, upon which the petroleum products gross receipts tax has not been paid and is not due pursuant to subsection b. of section 5 of P.L.1990, c.42 (C.54:15B-5) or upon which a reimbursement payment has been paid pursuant to section 3 of [this act] P.L.1991, c.19 (C.54:15B-10), from a federal government department, agency or instrumentality, or any agent or officer thereof, for use not specifically associated with any federal government function or operation, shall pay to the State a tax equivalent to two and three-quarters percent (2 3/4%) at the rate or rates of the consideration given or contracted to be given for the purchase or acquisition of the petroleum products and the gallonage, determined pursuant to subsection a. of section 3 of P.L.1990, c.42 (C.54:15B-3) in accordance with the procedures set forth in the "Petroleum Products Gross Receipts Tax Act," P.L.1990, c.42 (C.54:15B-1 et seq.).

b. A person who knowingly uses, or who conspires with an official, agent or employee of a federal government department, agency or instrumentality, for the use of, a requisition, purchase order, or a card or an authority to which the person is not specifically entitled by government regulations, with the intent to obtain petroleum products from a federal government department, agency or instrumentality for a use not specifically associated with a federal government function or operation, upon which the petroleum products gross receipts tax has not been paid, is guilty of a crime of the fourth degree.

(cf: P.L.1991, c.19, s.2)

Section 3 of P.L.1991, c.19 (C.54:15B-10) is amended to read as follows:

a. A federal government department, agency or instrumentality, that purchases petroleum products other than by the first sale of that product in this State for use in a federal government function or operation, upon which petroleum products the petroleum products gross receipts tax has been paid or is due and payable, shall be reimbursed and paid an amount [equivalent to two and three-quarters percent (2 3/4%)] at the rate or rates of the consideration given or contracted to be given [by the federal government]
department, agency or instrumentality for the purchase of the petroleum products, and the gallonage, determined pursuant to subsection a. of section 3 of P.L.1990, c.42 (C.54:15B-3).

b. The reimbursement shall be claimed by presenting to the Director of the Division of Taxation in the Department of the Treasury an application for the reimbursement, on a form prescribed by the director, which application shall be verified by a declaration of the applicant that the statements contained therein are true. Such application for reimbursement shall be supported by an invoice, or invoices, showing the name and address of the person from whom the petroleum products were purchased, the name of the purchaser, the date of purchase, the quantity of the product purchased, the price paid for the purchase of the product, and an acknowledgment by the seller that payment of the cost of the product to the seller, including the petroleum gross receipts tax due thereon, has been made. Such invoice, or invoices, shall be legibly written and shall be void if any corrections or erasures shall appear on the face thereof.

c. If petroleum products are sold to a federal government department, agency or instrumentality that shall be entitled to a reimbursement under this act, the seller of the petroleum products shall supply the purchaser with an invoice that conforms with the requirements of subsection b. of this section.

(cf: P.L.1991, c.19, s.3)

14. (New section) a. There is levied a tax on persons, other than licensed companies pursuant to section 6 of P.L.1991, c.181 (C.54:15B-12), holding the fuels enumerated in subparagraph (a) of paragraph (2) of subsection a. of section 3 of P.L.1990, c.42 (C.54:15B-3) in storage for sale as of the close of the first business day following the date of enactment of P.L. , c. (C. ) (pending before the Legislature as this bill) by fifteen days on which tax has previously been paid. The amount of tax shall be the difference between the tax per gallon specified by subsection a. of section 3 of P.L.1990, c.42 (C.54:15B-3) for the type of fuel and the tax previously paid per gallon, multiplied by the gallons in storage of that type of fuel as of the close of the business day on that day.

b. Persons in possession of those fuels in storage as of the close of the first business day following the date of enactment of P.L. , c. (C. ) (pending before the Legislature as this bill) by fifteen days shall:

(1) take an inventory at the close of the business day on that day;

(2) report the gallons listed in paragraph (1) of this subsection on forms provided by the director, not later than 45 days following the date of enactment of P.L. , c. (C. ) (pending before the Legislature as this bill) by fifteen days; and
(3) Remit the tax levied under this section to the director no later than February 1, 2017.

c. Fuel not reflected in the inventory taken pursuant to subsection b. of this section is deemed to be previously untaxed, except to the extent that it is invoiced as delivered tax-paid on or after July 1, 2016.

d. There is levied a tax on persons, other than licensed companies pursuant to section 6 of P.L.1991, c.181 (C.54:15B-12), holding the fuels enumerated in subparagraph (b) of paragraph (2) of subsection a. of section 3 of P.L.1990, c.42 (C.54:15B-3) in storage for sale as of the close of the business day on December 31, 2016 on which tax has previously been paid. The amount of tax shall be the difference between the tax per gallon specified by subsection a. of section 3 of P.L.1990, c.42 (C.54:15B-3) for the type of fuel and the tax previously paid per gallon, multiplied by the gallons in storage of that type of fuel as of the close of the business day on December 31, 2016.

e. Persons in possession of those fuels in storage as of the close of the business day on December 31, 2016 shall:
   (1) take an inventory at the close of the business day on December 31, 2016;
   (2) report the gallons listed in paragraph (1) of this subsection on forms provided by the director, not later than January 31, 2017; and
   (3) Remit the tax levied under this section to the director no later than August 1, 2017.

f. Fuel not reflected in the inventory taken pursuant to subsection b. of this section is deemed to be previously untaxed, except to the extent that it is invoiced as delivered tax-paid on or after January 1, 2017.

g. In determining the amount of tax due under this section, a person may exclude the amount of fuel in dead storage in each storage tank.

h. As used in this section:
   "Close of the business day" means the time at which the last transaction has occurred for that day.
   "Dead storage" means the amount of fuel that cannot be pumped out of a fuel storage tank because the motor fuel is below the mouth of the draw pipe. The amount of motor fuel in dead storage is 200 gallons for a tank with a capacity of less than 10,000 gallons and 400 gallons for a tank with a capacity of 10,000 gallons or more.]

12. (New section) a. There is levied a tax on persons, other than licensed companies pursuant to section 6 of P.L.1991, c.181 (C.54:15B-12), holding the fuels enumerated in subparagraph (a) of paragraph (2) of subsection a. of section 3 of P.L.1990, c.42 (C.54:15B-3) in storage for sale as of the close of the last business day before the 2016 implementation date on which tax has
previously been paid. The amount of tax shall be the difference
between the tax per gallon specified by subsection a. of section 3 of
P.L.1990, c.42 (C.54:15B-3) for the type of fuel sold on or after the
2016 implementation date and the tax previously paid per gallon,
multiplied by the gallons in storage of that type of fuel as of the
close of the business day on that day.

b. Persons in possession of those fuels in storage as of the close
of the last business day before the 2016 implementation date shall:
(1) take an inventory at the close of the business day on that
day;
(2) report the gallons listed in paragraph (1) of this subsection
on forms provided by the director, not later than 45 days following
the 2016 implementation date; and
(3) remit the tax levied under subsection a. of this section to the
director no later than February 1, 2017.

c. Fuel not reflected in the inventory taken pursuant to
subsection b. of this section is deemed to be previously untaxed,
except to the extent that it is invoiced as delivered tax-paid on or
after the 2016 implementation date.

d. There is levied a tax on persons, other than licensed
companies pursuant to section 6 of P.L.1991, c.181 (C.54:15B-12),
holding the fuels enumerated in subparagraph (b) of paragraph (2)
of subsection a. of section 3 of P.L.1990, c.42 (C.54:15B-3) in
storage for sale as of the close of the business day on December 31,
2016 on which tax has previously been paid. The amount of tax
shall be the difference between the tax per gallon specified by
subsection a. of section 3 of P.L.1990, c.42 (C.54:15B-3) for the
type of fuel sold on or after January 1, 2017 and the tax previously
paid per gallon, multiplied by the gallons in storage of that type of
fuel as of the close of the business day on December 31, 2016.

e. Persons in possession of those fuels in storage as of the close
of the business day on December 31, 2016 shall:
(1) take an inventory at the close of the business day on
December 31, 2016;
(2) report the gallons listed in paragraph (1) of this subsection
on forms provided by the director, not later than January 31, 2017;
and
(3) remit the tax levied under subsection d. of this section to the
director no later than June 1, 2017.

f. Fuel not reflected in the inventory taken pursuant to
subsection e. of this section is deemed to be previously untaxed,
except to the extent that it is invoiced as delivered tax-paid on or
after January 1, 2017.

g. There is levied a tax on persons, other than licensed
companies pursuant to section 6 of P.L.1991, c.181 (C.54:15B-12),
holding the fuels enumerated in subparagraph (b) of paragraph (2)
of subsection a. of section 3 of P.L.1990, c.42 (C.54:15B-3) in
storage for sale as of the close of the business day on June 30, 2017.
on which tax has previously been paid. The amount of tax shall be the difference between the tax per gallon specified by subsection a, of section 3 of P.L.1990, c.42 (C.54:15B-3) for the type of fuel sold on or after July 1, 2017 and the tax previously paid per gallon, multiplied by the gallons in storage of that type of fuel as of the close of the business day on June 30, 2017.

h. Persons in possession of those fuels in storage as of the close of the business day on June 30, 2017 shall:
   (1) take an inventory at the close of the business day on June 30, 2017;
   (2) report the gallons listed in paragraph (1) of this subsection on forms provided by the director, not later than July 31, 2017; and
   (3) remit the tax levied under subsection g. of this section to the director no later than December 1, 2017.

i. Fuel not reflected in the inventory taken pursuant to subsection e. of this section is deemed to be previously untaxed, except to the extent that it is invoiced as delivered tax-paid on or after July 1, 2017.

j. In determining the amount of tax due under this section, a person may exclude the amount of fuel in dead storage in each storage tank.

k. As used in this section:
   "Close of the business day" means the time at which the last transaction has occurred for that day.
   "Dead storage" means the amount of fuel that cannot be pumped out of a fuel storage tank because the motor fuel is below the mouth of the draw pipe. The amount of motor fuel in dead storage is 200 gallons for a tank with a capacity of less than 10,000 gallons and 400 gallons for a tank with a capacity of 10,000 gallons or more.¹

¹15. 13.³ (New section) Notwithstanding any provision of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the director may adopt immediately upon filing with the Office of Administrative Law such regulations as the director deems necessary to implement the provisions of sections 9. through 14. of P.L. , c. (pending before the Legislature as this bill), which regulations shall be effective for a period not to exceed 360 days following the date of enactment of P.L. , c. (pending before the Legislature as this bill) and may thereafter be amended, adopted, or readopted by the director in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

¹16. 14.³ (New section) a. The State Treasurer, and the Legislative Budget and Finance Officer, together with a third public member who shall be jointly selected thereby, shall constitute the review council.
b. The review council shall, on or before January 15, 2020, provide the Governor and the Legislature with an advisory report of their consensus estimate of the increase or decrease in State revenues pursuant to each section of P.L. , c. (C. ) (pending before the Legislature as this bill), and pursuant to this act as a whole, during the preceding three State fiscal years, including a comparison of those estimates to the legislative fiscal estimate or fiscal note published contemporaneous with the enactment of this act prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

c. The review council shall conduct an ongoing review of the application of each section of P.L. , c. (C. ) (pending before the Legislature as this bill).

The review council shall, not later than five days after any Legislative action that halts, delays, or reverses the implementation of those sections as scheduled on the date of enactment of P.L. , c. (C. ) (pending before the Legislature as this bill), certify for the purposes of subparagraph (h) of paragraph (1) of subsection a. of section 3. of P.L.1990, c.42 (C.54:15B-3) to the Director of the Division of Taxation that the scheduled implementation of P.L. , c. (C. ) had been impeded.

This act shall take effect immediately, section 2 shall apply to taxable years beginning on or after January 1, 2017, and sections through shall apply to first sales of petroleum products within this State and to deliveries of petroleum products for use or consumption within this State made on or after July 1, 2016.