

§§1&5 -
C.39:5H-4.1 &
39:5H-4.2
§6 - Note

P.L. 2018, CHAPTER 47, *approved July 1, 2018*
Assembly Committee Substitute (*First Reprint*) for
Assembly, No. 4061

1 AN ACT ¹imposing a surcharge on prearranged rides provided by
2 transportation network companies] concerning transportation-
3 related surcharges¹, supplementing Title 54 of the Revised
4 Statutes, and amending ¹R.S.39:5-41 and¹ P.L.2017, c.26
5 (C.39:5H-1 et seq.).
6

7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:
9

10 1. (New Section) a. As used in this section:

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

14 “Shared ride” means a prearranged ride in which:

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

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

21 b. ¹**There** Commencing October 1, 2018, there¹ is imposed
22 on a transportation network company rider a surcharge of ¹**[\$0.30]**
23 \$0.50¹ upon every prearranged ride that originates and terminates
24 within the State, except that only a ¹**[\$0.15]** \$0.25¹ surcharge is
25 imposed on the rider of a shared ride ¹**;**; provided, however, that no
26 surcharge shall be imposed on a ride that originates and ends in a
27 county with a population of fewer than 200,000 people, according
28 to the latest federal decennial census¹. The surcharge imposed
29 under this section shall be collected by the transportation network
30 company, and shall be separately stated on the electronic receipt
31 provided to the rider pursuant to section 9 of P.L.2017, c.26
32 (C.39:5H-9).

33 c. Each transportation network company required to collect the
34 surcharge imposed by this section shall be personally liable for the
35 surcharge imposed, collected, or required to be collected under this

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:

¹**Assembly amendments adopted in accordance with Governor's recommendations June 30, 2018.**

1 section. Any such transportation network company shall have the
2 same right with respect to collecting the surcharge from a rider as if
3 the surcharge were a part of the sales price and payable at the same
4 time.

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

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

16

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

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

- 23 a. the points of origin and destination of the prearranged ride;
24 b. the total time and distance of the prearranged ride; **[and]**
25 c. an itemization of the total fare paid, if any; and
26 d. the surcharge imposed pursuant to section 1 of P.L. , c.
27 (C.) (pending before the Legislature as this bill).
28 (cf: P.L.2017, c.26, s.9)

29

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

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

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

44 A county or municipality shall not impose a tax or fee that only
45 applies to a transportation network company or transportation
46 network company driver; provided that a transportation network
47 company or driver shall be subject to a tax or fee that applies

1 generally to all businesses or residents of the county or
2 municipality.

3 Except for the initial and annual permit fee imposed pursuant to
4 subsection b. of section 4 of P.L.2017, c.26 (C.39:5H-4) and the
5 surcharge imposed pursuant to section 1 of P.L. , c. (C.)
6 (pending before the Legislature as this bill), the State shall not
7 impose a tax or fee that only applies to a transportation network
8 company or transportation network company driver; provided that,
9 a transportation network company or driver shall be subject to a tax
10 or fee that applies generally to all businesses or residents of the
11 State.

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

18 (cf: P.L.2017, c.26, s.26)

19

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

21 39:5-41. a. All fines, penalties and forfeitures imposed and
22 collected under authority of law for any violations of R.S.39:4-63
23 and R.S.39:4-64 shall be forwarded by the judge to whom the same
24 have been paid to the proper financial officer of a county, if the
25 violation occurred within the jurisdiction of that county's central
26 municipal court, established pursuant to N.J.S.2B:12-1 et seq. or the
27 municipality wherein the violation occurred, to be used by the
28 county or municipality to help finance litter control activities in
29 addition to or supplementing existing litter pickup and removal
30 activities in the municipality.

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

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

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

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

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

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

46 e. Notwithstanding the provisions of subsections a. and b. of
47 this section, \$1 shall be added to the amount of each fine and

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

15 f. Notwithstanding the provisions of subsections a. and b. of
16 this section, \$1 shall be added to the amount of each fine and
17 penalty imposed and collected through a court under authority of
18 any law for any violation of the provisions of Title 39 of the
19 Revised Statutes or any other motor vehicle or traffic violation in
20 this State and shall be forwarded by the person to whom the same
21 are paid to the State Treasurer. The State Treasurer shall annually
22 deposit those moneys so forwarded in the "Autism Medical
23 Research and Treatment Fund" established pursuant to section 1 of
24 P.L.2003, c.144 (C.30:6D-62.2).

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

41 h. Notwithstanding the provisions of subsections a. and b. of
42 this section, \$1 shall be added to the amount of each fine and
43 penalty imposed and collected under authority of any law for any
44 violation of the provisions of Title 39 of the Revised Statutes or any
45 other motor vehicle or traffic violation in this State and shall be
46 forwarded by the person to whom the same are paid to the State
47 Treasurer. The State Treasurer shall annually deposit those moneys

1 so forwarded in the "New Jersey Brain Injury Research Fund"
2 established pursuant to section 9 of P.L.2003, c.200 (C.52:9EE-9).
3 The Administrative Office of the Courts may retain an amount
4 equal to \$475,000 from the moneys which it initially collects
5 pursuant to this subsection, prior to depositing any moneys in the
6 "New Jersey Brain Injury Research Fund," in order to meet the
7 expenses associated with utilizing the Automated Traffic System
8 Fund created pursuant to N.J.S.2B:12-30 to implement the
9 provisions of this subsection and serve other statutory purposes.

10 i. Notwithstanding the provisions of subsections a. and b. of
11 this section, all fines and penalties imposed and collected under
12 authority of law for any violation related to the unlawful operation
13 or the sale of a vehicle under section 1 of P.L.1955, c.53 (C.39:3-
14 17.1) shall be forwarded by the judge to whom the same have been
15 paid to the State Treasurer, if the complaining witness is the chief
16 administrator, a member of his staff, a member of the State Police,
17 an inspector of the Board of Public Utilities, or a law enforcement
18 officer or other official of any other State agency; or, if the
19 complaining witness is not one of the foregoing, one-half to the
20 chief financial officer of the county and one-half to the chief
21 financial officer of the municipality wherein the violation
22 occurred.¹

23 (cf: P.L.2015, c.103, s.2)

24

25 ¹**[4.] 5.**¹ Notwithstanding the provisions of the
26 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
27 seq.), to the contrary, the Director of the Division of Taxation may
28 adopt immediately upon filing with the Office of Administrative
29 Law such rules and regulations as the director determines to be
30 necessary to effectuate the purposes of P.L. , c. (C.)
31 (pending before the Legislature as this bill), which rules and
32 regulations shall be effective for a period not to exceed 360 days
33 following the effective date of P.L. , c. (C.) (pending
34 before the Legislature as this bill) and may thereafter be amended,
35 adopted, or readopted by the director in accordance with the
36 requirements of the "Administrative Procedure Act," P.L.1968,
37 c.410 (C.52:14B-1 et seq.).

38

39 ¹**[5.] 6.**¹ This act shall take effect immediately ¹**[and apply to**
40 **all prearranged rides beginning on or after October 1, 2018.]**₂
41 except that section 4 shall take effect on the first day of the third
42 month following enactment.¹

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44

45

46 Imposes surcharge on prearranged rides and increases certain fee
47 associated with motor vehicle violations.