

# **A Report on Tax Expenditures in New Jersey**



New Jersey Department of the Treasury  
Division of Taxation

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**New Jersey Tax Expenditure Report  
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## Introduction

Pursuant to P.L.2009, c.189, a State tax expenditure report must be included in the Governor's annual budget message. This is the fourth annual tax expenditure report.

There are features within the tax system whose functions are tantamount to direct expenditures. Rather than sending a payment to a recipient for performing a specific public service, his/her tax revenue is simply reduced by that amount and the same effect is realized, while eliminating an unnecessary exchange. When the State disburses resources from revenue already collected, it is referred to as *direct expenditure*; when revenue collected is reduced, instead, the practice is termed, *tax expenditure*. It is often extremely difficult to distinguish between aspects of the tax code that are strict analogues of direct expenditure and which exist as refinements to a revenue generation system, so no strict delineation of which tax provisions constitute tax expenditures is possible.

In this *Report*, we list and examine features of the New Jersey tax system in whose absence final tax liability would be greater. By including all of these, without prejudice, we allow the reader to determine which conform to his or her notions of what constitutes "true" tax expenditure. Examples of such tax features include, but are not limited to, tax law definitions, deductions, exclusions, exemptions, deferrals, credits, preferential tax rates or other special tax provisions.

P.L. 2009, c.189, requires the publication of all state tax expenditures made in the last completed fiscal year, the current fiscal year and the fiscal year to which the budget message applies. For the purposes of this report, those years are FY 2012, FY 2013 and FY 2014.

In addition to the estimates of the value of the tax expenditures, the law requires this report include the following information:

- Citation of the enabling legislation
- Effective date of the tax expenditure
- Objective of the tax expenditure
- Description of the tax expenditure
- Effectiveness in achieving its stated purpose
- Effect of each State tax expenditure on the fairness and equity of the distribution of the tax burden
- Public and private costs of administering the State tax expenditures
- Data source used for the estimate, and
- A measure of the reliability of the estimate

The State tax expenditures included in this report are organized by categories in a comprehensive table, and explained in greater detail throughout the sections which follow.

For the purposes of this report, the Division of Taxation considers "tax expenditures" only those explicitly provided under state law, whether through enabling statutes or subsequent amendments modifying the original statute. Those statutory provisions mainly allow for four categories of preferential tax treatment: exemptions, exclusions, deductions and credits. This year's report

continues the practice of including certain business assistance programs that award funds to qualifying recipient taxpayers based on taxes paid. These four categories are defined below:

**Exemptions** are categories of goods, or certain uses thereof, or services that the law bars from subjectivity to taxation. These expenditures are often not required to be reported. For example, prescription drugs are exempt under the New Jersey sales tax law. Also, Social Security income is exempt for New Jersey income tax purposes and need not be reported on the state income tax return.

**Exclusions** are similar in nature to exemptions, but may apply to only a portion of that otherwise-taxed category. For example, unlike Social Security income, only a portion of pension income is nontaxable and that portion of pension income not subject to tax is the pension exclusion.

**Deductions** reduce income or receipts subject to tax by a specified dollar, percentage amount or specific category of recipient. Deductions are provided for any number of reasons, including the avoidance of double taxation on items which may have been taxed already. Common New Jersey income tax deductions include certain medical expenses and alimony.

**Credits** are direct reductions from the amount of taxes that must be paid. The provision of tax credits in tax law directly reduces taxes collected and, therefore, has a greater effect on revenues than exemptions, exclusions or deductions.

Credits may result in refunds to taxpayers having no tax liability, as in the case of the New Jersey Earned Income Tax Credit.

The estimates used in this report are from the Office of Revenue and Economic Analysis within the Office of the Chief Economist, the New Jersey Economic Development Authority, the New Jersey Division of Revenue and various offices within the New Jersey Division of Taxation. Current tax returns do not provide certain detailed data that would *enhance* tax expenditure reporting but which is not necessary to be disclosed for tax purposes. Additionally, the Division of Taxation, in an effort to relieve taxpayer burden, limits the information to only those disclosures absolutely required to be included in taxpayer filings.

Some estimates in this document are the result of standard economic forecasting and modeling techniques using publicly available information combined with data collected by the Division of Taxation. We use a 1-5 scale to indicate and rank the reliability of estimates based on their data source, as follows:

**1 – The tax liability of the entire population of verified tax returns is recalculated with the tax expenditure removed and from this is subtracted the actual tax liability.**

**2 – A similar process to 1 is performed, but on a statistical sample of returns rather than the entire population of returns.**

**3 – A similar process to 2, but the sample returns contain incomplete or unverified data.**

- 4 – Aggregate data from an external source is applied to average or marginal tax rates.
- 5 – The Federal estimate of comparable tax expenditure is scaled to a New Jersey level.
- 6 – Another state’s estimate of its comparable tax expenditure is scaled to a New Jersey level.

**NOTE: The reporting of zeroes (00) in the summary of identified state tax expenditures indicates that no deduction was claimed in that category for FY10, FY11 and FY12.**

### **ACKNOWLEDGEMENTS**

*This report is a collaborative venture between the Office of Legislative Analysis and Disclosure within the New Jersey Division of Taxation and the Office of Revenue and Economic Analysis within the Office of the Chief Economist. Special thanks for their valuable assistance is given to the Regulatory Services Bureau, the Audit and Local Property Tax branches (all from the Division of Taxation), the Economic Development Authority and the Division of Revenue.*





## What is New in this Edition

This fourth edition of the New Jersey Tax Expenditure Report reflects a number of enhancements and improvements over the first three editions. This section highlights changes you will see in this report.

The purpose of the Tax Expenditure Report is to present the estimated costs associated with the various tax expenditures required under State law. Each report must contain estimates for the last, current and next fiscal year. Thus, each report will include estimates for two years that were reported in the preceding edition. In some cases the estimates shown in the current report will differ from the corresponding estimates in the prior report. This may be due to our having identified more reliable data sources, finding superior methods for calculating the cost of those tax expenditures, or the revision of data provided by third-parties.

The reader should note that the effective date of a provision does not necessarily indicate the date on which it is first applied. For example, under the Gross Income Tax, there may be a tax expenditure whose law became effective in July 1999, but which applies to tax years beginning on January 1 of either 1999, 2000, or some later year. In this report, we begin to report on the applied dates as well as the effective dates.

This report is greatly expanded to include information on the objective or purpose of tax expenditures reported. The objectives of tax expenditures may fall into one of several categories. For example, there are tax expenditures which are required by Federal law or by the Federal or State Constitution. For others, a clear purpose was expressed in either the legislative intent of the law or in the sponsors' introduction memorandum. This report is greatly expanded to include information on the objective or purpose of tax expenditures reported.

This fourth annual edition of the tax expenditure report includes several of the tax expenditures noted in the Appendix that were not included last year. The following tax expenditures that had not been listed, or were listed without estimates, are now available in this report:

### **Sales and Use Tax:**

- Certain Broadcast Equipment
- Charitable Organizations Exemptions
- Food Purchased with Food Stamps
- Property Purchased for Film or Video Production
- Sewing Materials
- Feminine Hygiene Products
- Zero Emission Vehicles

### **Gross Income Tax:**

- Lottery Winnings under \$10,000

**Summary of Identifiable State Tax Expenditures  
(\$millions)**

	<i>Fiscal Year</i>		
	<b>2012</b>	<b>2013</b>	<b>2014</b>
<b>Gross Income Tax</b>			
<i>Credit</i>			
2 Business Employment Incentive Program (BEIP)	181.7	175.0	275.0
10 Credit for Taxes Paid to Other Jurisdiction(s)	2,632.7	2,641.4	2,736.5
27 Gross Income under \$20,000	61.1	60.3	61.0
37 New Jersey Earned Income Tax Credit Payments	240.3	247.7	255.5
42 Property Tax Credit	30.0	29.7	29.8
49 Sheltered Workshop Tax Credit	0.0	0.0	0.0
<i>Deduction/Exemption</i>			
1 Alimony and Separate Maintenance Payments	35.2	38.5	40.3
13 Deductions from Business Income	230.0	234.7	247.2
14 Deductions from Rents, Royalties, Patents and Copyrights	56.1	57.3	60.4
15 Dependents Attending College	9.5	10.0	10.5
28 Health Enterprise Zone Deduction	0.5	0.5	0.5
34 Medical Expenses	224.6	243.6	266.3
41 Personal Exemptions and Deductions	566.7	604.6	639.5
43 Property Tax Deduction	381.5	409.6	427.6
44 Qualified Conservation Contribution	0.2	0.1	0.1
48 Self-Employed Health Insurance Costs	34.0	34.3	35.4
<i>Exclusion</i>			
4 Capital Gain Exclusion on Sale of Principal Residence	93.9	88.5	96.5
21 Exempt Interest (Federal) Exclusion	28.0	24.2	22.7
22 Exempt Interest (State) Exclusion	11.0	9.2	8.7
33 Lottery Winnings under \$10,000	2.1	2.1	2.1
38 Other Retirement Income Exclusion and Special Exclusion	6.2	5.3	5.5
39 Pension Exclusion	104.6	103.2	106.4

**Summary of Identifiable State Tax Expenditures  
(\$millions)**

*Fiscal Year*

	<b>2012</b>	<b>2013</b>	<b>2014</b>
50 Social Security Income Exclusion	352.4	362.0	381.4
52 Unemployment Insurance Exclusion	115.0	120.2	125.3

**Sales and Use Tax**

*Credit*

8 Business Retention and Relocation Assistance Grants	3.6	8.7	3.3
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*Exclusion*

5 Bakery Items	42.7	41.4	40.0
23 Certain Massage Therapy Services	2.9	3.1	2.0
37 Credit for Certain Property When Used as a Trade-in	815.2	815.2	796.7
44 Eggs, Fish, Meat and Poultry	205.7	208.7	211.7
62 Food Purchased with Food Stamps	7.7	6.8	6.0
77 Internet Access Service	75.1	80.8	87.1
88 Municipal Parking Charges	9.4	10.2	11.1
96 Participatory Sporting Activities	14.5	14.7	14.9
108 Purchases for Resale	3,216.1	3,478.8	3,215.6
112 Resale of Taxable Services	204.6	204.6	204.6

*Exemption*

3 Advertising To Be Published in a Newspaper	117.3	115.4	113.5
12 Certain Broadcast Equipment	3.0	2.7	2.4
17 Certain Electricity	13.9	14.6	15.3
29 Charitable Organizations Exemption	50.0	50.0	50.0
30 Clothing and Footwear	873.6	900.4	920.7
39 Dietary Supplements	54.4	56.3	58.3
41 Disposable Household Paper Products	76.3	78.5	80.7
50 Exempt Organizations: State of New Jersey and its Agencies	59.2	60.4	61.7
53 Exempt Organizations: United States of America	203.5	216.0	229.2

**Summary of Identifiable State Tax Expenditures  
(\$millions)**

	<i>Fiscal Year</i>		
	<b>2012</b>	<b>2013</b>	<b>2014</b>
61 Food and Food Ingredients	1,409.1	1,449.6	1,491.3
93 Over-the-Counter Drugs	49.1	50.0	51.0
98 Prescribed Drugs and Medications	652.6	662.2	672.0
103 Property Purchased for Film or Video Productions	1.2	1.2	1.2
105 Prosthetic Devices	14.4	15.3	16.1
115 Salem County Reduced Sales Tax	3.5	3.2	3.0
119 School Textbooks	12.6	13.2	13.8
124 Sewing Materials	4.0	4.0	4.0
128 Feminine Hygiene Products	2.8	2.6	2.7
134 Urban Enterprise Zone Exempt Business	132.6	132.6	132.6
136 Zero Emission Vehicles	17.0	17.0	17.0

**Corporation Business Tax**

*Credit*

5 AMA Tax Credit	40.5	40.5	40.5
7 Business Retention and Relocation Tax Credit	2.4	2.4	2.4
12 Economic Recovery Tax Credit	0.0	0.0	0.0
13 Effluent Equipment Tax Credit	0.1	0.1	0.1
15 Film Production Tax Credit	N/A	1.1	1.1
16 HMO Assistance Fund Tax Credit	1.4	1.4	1.4
18 Manufacturing Equipment and Employment Investment Tax Credit	15.9	15.9	15.9
19 Neighborhood Revitalization State Tax Credit	4.2	4.2	4.2
21 New Jobs Investment Tax Credit	1.2	1.2	1.2
25 Redevelopment Authority Project Tax Credit	0.0	0.0	0.0
26 Remediation Tax Credit	0.1	0.1	0.1
27 Research and Development Tax Credit	65.6	65.6	65.6
28 Sheltered Workshop Tax Credit	0.0	0.0	0.0
31 Urban Enterprise Zone Employee Tax Credit	0.0	0.0	0.0
32 Urban Enterprise Zone Investment Tax Credit	0.0	0.0	0.0

**Summary of Identifiable State Tax Expenditures  
(\$millions)**

*Fiscal Year*

	<b>2012</b>	<b>2013</b>	<b>2014</b>
33 Urban Transit Hub Tax Credit	4.2	11.8	23.8

***Deduction***

4 All Income of New Jersey S Corporations	150.0	150.0	150.0
14 Exceptions to Related Intangible Costs Expense Add Back	119.0	119.0	119.0
17 Lack of Throw Back	125.0	125.0	125.0
20 Net Operating Loss Deduction	558.0	558.0	558.0

***Exclusion***

1 60% of Investment Company Income	75.0	12.0	75.0
2 96% of Real Estate Investment Trust/Regulated Investment	6.8	6.8	6.8
10 Dividend Exclusion (ALL)	2,526.2	2,526.2	2,526.2
11 Dividend Exclusion (less than 50% owned)	112.0	112.0	112.0

***Exemption***

3 Agricultural Co-operatives	0.0	0.0	0.0
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**9-1-1 System and Emergency Response Assessment**

***Exemption***

1 Exempt Telephone Lines	1.1	1.2	1.3
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**Alcoholic Beverage Tax**

***Exemption***

1 Out-of-State Sales - Beer and Malt	16.4	13.8	12.7
2 Out-of-State Sales - Liquor	77.1	74.5	74.5
3 Out-of-State Sales - Still Wine	23.6	21.4	27.5
4 Out-of State Sales - Vermouth/Sparkling Wine/Apple Cider	1.3	1.3	1.4

**Cigarette Tax**

***Credit***

1 Director's Redemption of Certain Stamps	1.2	1.2	1.2
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**Summary of Identifiable State Tax Expenditures  
(\$millions)**

	<i>Fiscal Year</i>		
	<b>2012</b>	<b>2013</b>	<b>2014</b>
2 Distributor Discounts	1.4	1.4	1.4
<b>Domestic Security Fee</b>			
<i>Credit</i>			
1 Total Deductions	1.0	1.0	1.0
<b>Hotel/Motel Occupancy Fee</b>			
<i>Credit</i>			
1 Government Exemption	2.4	2.4	2.4
<i>Deduction/Exemption</i>			
2 Permanent Resident Exemption	3.5	3.5	3.5
<i>Exclusion</i>			
3 Rooms for Assembly	0.5	0.5	0.5
<b>Local Property Tax support by State Government</b>			
<i>Deduction</i>			
1 Senior Citizen Real Estate Tax Deduction	17.5	16.8	14.5
2 Veteran's Deduction	65.4	63.0	60.8
<b>Motor Fuels Tax</b>			
<i>Exclusion</i>			
5 Fuel Used by Ambulances	0.1	0.2	0.2
<i>Exemption</i>			
2 Certain Exported Fuels	0.0	0.0	0.0
6 Fuel Used by Certain Agricultural Tractors and Farm Machinery	0.0	0.0	0.0
7 Fuel Used by Certain Autobuses	0.7	1.9	1.9
9 Fuel Used by Non-Highway Equipment	0.6	1.3	1.3
18 Total Exempt Government Sales	1.9	3.5	3.5
24 Off Road Use of On Road Vehicles	0.1	0.0	0.0
133 Fuel Used by Aircraft	0.0	0.1	0.1

**Summary of Identifiable State Tax Expenditures  
(\$millions)**

	<b>2012</b>	<i>Fiscal Year</i> <b>2013</b>	<b>2014</b>
<b>Motor Vehicle Tire Fee</b>			
<i>Exemption</i>			
1 Exempt Tires Sales Times \$1.50 Tire Fee	3.9	3.9	4.0
<b>Nursing Home Assessment</b>			
<i>Exemption</i>			
1 Exempt Days Times Rate	35.5	22.6	35.5
<b>Petroleum Products Gross Receipts Tax</b>			
<i>Exemption</i>			
2 Withdrawn for Use Outside New Jersey	1.9	2.0	2.1
<b>Realty Transfer Fee</b>			
<i>Deduction/Exemption</i>			
1 Exempt Sales Exceeding \$1 million Where the Grantee Pays	25.1	27.6	27.6
<i>Exemption</i>			
2 Partial Realty Transfer Fee Exemption (sales prices known)	14.7	14.7	14.7
3 Total Realty Transfer Fee Exemption for Sales Price Less than \$100 (Sales Price Known)	204.2	214.0	214.0
4 Total Realty Transfer Fee Exemption Where Such Sales Price Would Have Exceeded \$100 (Sales Price Known)	11.5	11.5	11.5
<b>Transfer Inheritance and Estate Taxes</b>			
<i>Exemption</i>			
1 Increasing Class A Beneficiary to Highest Rate – Filed Returns	630.0	600.0	600.0
2 Increasing Class C Beneficiary Taxes to Highest Rate	40.0	44.0	44.0

## **Gross Income Tax Overview**

### **Description**

This graduated tax is levied on gross income earned or received after June 30, 1976, by New Jersey resident and nonresident individuals, estates, and trusts.

### **Rate**

Rates for tax years beginning on or after January 1, 2004, range from 1.4% – 8.97%. For tax year 2009, the maximum tax rates were 10.25% for those whose incomes ranged from \$500,000 to \$1,000,000, and 10.75% for income in excess of \$1,000,000. These rates expired after that year due to Governor Christie's veto of an extension proposed by the Legislature.

### **Filing Threshold**

For tax years beginning before January 1, 1994, filers with incomes of \$3,000 or less for the entire year (\$1,500 or less for married persons filing separately) pay no tax. For the 1994 to 1998 tax years, filers with incomes of \$7,500 or less for the entire year (\$3,750 or less for married persons filing separately) pay no tax. The income levels were raised for the 1999 tax year as part of a three-year phase-in of higher filing thresholds, and filers with incomes of \$10,000 or less for the entire year (\$5,000 or less for married persons filing separately) pay no tax.

For tax year 2000, the filing threshold was \$10,000 or less for the entire year (single filers and estates and trusts), \$15,000 or less for the entire year (married couples filing jointly, heads of household, and surviving spouses), and \$7,500 or less for the entire year (married persons filing separately). For tax year 2001 and thereafter, the filing threshold is \$10,000 or less for the entire year (single filers, married persons filing separately, and estates and trusts), and \$20,000 or less for the entire year (married couples filing jointly, heads of household, and surviving spouses).

Effective for tax years beginning on or after January 1, 2007, any reference to a spouse also refers to a partner to a civil union recognized under New Jersey law.

### **Exemptions**

- Taxpayer, \$1,000
- Taxpayer's spouse/civil union partner or domestic partner who does not file separately, \$1,000
- Taxpayer 65 years old or more, additional \$1,000; same for spouse/civil union partner age 65 or older who does not file separately
- Blind or totally disabled taxpayer, additional \$1,000; same for blind or totally disabled spouse/civil union partner who does not file separately
- Taxpayer's dependent, \$1,500
- Taxpayer's dependent under age 22 and attending college full time, additional \$1,000



## Deductions

- Payments of alimony or for separate maintenance are deductible by the payer if reported as income by the payee
- Unreimbursed medical expenses in excess of 2% of gross income; qualified medical savings account contributions; and for the “self-employed,” qualified health insurance costs
- Property tax deduction (or credit)
- Qualified conservation contribution
- Deduction for eligible taxpayers who provide primary care medical and/or dental services at a qualified practice located in or within five miles of a Health Enterprise Zone

## Credits

- Payments of income or wage tax imposed by another state (or political subdivision) or by the District of Columbia, with respect to income subject to tax under this Act. This shall not exceed the proportion of tax otherwise due that the amount of the taxpayer’s income subject to tax by the other jurisdiction bears to the taxpayer’s entire New Jersey income
- Amounts withheld by an employer and payments of estimated tax, including any payments made in connection with the sale or transfer of real property by a nonresident, estate, or trust
- Amounts paid by an S corporation on behalf of a shareholder
- Amounts paid by a partnership on behalf of a partner
- New Jersey Earned Income Tax Credit
- Excess unemployment and disability insurance contributions withheld
- Property tax credit (or deduction)
- Sheltered Workshop Tax Credit

## Withholding Requirement

All employers and others who withhold New Jersey income tax are required to file quarterly returns of tax withheld and to remit tax on a monthly, quarterly, or weekly basis.

Those with prior year withholdings of \$10,000 or more are required to remit the income tax withheld by means of Electronic Funds Transfer (EFT) on or before the Wednesday of the week following the week containing the payday(s) on which taxes were withheld.

Effective for wages paid on and after January 1, 2000, certain employers of household workers may report and remit Gross Income Tax withheld on an annual basis.

## Recent History

Beginning with the 2000 tax year, C. 372, P.L. 1999, provides a deduction for a qualified conservation contribution.

Chapter 80, P.L. 2001, established a New Jersey Earned Income Tax Credit, which is a percentage of a person’s Federal Earned Income Credit. To be eligible for the New Jersey credit, a person must have

had at least one “qualifying child” for purposes of the Federal Earned Income Credit and must have had no more than \$20,000 in New Jersey gross income.

Chapter 84, P.L. 2001, amended the military pension or survivor’s benefit exclusion by eliminating the requirement that the taxpayer be at least 62 years old or disabled.

Under P.L. 2001, C. 93, qualified deposits into or withdrawals from an “individual development account” (established under the New Jersey Individual Development Account Program and 42 U.S.C. s. 604(h) for an “eligible individual”), including interest earned on such accounts, are exempt from Gross Income Tax.

Effective beginning with the 2002 tax year, C. 162. P.L. 2001, increased the exclusion for commuter transportation benefits to \$1,200 and authorizes an annual inflation adjustment.

P.L. 2002, C. 40, effective beginning with the 2002 tax year, requires partnerships to pay a \$150 filing fee per owner (up to \$250,000) and a tax prepayment made on behalf of nonresident partners.

P.L. 2002, C. 43, effective beginning with the 2003 tax year, created a tax credit for qualifying first-time homebuyer-occupants who have purchased residential property in a qualifying municipality during the municipality’s “period of economic recovery.”

P.L. 2003, C. 9, created an exclusion for the income of victims who died as a result of the September 11, 2001, terrorist attacks. The exclusion applies for tax year 2000 and all later years up to and including the year of death.

P.L. 2003, C. 246, allows a \$1,000 personal exemption for a domestic partner who does not file separately.

Chapter 40, P.L. 2004, imposes a tax rate of 8.97% on income over \$500,000, effective beginning with the 2004 tax year.

Chapter 55, P.L. 2004, requires that nonresident individuals, estates, or trusts pay estimated tax on gain from the sale or transfer of real property in New Jersey as a condition for recording the deed. The law is effective for sales or transfers occurring on and after August 1, 2004.

Effective beginning with the 2004 tax year, section 26 of P.L. 2004, C. 65, “decouples” the calculation of depreciation and section 179 expenses from recent Federal income tax provisions. Under these amendments, the expenses must be calculated by applying Federal code provisions as they were in effect on December 31, 2001 (or December 31, 2002, for section 179 expenses).

P.L. 2004, C. 139, effective for tax years beginning on or after January 1, 2005, allows a limited Gross Income Tax deduction to qualified primary care physicians and dentists practicing in or within 5 miles of a Health Enterprise

Effective for tax years beginning on or after January 1, 2004, Chapter 63, P.L. 2005, provides a gross income exclusion for housing and subsistence allowances received by members of the active and

reserve components of the U.S. Armed Forces and by members of the New Jersey National Guard while on State active duty.

P.L. 2005, C. 125, authorized a multistate reciprocal refund set-off program under which the New Jersey Division of Taxation may “withhold” a taxpayer’s Gross Income Tax refund to forward to another state for an income tax debt if the other state withholds New Jersey gross income tax claims from its personal income tax refunds.

P.L. 2005, C. 127, uncoupled New Jersey income tax law from many provisions of the IRC Section 199 deduction for certain qualified production activities income.

P.L. 2005, C. 130, limits the pension and other retirement income exclusions to taxpayers with gross income of \$100,000 or less, effective for tax years beginning on or after January 1, 2005.

Chapter 210, P.L. 2005, requires employers to provide certain employees with written notification of the availability of both the Federal and New Jersey earned income tax credits.

P.L. 2005, C. 288, requires partners and other owners of pass-through entities to credit payments made on their behalf against estimated taxes to end “double withholding.”

P.L. 2005, C. 318, allows Gross Income Tax credits to businesses providing employment to qualified handicapped persons at sheltered workshops.

P.L. 2005, C. 345, provides Gross Income Tax credits for film production expenses incurred in New Jersey and provides for the transfer of those tax credits to other taxpayers.

P.L. 2006, C. 36, authorizes the Director of the Division of Taxation to permit or mandate reasonable methods for filing and paying, which may include electronic methods of filing and paying. The law further requires tax practitioners who prepared or filed 100 or more 2005 New Jersey resident income tax returns to electronically file all 2006 New Jersey resident income tax returns. This requirement was extended, for tax year 2007, to preparers who filed 50 or more 2006 Gross Income Tax returns. The law imposes a \$50 per return penalty for noncompliance with this mandate, which may be abated, in full or in part, at the Director’s discretion.

P.L. 2006, C. 85, requires any person (other than a governmental entity, a homeowner, or a tenant) who maintains an office or transacts business in New Jersey to withhold New Jersey gross income tax at the rate of 7% from payments made to unregistered, unincorporated contractors for services performed in this State.

P.L. 2006, C. 103, establishes the legal relationship of “civil union” under the State’s marriage laws. A civil union is “the legally recognized union of two eligible individuals of the same sex established pursuant to this act.” Parties to a civil union will have the same legal benefits, protections, and responsibilities as parties to a marriage, including those based on tax laws, such as those governing local property tax, homestead rebates, realty transfer fees, gross income tax, and transfer inheritance taxes.

P.L. 2007, C. 109, extends the eligibility of the State earned income tax credit to any individual who is eligible for the Federal earned income tax credit and enhances the benefit amount.

P.L. 2007, C. 114, establishes penalties for employers who misclassify construction work employees as “independent contractors.”

P.L. 2009, C. 69, temporarily adjusted the New Jersey Gross Income Tax rates for taxpayers with taxable income exceeding \$400,000 in taxable years beginning on or after January 1, 2009, but before January 1, 2010. The law provided for adjusted income taxation of the following brackets at the following rates: over \$400,000 but not over \$500,000 was adjusted from 6.37% to 8%; over \$500,000 but not over \$1,000,000 was adjusted from 8.97% to 10.25%; and over \$1,000,000 was adjusted from 8.97% to 10.75%.

The law provided that for the 2009 taxable year, taxpayers who had gross income of more than \$250,000 and were not (1) 65 years of age or older or (2) allowed a personal exemption as a blind or disabled individual, were not eligible for the property tax deduction.

Additionally, the maximum property tax deduction was capped at \$5,000 for taxpayers who had gross income of more than \$150,000 but not more than \$250,000 and were not (1) 65 years of age or older or (2) allowed a personal exemption as a blind or disabled individual.

The law also provides that for tax years beginning on or after January 1, 2009, New Jersey Lottery winnings from prizes exceeding \$10,000 are taxable for New Jersey Gross Income Tax purposes and that the New Jersey State Lottery is required to withhold income tax on such taxable winnings at the rate of 3%.

P.L. 2010, C. 20, temporarily suspends the tax credits provided for qualified film and qualified digital media content production expenses and requires the State Treasurer to make and file a report regarding the ability of the tax credits to meet their statutory goals and objectives.

P.L. 2010, C. 27, reduces the New Jersey earned income tax credit from 25% of the Federal amount to 20% of the Federal amount, effective beginning with the 2010 tax year.

P.L.2011, c.57, provided for voluntary contributions by taxpayers on gross income tax returns to support the Boys and Girls Clubs in New Jersey.

P.L.2011, c.60, established an alternative business calculation under gross income tax to permit consolidation and carryforward of certain business-related losses. This is the first allowance of its kind for business taxpayers who pay taxes on their business income through their State personal tax return. This change provides similar treatment for small business as has been traditionally enjoyed by larger businesses that pay corporate business tax.

P.L.2011, c.117, provided for voluntary contributions by taxpayers on gross income tax returns for New Jersey National Guard members and their families in need of assistance.

P.L.2011, c.131, required the Division of Taxation to display Senior Gold prescription program

information on tax return instructions.

P.L.2011, c.211, provided for voluntary contributions by taxpayers on gross income tax returns to the "American Red Cross-NJ Fund."

P.L.2011, c.227, provided for voluntary contributions by taxpayers on gross income tax returns to support the Girl Scouts councils in New Jersey.

P.L.2013, c.13, allows for voluntary contributions through gross income tax returns to support New Jersey athletes participating in 2014 Special Olympics USA Games.

### **Disposition of Revenues**

Revenues are deposited in the Property Tax Relief Fund to be used for the purpose of reducing or offsetting property taxes.

## 1 Alimony and Separate Maintenance Payments

**Citation:** N.J.S.A. 54A:3-2 (P.L. 1976, c. 47).

**Effective Date:** 7/8/1976

**2014 Estimate:** \$40,300,000

**Applied Date:** 7/1/1976

**Objective:** This was a part of the original Gross Income Tax Act.

**Description:** A deduction is available for amounts paid as alimony to a former spouse, or of a spouse receiving separate maintenance pursuant to a court decree. Such amounts must be reported as income to the recipient of alimony or separate maintenance payments.

**Data Source** January 2011 Gross Income Tax Calculator

**Reliability:** 2 Based on a sample of verified tax returns

**Effectiveness:** 24,000 returns took this deduction.

## 2 Business Employment Incentive Program (BEIP)

**Citation:** N.J.S.A. 34:1B-124 (P.L. 1996, c.26)

**Effective Date:** 5/9/1996

**2014 Estimate:** \$275,000,000

**Applied Date:** 6/1/1996

**Description:** The Business Employment Incentive Program, codified at 34:1B-124 (P.L. 1996, c.26) is one of the State's tools, jointly administered by the New Jersey Economic Development Authority and the New Jersey Division of Taxation, to promote job growth in New Jersey.

Approved businesses receive annual cash grants based on the number of new jobs they have created in the State of New Jersey.

In order to qualify for a BEIP grant, businesses must create at least 25 new jobs within a two-year period; emerging high technology and biotech companies' eligibility threshold is 10 new jobs. A business must also demonstrate that the BEIP grant is a "material" factor in moving the job expansion or relocation forward in New Jersey, and that it is economically viable.

The standard BEIP incentive is limited to 50% of the employees' state income taxes withheld on the newly created jobs; however, companies that meet certain Smart Growth objectives can have their grant boosted to 80%. Qualifying businesses may be eligible for up to 10 years' worth of grants, though they must maintain the project and the jobs in New Jersey for at least 1.5 times the number of years the grant is in effect. Greater consideration is given to positions that average 1.5 times the minimum wage during the grant agreement.

There are protections built into the program that ensure that grant recipients meet the strict criteria under which the grant was made. (See N.J.S.A. 34:1B-132).

Businesses receiving assistance under the Business Retention and Relocation Assistance Grant program (P.L.1996, c. 25) codified in N.J.S.A. 34:1B-112, et seq., may not receive assistance under this program without specific authorization from the State Treasurer.

**Reliability:** 1 Based on the population of verified tax returns

### 3 Cafeteria Plan, Qualified Option

**Citation:** N.J.S.A. 54A:6-24 (P.L. 1995, c.111)

**Effective Date:** 6/1/1995

**Objective:** To allow a gross income taxpayer to exclude the value of employee "cash-out options" under employer provided cafeteria benefit plans. Cafeteria plans, authorized under section 125 of the federal Internal Revenue Code of 1986, permit an employer to offer employees individual choices among federally nontaxable employer provided benefits and choices between those benefits and cash. The employee must recognize federally taxable income only if receipt of cash is actually chosen. The five permitted benefits are group life insurance, group accident and health insurance, medical cost reimbursement, dependent care services, and cash or deferred arrangements.

The exclusion is restricted to cash-out options under plans that only allow cash-outs for employees who demonstrate their other source of coverage; such an employee will only recognize income under a cafeteria plan if the cash-out is exercised and cash is actually received.

**Description:** The law does not include in gross income the value of an employee's qualified option under a cafeteria plan if the employee does not elect to receive cash, and the value of the option is excludable from federal taxable income.

**Effectiveness:** Several of the Federal 'cafeteria plan' optional deductions are recognized as New Jersey tax deductions.



#### 4 Capital Gain Exclusion on Sale of Principal Residence

**Citation:** N.J.S.A. 54A:6-9.1 (P.L. 1998, c. 3)

**Effective Date:** 3/20/1998

**2014 Estimate:** \$96,500,000

**Objective:** This bill increases the income exclusion under the New Jersey gross income tax of gain derived from the sale or exchange of a principal residence. The bill conforms the gross income tax treatment of such gain to a similar federal income tax exemption provided under the federal Taxpayer Relief Act of 1997.

**Description:** Gross income does not include up to \$500,000 in gain from the sale of a personal residence, subject to certain timing restrictions similar to restrictions found in the parallel federal income tax exclusion.

**Effectiveness:** New Jersey aligns with the federal government to simplify the tax calculation by following Federal rules in excluding a portion of home value for home sales or exchanges. All who qualify can take advantage of this exclusion.

#### 5 Cash or Assistance from a Charitable Organization

**Citation:** N.J.S.A. 54A:6-5, N.J.S.A. 54A:6-22

**Effective Date:** 7/8/1976

**Objective:** As part of the original legislation which created the income tax, the legislature ensured an exclusion for cash or assistance from a Charitable Organization. This exclusion remains in effect.

**Description:** The law excludes from gross income payments and benefits directly received by a taxpayer under homeless persons' assistance programs, including but not limited to assistance in obtaining housing, temporary shelter and short-term financial assistance.

**Effectiveness:** The State recognizes individuals who are in financial distress and receive support from charitable organizations and by doing so shields that income from taxation.

## 6 Certain Exclusions from Military Pay

**Citation:** N.J.S.A. 54A:6-7 (P.L. 1976, c. 47)

**Effective Date:** 7/8/1976

**Objective:** As part of the original legislation which created the income tax, the Legislature ensured an exclusion for military pay. This exclusion remains in effect.

**Description:** The law exempts compensation paid by the United States for service in the Armed Forces of the United States performed by an individual not domiciled in this State, amounts received during the taxable year as mustering-out payments with respect to service in the Armed Forces of the United States and amounts received during the taxable year as housing and subsistence allowances by members of the active and reserve components of the Armed Forces of the United States, and by New Jersey National Guard members while on State active duty.

## 7 Charitable Trust or Pension/Profit Sharing Plan Trust

**Citation:** N.J.S.A. 54A:2-1 (P.L. 1976, c.47)

**Effective Date:** 7/8/1976

**Objective:** As part of the original legislation which created the income tax, the Legislature ensured an exclusion for income earned by a charitable trust or a pension/profit-sharing plan trust. This exclusion remains in effect.

**Description:** The income of a charitable trust or a pension/profit-sharing plan trust is exempt from gross income tax.

## 8 Child Support

**Citation:** N.J.S.A. 54A:5-1(n) (P.L. 1976, c. 47)

**Effective Date:** 7/8/1976

**Objective:** As part of the original legislation which created the income tax, the Legislature ensured child support is not included in gross income. This exclusion remains in effect.

**Description:** Child support payments received are not included in Gross Income

**9 Commuter Transportation Benefits**

**Citation:** N.J.S.A.54A:6-23 (P.L. 1993, c.108; amended 1996, c.121; 2001, c.162)

**Effective Date:** 7/17/2001

**Objective:** To reduce work-related vehicle trips and miles traveled by employees in an effort to reduce the amount of pollutants being emitted by daily travel.

**Description:** Gross income does not include employer-provided commuter transportation benefits up to and including the allowable limit per taxable year per employee paid in addition to regular salary.

**10 Credit for Taxes Paid to Other Jurisdiction(s)**

**Citation:** N.J.S.A. 54A:4-1 (P. L.1976, c. 47; amended P.L. 1993, c.173)

**Effective Date:** 7/7/1993

**2014 Estimate:** \$2,736,500,000

**Objective:** To allow resident taxpayers who receive income from other taxing jurisdictions (work or derive income in other states or cities that impose tax on those earning income there) which is subject to tax both in New Jersey and in that other jurisdiction to take a credit for those taxes. The credit is the greater of the tax actually paid or a calculated amount representing the proportion of income subject to tax in the other jurisdiction as compared to income from all sources which is taxable to a New Jersey resident.

This proportional credit was a part of the original Gross Income Tax Act.

**Description:** A New Jersey resident is allowed a credit for tax paid to certain other jurisdictions when the income is subject to tax by both New Jersey and the outside jurisdiction.

**Reliability:** 2 Based on a sample of verified tax returns

**Effectiveness:** New Jersey, like many other states, recognizes that individuals working outside our state are burdened with those states' taxes. This credit reduces that burden via a proportion calculation. 416,000 returns used this credit.

**11 Damages for Personal Injury or Illness**

**Citation:** N.J.S.A. 54A:6-6 (P.L. 1976, c. 47)

**Effective Date:** 7/8/1976

**Objective:** As part of the original legislation which created the income tax, the Legislature ensured an exclusion for income earned due to personal injury or illness. This exclusion remains in effect.

**Description:** Gross income does not include amounts received, through lawsuit or agreement, due to personal injury or sickness.

**12 Deductions for Medical Savings Account Contributions**

**Citation:** N.J.S.A. 54A:3-4 (P.L. 1997, c.414)

**Effective Date:** 1/19/1998

**Objective:** This bill establishes certain standards for medical savings accounts opened by employers and permits employees who are account holders of medical savings accounts to deduct from gross income the amount deposited in such an account and any interest, dividends or gain earned thereon under certain circumstances.

**Description:** A deduction is allowed for contributions to Archer MSAs.

### 13 Deductions from Business Income

**Citation:** N.J.S.A. 54A:5-1(b) (P. L.1976, c.47; amended 1977, c.40, 1977, c.273, 1981, c.423, 1983, c.571, 1987, c.76, 1987, c.310, 1990, c.79, 1993, c.173, 1997, c.414, 1998, c.57).

**Effective Date:** 7/24/1998

**2014 Estimate:** \$247,200,000

**Objective:** The allowance of legitimate business deductions from gross income realized from an unincorporated business, primarily the same deductions as allowed for federal income tax purposes, ensures that only net income is subject to the income tax.

**Description:** In calculating net income from the operation of a business, profession or other activity, taxpayers are permitted to deduct all costs and expenses incurred in the conduct of such business.

The Governor signed into law P.L. 2011, Chapter 60, a Gross Income Tax reform which provides an alternative business income calculation that affords business taxpayers a limited ability to consolidate business income sources, utilize business losses and carry forward unused losses for up to 20 years. This new law is applicable to tax years 2012 and beyond.

**Data Source** January 2011 Gross Income Tax Calculator and IMF/IRTF file (IRS)

**Reliability:** 2 Based on a sample of verified tax returns

**Effectiveness:** New Jersey, since the inception of the income tax, has allowed deductions for the vast majority of business expenses. This serves to reduce the complication with the federal income tax and to simplify New Jersey's tax calculations. 409,000 returns deducted expenses from business income.

14 **Deductions from Rents, Royalties, Patents and Copyrights**

**Citation:** N.J.S.A. 54A:5-1(d) (P.L. 1976, c.47; amended P.L. 1977, c.40, P.L. 1977, c.273, P.L. 1981, c.423, P.L. 1983, c.571, P.L. 1987, c.76, P.L. 987, c.310, P.L. 1990, c.79, P.L. 1993, c.173, P.L. 1997, c.414, P.L. 1998, c.57).

**Effective Date:** 7/24/1998

**2014 Estimate:** \$60,400,000

**Objective:** To allow the recipients of rent, royalty, patent and copyright income to reduce gross income from these sources by the legitimate costs of earning such income.

**Description:** In calculating net income, taxpayers are permitted to deduct all costs and expenses.

**Reliability:** 2 Based on a sample of verified tax returns

**Effectiveness:** New Jersey, since the inception of the income tax, has allowed deductions for the vast majority of Federally allowable business expenses including that for rents, royalties, patents and copyrights. This serves to simplify New Jersey's tax calculations. 202,000 returns had deductions from rent, royalty, patents and copyrights.

15 **Dependents Attending College**

**Citation:** N.J.S.A.54A:3-1.1 (P.L. 1976, c. 84)

**Effective Date:** 9/2/1976

**2014 Estimate:** \$10,500,000

**Objective:** This provision became law the same year as the Gross Income Tax Act and represented an attempt by the same legislative leaders who enacted the income tax to provide additional relief for taxpayers whose dependents were and are attending college.

**Description:** A deduction which reduces taxable income by \$1,000 for each dependent claimed on the NJ tax return who is under age 22 for the entire tax year and is attending college full-time.

**Data Source** January 2011 Gross Income Tax Calculator

**Reliability:** 2 Based on a sample of verified tax returns

**Effectiveness:** The State of New Jersey recognizes the financial struggle for parents to afford the current high costs of college tuition and therefore established this deduction. All eligible residents take advantage of this deduction. 197,000 returns took the exemption.

**16 Education IRA or State Tuition Plan Earnings**

**Citation:** N.J.S.A. 54A:6-25 (P.L. 1997, c. 237; amended P.L. 1999, c.46, c.116, P.L. 2001, c.262)

**Effective Date:** 12/11/2001

**Objective:** To provide a mechanism through which tuition cost, registration fees, and dormitory residence may be paid in advance of enrollment in a public institution of higher education at a rate lower than the cost at the time of actual enrollment. To support the New Jersey Prepaid Higher Education Expense Program.

**Description:** Gross income does not include certain earnings (and certain distributions) on education IRA's or a qualified State tuition program account. Qualified earnings are allowed tax-deferral treatment and qualified distributions are excludable from gross income.

**17 Employee 401(k) Contributions**

**Citation:** N.J.S.A. 54A:6-21 (P.L. 1983, c. 571)

**Effective Date:** 1/1/1984

**Objective:** Allows for employee contributions to their own 401(k) retirement fund to be excluded from gross income. This exclusion took effect January 1, 1984.

**Description:** Gross income does not include amounts contributed by an employee to a 401k retirement plan.

**Effectiveness:** It is assessed that this expenditure is effective as individuals enrolled in other pension or retirement plans seek the advantage of the 401k contribution exclusion.

## 18 Employee's Death Benefits

**Citation:** N.J.S.A. 54A:6-4 (P.L. 1976, c. 47)

**Effective Date:** 7/8/1976

**Objective:** As part of the original legislation which created the income tax, the legislature ensured that gross income does not include benefit amounts paid by or on behalf of an employer due to the death of the employee. This exclusion remains in effect.

**Description:** Gross income does not include benefit amounts paid by or on behalf of an employer due to the death of the employee.

**Effectiveness:** New Jersey does not tax benefits received by a grieving loved one due to loss of life. All who qualify take advantage of this exclusion.

## 19 Employer 401(k) Contributions

**Citation:** N.J.S.A. 54A:6-21 (P.L. 1983, c. 571)

**Effective Date:** 1/1/1984

**Objective:** Allows for employer contributions, on behalf of the employee, to an employees' 401(k) retirement fund to be excluded from gross income. This exclusion took effect January 1, 1984.

**Description:** Gross income does not include amounts contributed by an employer on behalf of and at the election of an employee to a 401k retirement plan.

**Effectiveness:** Effective January 1, 1984, 401(k) pension contributions were made allowable to reduce taxable annual income to assist taxpayers funding their own retirement.



**20 Employer Contributions to Retirement Plans**

**Citation:** P.L. 1976, c.47

**Effective Date:** 7/8/1976

**Applied Date:** 8/30/1976

**Description:** Employer contributions to employee retirement plans are not included in gross income for Gross income tax purposes.

**Effectiveness:** The Gross Income Tax Act does not require employer contributions to a retirement account to be taxed or reported as income by a recipient. This fosters employer support of employee retirement without consequence to the employee.

**21 Exempt Interest (Federal) Exclusion**

**Citation:** N.J.S.A. 54A:6-14 (P.L. 1976, c. 47)

**Effective Date:** 7/8/1976

**2014 Estimate:** \$22,700,000

**Objective:** Non-discretionary. Required under federal law.

**Description:** Gross income does not include interest on (or capital gain from) obligations of a U.S. agency, including such received through an investment fund.

**Data Source** January 2010 Gross Income Tax Calculator and BEA

**Reliability:** 2 Based on a sample of verified tax returns

**Effectiveness:** The federal government requires certain interest earned be exempt, the State of New Jersey follows this requirement. This encourages the investment in government bonds and other similar instruments. 251,000 returns with Federal or state/local nontaxable interest.

## 22 Exempt Interest (State) Exclusion

**Citation:** N.J.S.A. 54A:6-14), P. L. 1976, c. 47

**Effective Date:** 7/8/1976

**2014 Estimate:** \$8,700,000

**Objective:** The exemption of interest on New Jersey obligations was a part of the original Gross Income Tax Act. Apparently the Legislature intended to encourage investment in New Jersey securities.

**Description:** Gross income does not include interest on obligations of a New Jersey State agency, Authority or a New Jersey political subdivision.

**Data Source** January 2011 Gross Income Tax Calculator and BEA

**Reliability:** 2 Based on a sample of verified tax returns

**Effectiveness:** The State of New Jersey excludes certain interest earned from taxation. This encourages the investment in government bonds and other similar instruments. 251,000 returns with Federal or state/local nontaxable interest.

## 23 Family Leave Benefits

**Citation:**

**Effective Date:** 5/2/2008

**Objective:** To reaffirm the State's commitment to sustaining the State-operated, nonprofit State disability benefits plan, which has been found to be a highly efficient and cost-effective means of ensuring the availability of coverage for employers and workers with low overhead costs and impartial claims processing.

**Description:** Gross income does not include benefits for family temporary disability leave.

## 25 Gambling Losses

**Citation:** N.J.S.A. 54A:5-1(g) (P.L. 1976, c.47; amended 1977, c.40, 1977, c.273, 1981, c.423, 1983, c.571, 1987, c.76, 1987, c.310, 1990, c.79, 1993, c.173, 1997, c.414, 1998, c.57)

**Effective Date:** 7/24/1998

**Objective:** To provide for the opportunity to deduct actual losses from gambling. Only losses from taxable gambling activities are permitted to be deducted. This provides an equitable match between taxable activities and losses resulting from such activities.

**Description:** Taxpayers may deduct all types of gambling losses, including those from playing the New Jersey Lottery, from their total gambling winnings during the tax period not to exceed the total of the winnings because gambling is a “net” category of income.

## 26 Gifts and Inheritances

**Citation:** N.J.S.A. 54A:6-5 (P.L. 1976, c. 47)

**Effective Date:** 7/8/1976

**Objective:** As part of the original legislation which created the income tax, the legislature ensured that gross income does not include the value of property acquired by gift, bequest, devise or inheritance. This exclusion remains in effect.

**Description:** Gross income does not include the value of property acquired by gift, bequest, devise or inheritance.

**Effectiveness:** These income sources have been nontaxable since the inception of the Gross Income tax as they may be taxed under other tax laws.

**27 Gross Income under \$20,000**

**Citation:** N.J.S.A. 54A:8-3.1

**Effective Date:** 9/11/1980

**2014 Estimate:** \$61,000,000

**Objective:** Basic component of the tax structure.

**Description:** New Jersey filers with gross includable income totaling less than \$20,000, or \$10,000, depending on filing status, are not subject to income taxation.

**Reliability:** 2 Based on a sample of verified tax returns

**Effectiveness:** 1,015,740 returns fell below the filing threshold.

**28 Health Enterprise Zone Deduction**

**Citation:** N.J.S.A. 54A:3-8 (P.L. 2004, c.139)

**Effective Date:** 3/1/2005

**2014 Estimate:** \$500,000

**Objective:** To provide access to quality medical and dental primary care for the traditionally medically underserved communities in New Jersey. To that end, this bill institutes incentives to encourage primary care physicians and dentists to set up and maintain their medical and dental offices in the State's medically and dentally underserved areas.

**Description:** A taxpayer, engaged in providing primary care in a practice located within a Health Enterprise Zone or in a qualified practice located within 5 miles of a Health Enterprise Zone, is allowed a deduction.

**Data Source** January 2010 Gross Income Tax Calculator

**Reliability:** 2 Based on a sample of verified tax returns

**Effectiveness:** 73 returns took this deduction.

## 29 Holocaust Reparations and Restitution

**Citation:** N.J.S.A. 54A:6-29 (P.L. 1998, c.113)

**Effective Date:** 10/20/1998

**Objective:** This bill amends the New Jersey gross income tax act to exempt recoveries of looted property from definitions of income for victims of National Socialist (Nazi) persecution.

**Description:** Gross income does not include amounts received in connection with restoration or compensation efforts for victims of National Socialist (Nazi) persecution.

**Effectiveness:** New Jersey law shields from taxation money received as a result of the horrible suffering and violation of human rights brought about by the Nazi regime during the Second World War.

## 30 Homeless Persons' Assistance Programs

**Citation:** N.J.S.A. 54A:6-22 (P.L. 1988, c.29; amended P.L. 2008, c.127)

**Effective Date:** 1/9/2009

**Objective:** To promote the establishment of more assistance programs for the homeless through excluding the programs from the gross income tax.

**Description:** Gross income does not include direct payments, assistance and benefits under homeless persons' assistance programs.

## 31 Life Insurance Payments

**Citation:** N.J.S.A. 54A:6-4 (P.L. 1976, c. 47)

**Effective Date:** 7/8/1976

**Objective:** As part of the original legislation which created the income tax, the legislature ensured that gross income does not include the proceeds of life insurance contracts payable by reason of death. This exclusion remains in effect.

**Description:** Gross income does not include the proceeds of life insurance contracts payable by reason of death.

**32 Loan Redemption**

**Citation:** N.J.S.A. 54A:6-25.1 (P.L. 2005, c.157)

**Effective Date:** 1/10/2006

**Objective:** This bill revises the State’s sales and use tax to conform with various provisions of the multi-state Streamlined Sales and Use Tax Agreement (SSUTA). The changes are intended to simplify and modernize the State’s tax collection and administrative procedures, and to ensure New Jersey remains compliant with the provisions of the SSUTA.

**Description:** Gross income does not include amounts received as a loan redemption under the Social Services Student Loan Redemption Program.

**33 Lottery Winnings under \$10,000**

**Citation:** N.J.S.A. 54A:6-11 (P.L. 1976, c. 47; amended P.L. 2009, c.69)

**Effective Date:** 6/29/2009

**2014 Estimate:** \$2,100,000

**Objective:** The Gross Income Tax Act, as amended, preserves the exemption for winnings of less than \$10,000 in an effort to promote the support of the recipient agencies and populations benefiting from State Lottery proceeds. The original Gross Income Tax Act (P.L. 1976, c.47) exempted all Lottery winnings.

**Description:** Gross income does not include individual winnings or prize amounts under \$10,000 from the New Jersey Lottery.

**Data Source** New Jersey Lottery Commission data

**Reliability:** 4 Based on average or marginal tax rates applied to aggregate data

### 34 Medical Expenses

**Citation:** N.J.S.A. 54A:3-3 (P.L. 1976, c.47; amended P.L. 1997, c.414, P.L. 1999, c.222).

**Effective Date:** 9/22/1999

**2014 Estimate:** \$266,300,000

**Objective:** The bill allows the self-employed to deduct the cost of their health insurance premiums under the New Jersey gross income tax.

**Description:** A taxpayer is allowed to deduct from gross income unreimbursed medical expenses for the taxpayer, spouse and dependents to the extent that such medical expenses exceed 2% of the taxpayer's gross income.

**Data Source** January 2011 Gross Income Tax Calculator

**Reliability:** 2 Based on a sample of verified tax returns

**Effectiveness:** The federal government allows for deductions for medical expenses when the expenses total more than 7.5% of Adjusted Gross Income, while NJ alters that standard to 2% of New Jersey Gross Income. New Jersey has provided residents a greater deduction and therefore a greater relief from the growing burden of medical expenses than the federal government. 1,198,530 took the deduction.

### 35 Medical Savings Account Contributions

**Citation:** N.J.S.A. 54A:6-27 (P.L. 1997, c.414)

**Effective Date:** 7/19/1998

**Objective:** The Gross Income Tax Act establishes certain standards for medical savings accounts opened by employers and permits employees who are account holders of medical savings accounts to deduct from gross income the amount deposited in such an account and any interest, dividends or gain earned thereon under certain circumstances.

**Description:** Gross income does not include contributions to a taxpayer's section IRC 220 Archer Medical Savings Account in the amount allowed for federal income tax purposes.

36 **Military Pension and Survivor's Benefit Payments**

**Citation:** N.J.S.A. 54A:6-26 (P.L. 1997, c.409; amended 2001, c.84)

**Effective Date:** 5/7/2001

**Objective:** To exclude military pensions from the New Jersey gross income tax in an attempt to make it easier for the men and women of the military to live in New Jersey. Military pension funds also contribute to the vitality of the State's economy.

**Description:** Gross income does not include military pension payments or military survivor's benefit payments paid to individuals by the United States with respect to service in the Armed Forces of the United States.

37 **New Jersey Earned Income Tax Credit Payments**

**Citation:** N.J.S.A. 54A:4-7

**Effective Date:** 6/30/2010

**2014 Estimate:** \$255,500,000

**Objective:** To assist New Jersey families struggling to provide for their children, reduce child poverty, help families afford better care for their children, support welfare-to-work efforts and foster employment Statewide.

**Description:** The law provides a refundable tax credit program for low to moderate individuals and families with earned income.

**Data Source** GIT Sample Return Extrapolator and Tax Calculator

**Reliability:** 2 Based on a sample of verified tax returns

**Effectiveness:** 512,000 returns took advantage of this credit.

For more information on the effectiveness of state earned income tax credits see "A State Earned Income Tax Credit," Connecticut Office of Legislative Research, February 2008. <http://www.cga.ct.gov/2008/rpt/pdf/2008-R-0102.pdf>



38 **Other Retirement Income Exclusion and Special Exclusion**

**Citation:** N.J.S.A. 54A:6-15 (P.L. 1977, c. 273)

**Effective Date:** 7/8/1976

**2014 Estimate:** \$5,500,000

**Objective:** This 'additional exclusion' allows those eligible seniors, who receive less than the maximum exclusion to reduce other, passive income receipts up to the maximum excludable amounts otherwise available to provide parity amongst senior taxpayers.

The additional Special Exclusion is provided for those seniors who would otherwise be eligible to receive Social Security or Railroad Retirement benefits and were only precluded from such receipt due to inability to participate in the plans.

**Description:** Gross income does not include up to \$20,000 to the extent that a Pension Exclusion is not fully used. An additional exclusion of up to \$6,000 is also available for certain taxpayers not receiving Social Security or Railroad Retirement benefits

**Data Source** January 2011 Gross Income Tax Calculator

**Reliability:** 2 Based on a sample of verified tax returns

**Effectiveness:** Since the inception of the New Jersey Gross Income Tax seniors and certain disabled residents have had the ability to deduct portions of their pensions. Over time the excludable amount has increased and is currently \$20,000 or the difference between retirement income and the remaining excludable amount. This has clearly been a benefit to those on fixed incomes. 194,000 returns declared the exclusion.

**39 Pension Exclusion**

**Citation:** N.J.S.A. 54A:6-10 (P.L.1976, c. 47; amended P.L. 1977, c.40, c.273, P.L. 1979, c.79, P.L. 1990,c.61, P.L. 1999, c.177.)

**Effective Date:** 7/8/1976

**2014 Estimate:** \$106,400,000

**Objective:** The Pension Exclusion was included in the original Gross Income Tax Act and any and all modifications were intended to provide limited tax relief to New Jersey senior and disabled taxpayers.

**Description:** Gross income does not include up to \$20,000 of income in the pension, annuity or IRA category, if the taxpayer's total income is \$100,000 or less and the taxpayer is 62 or over or disabled.

**Data Source** January 2012 Gross Income Tax Calculator

**Reliability:** 2 Based on a sample of verified tax returns

**Effectiveness:** Since the inception of the New Jersey Gross Income Tax seniors and certain disabled residents have had the ability to deduct portions of their pensions. Over time the excludable amount has increased and is currently \$20,000 or the difference between retirement income and the remaining excludable amount. This has clearly been a benefit to those on fixed incomes. 438,000 returns took the pension exclusion.

**40 Permanent Disability Exclusion**

**Citation:** N.J.S.A. 54A:6-10 (P.L. 1976, c. 47)

**Effective Date:** 7/8/1976

**Objective:** As part of the original legislation which created the income tax, the legislature ensured that gross income does not include amounts received as permanent disability payments through a public or private plan. This exclusion remains in effect.

**Description:** Gross income does not include amounts received as permanent disability payments through a public or private plan.

**Effectiveness:** Those receiving pensions resulting from permanent and total disability may exclude those pensions from the Gross Income tax.

#### 41 Personal Exemptions and Deductions

**Citation:** N.J.S.A. 54A:3-1 (P.L. 1976, c.47; amended P.L. 1990, c.61, P.L. 1993, c.178, P.L. 1993, c.320, P.L. 2003, c.246)

**Effective Date:** 7/8/1976

**2014 Estimate:** \$639,500,000

**Objective:** This allowance, similar in nature but differing in amount, is provided in recognition of certain personal costs that each individual taxpayer, certain older taxpayers and dependents that must be provided for by the taxpayer.

**Description:** Each taxpayer is allowed personal exemption of \$1,000 for self, and an extra \$1,000 for a spouse/domestic partner, for any taxpayer 65 years of age or over, for any taxpayer's spouse 65 years of age or over, blind or disabled, and for any taxpayer's spouse blind or disabled. \$1,500 is deductible for each dependent and \$1,000 for each dependent attending college.

**Data Source** January 2011 Gross Income Tax Calculator

**Reliability:** 2 Based on a sample of verified tax returns

**Effectiveness:** All taxpayers receive a personal exemption of \$1,000 for themselves, their spouse and dependents, intended, in the same manner as Federal tax exemptions, to shield from taxable income an allowance for personal needs. 3,788,054 had positive exemptions or deductions.

#### 42 Property Tax Credit

**Citation:** N.J.S.A. 54A:3A-20 (P. L.1996, c.60)

**Effective Date:** 1/1/1996

**2014 Estimate:** \$29,800,000

**Objective:** To provide a tax credit in the amount of \$50 for homeowners or renters who do not take a property tax deduction.

**Description:** A tax credit in the amount of \$50 for homeowners or renters who do not take a property tax deduction. This credit is also available to certain senior or disabled residents who do not have an income tax obligation.

**Reliability:** 2 Based on a sample of verified tax returns

**Effectiveness:** For New Jersey residents who have, for years, suffered from the burden of high property taxes, this credit, based on a calculation reduces taxable income. All residents who qualify take advantage of the most financially beneficial option. 736,000 returns used this credit.

43 **Property Tax Deduction**

**Citation:** N.J.S.A. 54A:3A-16 (P.L. 1996, c.60)

**Effective Date:** 1/1/1996

**2014 Estimate:** \$427,600,000

**Objective:** The act, as amended, provides a gross income tax deduction of up to \$10,000 for property taxes paid by homeowners, or the rental equivalent thereof paid by tenants, on a taxpayer's principal residence in this State. The cited amendment reinstated the deduction of property taxes under the gross income tax which was allowed under the former "Homestead Tax Relief Act," P.L.1985, c.304 (C.54A:3A-1 et seq.).

**Description:** Taxpayers are entitled to a deduction up to \$10,000 from gross income for property taxes due and paid for that calendar year on the taxpayer's homestead.

**Data Source** January 2010 Gross Income Tax Calculator

**Reliability:** 2 Based on a sample of verified tax returns

**Effectiveness:** For New Jersey residents who have, for years, suffered from the burden of high property taxes, this deduction reduces taxable income based upon paid property taxes. All residents who qualify take advantage of the most financially beneficial option. 1,445,609 took this deduction.

#### 44 **Qualified Conservation Contribution**

**Citation:** N.J.S.A. 54A:3-6 (P.L. 1999, c.372)

**Effective Date:** 1/14/2000

**2014 Estimate:** \$100,000

**Objective:** To provide New Jersey taxpayers with an incentive to transfer ownership interests in real property to governmental or nongovernmental agencies engaged in land conservation or, through such means as development easements and conservation restrictions, to limit permanently the use of such property so that its natural character is preserved.

**Description:** A taxpayer is allowed a deduction against gross income for a qualified conservation contribution if so qualified under the federal IRC section 170(h).

**Data Source** January 2009 Gross Income Tax Calculator

**Reliability:** 2 Based on a sample of verified tax returns

**Effectiveness:** There is and has been wide support for the preservation of open space, the fact that 1,273 returns took this deduction would appear to indicate that there is active, tax-supported land preservation occurring.

#### 45 **Railroad Retirement Exclusion**

**Citation:** N.J.S.A. 54A:6-3 (P.L. 1976, c. 47)

**Effective Date:** 7/8/1976

**Objective:** As part of the original legislation which created the income tax, the legislature ensured that gross income does not include payments received under the Railroad Retirement Act. This exclusion remains in effect.

**Description:** Gross income does not include payments received under the Railroad Retirement Act.

**Effectiveness:** Two years after the Social Security Act of 1935, the Railroad Retirement and Carrier Taxing Acts of 1937 became law, allowing employees of the railroad industry to have a retirement pension. Like Social Security, the State of New Jersey excludes this income from taxation to allow our States' seniors to have greater disposable income. This ensures that both Social Security and Railroad Retirement Benefits recipients are treated equitably.

46 **Roth IRA Distributions**

**Citation:** N.J.S.A. 54A:6-28 (P.L. 1998, c.57)

**Effective Date:** 12/31/1997

**Objective:** This bill conforms the New Jersey gross income tax treatment of the popular federally authorized Roth IRA's to the federal tax treatment of these accounts. Under the bill, qualified distributions from a Roth IRA are not includible in taxable New Jersey gross income.

**Description:** Gross income does not include distributions from a Roth IRA that are qualified distributions or that are rolled over to a Roth IRA.

47 **Scholarships and Fellowship Grants**

**Citation:** N.J.S.A. 54A:6-8 (P. L. 1976, c. 47)

**Effective Date:** 7/8/1976

**Objective:** As part of the original legislation which created the income tax, the legislature ensured that gross income does not include amounts received as a scholarship or Fellowship grant. This exclusion remains in effect.

**Description:** Gross income does not include amounts received as a scholarship (educational) or fellowship grant or for amount received (and expended) for related travel, research and equipment.

48 **Self-Employed Health Insurance Costs**

**Citation:** N.J.S.A. 54A:3-5 (P.L. 1999, c.222)

**Effective Date:** 9/22/1999

**2014 Estimate:** \$35,400,000

**Objective:** The law allows self-employed taxpayers to deduct health insurance costs. Employer-paid health benefits are not included in employees' taxable income; the law provides equitable treatment of self-employed and employee taxpayers.

**Description:** Self-employed taxpayers are allowed to deduct, from their gross income, an amount equal to the amount paid, during the taxable year, for insurance for medical expenses for themselves, their spouses and dependents.

**Data Source** January 2011 Gross Income Tax Calculator and IMF/IRTF File (2008, IRS)

**Reliability:** 2 Based on a sample of verified tax returns

**Effectiveness:** New Jersey, since the inception of the income tax, has allowed deductions for the vast majority of Federally-allowable business expenses. This serves to simplify New Jersey's tax calculations. As 71,000 took the deduction, it is clear that those self-employed taxpayers are not burdened with taxes on expenditures for maintaining good health.

49 **Sheltered Workshop Tax Credit**

**Citation:** N.J.S.A. 54A:4-11 (P.L. 2005, c.318)

**Effective Date:** 3/1/2005

**2014 Estimate:** \$41,100

**Objective:** To support the sheltered workshop operations of Easter Seals and other nonprofit sponsors of facilities that provide employment to the developmentally disabled under contract with private employers.

**Description:** A credit available to certain taxpayers that employ qualified handicapped person(s) in a "sheltered workshop" arrangement.

**Reliability:** 2 Based on a sample of verified tax returns

**Effectiveness:** 173 returns used this credit, which indicates that a number of employers are providing meaningful work experiences for New Jersey's disabled citizens.

50 **Social Security Income Exclusion**

**Citation:** N.J.S.A. 54A:6-2 (P.L. 1976, c. 47)

**Effective Date:** 7/8/1976

**2014 Estimate:** \$381,400,000

**Applied Date:** 7/1/1976

**Objective:** As part of the original legislation which created the income tax, the legislature ensured that Social Security benefits received are not taxable under the Gross Income Tax to any extent. This exclusion remains in effect.

**Description:** Social Security benefits received are not taxable under the Gross Income Tax to any extent.

**Data Source** January 2011 Gross Income Tax Calculator

**Reliability:** 2 Based on a sample of verified tax returns

**Effectiveness:** The State of New Jersey, unlike the Federal Government, does not tax monies received as Social Security benefits, preserving the value of this important component of income for New Jersey's seniors.

51 **Temporary Disability Exclusion**

**Citation:** N.J.S.A. 54A:6-6 (P.L. 1976, c. 47)

**Effective Date:** 7/8/1976

**Objective:** As part of the original legislation which created the income tax, the legislature ensured that gross income does not include amounts received as temporary disability payments through the New Jersey State temporary disability insurance law. This exclusion remains in effect.

**Description:** Gross income does not include amounts received as temporary disability payments through the New Jersey State temporary disability insurance law.

**Effectiveness:** The state income tax has never applied to the receipt of temporary disability benefits, thereby preserving the full value of this income for those periods when individual taxpayers are precluded from working.



**52 Unemployment Insurance Exclusion**

**Citation:** N.J.S.A. 54A:6-13 (P.L. 1976, c. 47)

**Effective Date:** 7/8/1976

**2014 Estimate:** \$125,300,000

**Objective:** As part of the original legislation which created the income tax, the legislature ensured that gross income does not include benefits received under any unemployment insurance law. This exclusion remains in effect.

**Description:** Gross income does not include benefits received under any unemployment insurance law.

**Data Source** January 2011 Gross Income Tax Calculator

**Reliability:** 2 Based on a sample of verified tax returns

**Effectiveness:** Especially in times of financial distress, our State has, since the inception of the state's personal income tax, deemed that unemployment payments will not be impacted by taxation.

**53 Victims of September 11, 2001 Terrorist Attacks**

**Citation:** (N.J.S.A. 54A:6-30) P.L. 2003, c.9

**Effective Date:** 1/27/2003

**Objective:** To ease some of the financial hardship and worry for the thousands of aggrieved wives, husbands and children suffering from their loss of loved ones in the terrorist attacks of September 11, 2001.

**Description:** Gross income does not include the income of any individual who dies as a result of wounds or injury incurred as a result of the terrorist attacks against the United States on September 11, 2001.

**Effectiveness:** All individuals who suffered the loss or injury of a loved one or other hardships due to the terrorist attacks on September 11, 2001, were provided tax relief for that year in an attempt to alleviate a portion of their financial and emotional burden. All who were eligible took advantage of this exclusion.

54 **Welfare Assistance Payments**

**Citation:** N.J.S.A. 54A:6-13

**Effective Date:** 7/8/1976

**Objective:** As part of the original legislation which created the income tax, the legislature ensured that monies received as welfare assistance is not included in gross income. This exclusion remains in effect.

**Description:** Monies received as welfare assistance is not included in gross income.

**Effectiveness:** New Jersey has taken the position that individuals who fall below the poverty line and receive money from Welfare Assistance programs are not taxed. All who are qualified take advantage of this exclusion.

55 **Worker's Compensation Exclusion**

**Citation:** N.J.S.A. 54A:6-6 (P.L. 1976, c. 47)

**Effective Date:** 7/8/1976

**Objective:** As part of the original legislation which created the income tax, the legislature ensured that gross income does not include amounts received through workmen's compensation acts. This exclusion remains in effect.

**Description:** Gross income does not include amounts received through workmen's compensation acts.

**Effectiveness:** Like temporary disability payments, the State does not reduce the value of these payments which are received by taxpayers who cannot work during the period for which workers compensation payment are received.

## **Sales and Use Tax (N.J.S.A.54:32B-1 et seq.)**

### **Overview**

#### **Description**

Sales and Use Tax applies to receipts from retail sale, rental, or use of tangible personal property or digital property; retail sale of producing, fabricating, processing, installing, maintaining, repairing, and servicing tangible personal property or digital property; maintaining, servicing, or repairing real property; certain direct-mail services; tattooing, tanning, and massage services; investigation and security services; information services; limousine services; sales of restaurant meals and prepared food; rental of hotel and motel rooms; certain admission charges; certain membership fees; parking charges; storage services; sales of magazines and periodicals; delivery charges; and telecommunications services, except as otherwise provided in the Sales and Use Tax Act.

A compensating use tax is also imposed when taxable goods and services are purchased and New Jersey sales tax is either not collected or is collected at a rate less than New Jersey's sales tax rate. The use tax is due when such goods, or the goods on which taxable services are performed, come into New Jersey. If sales tax was paid to another state, the Use Tax is only due if the tax was paid at a rate that is less than New Jersey's rate.

All persons required to collect the tax must file a Business Registration Application (Form NJ-REG). Each registrant's authority to collect the sales tax is certified by a Certificate of Authority issued by the Division, which must be prominently displayed at each place of business to which it applies.

Major exemptions include: sales of newspapers; magazines and periodicals sold by subscription and membership periodicals; casual sales except motor vehicles and registered boats; clothing; farm supplies and equipment; flags of New Jersey and the United States; unprepared food and food ingredients purchased for human consumption; food sold in school cafeterias; prescription and certain nonprescription drugs and other medical aids; motor fuels; textbooks; professional and personal services unless otherwise taxable under the Act; real estate sales; tangible personal property used in research and development; production machinery and equipment.

The Sales and Use Tax Act was amended, effective October 1, 2005, to conform New Jersey's law to the requirements of the Streamlined Sales and Use Tax Agreement.

SSUTA, which is a multi-state effort to simplify and modernize the collection and administration of sales and use taxes. The adoption of the SSUTA resulted in significant changes in New Jersey's tax policy and administration, including uniform product definitions and changes in the taxability of specific items. In addition, the SSUTA provided for the creation of a new central registration system, certain amnesty provisions, and minor changes in the treatment of exemption certificates.

#### **Rate**

The rate of tax is 7% on taxable sales occurring on or after July 15, 2006. Formerly, the tax rate was 6%.

## **Disposition of Revenues**

Revenues are deposited in the State Treasury for general State use.

## 1 Admission to Athletic Games: Elementary or Secondary Schools

**Citation:** N.J.S.A. 54:32B-9(f)(2)(A) (P.L.1997, c.162, s.27)

**Effective Date:** 7/14/1997

**Applied Date:** 1/1/1998

**Objective:** To comply with the then-current Streamlined Sales and Use Tax Agreement, the act provides a full sales and use tax exemption for charges for admission to athletic games or exhibition when sold by a public elementary or qualifying non-profit secondary school. To comply with the then-current Streamlined Sales and Use Tax Agreement, the act provides a full sales and use tax exemption for charges for admission to athletic games or exhibition when sold by a public elementary or qualifying non-profit secondary school.

**Description:** The law exempts charges for admission to athletic games or exhibition when sold by a public elementary or qualifying non-profit secondary school.

## 2 Admissions Charges from an Exempt Organization

**Citation:** N.J.S.A. 54:32B-9(f) (P.L. 1997, c.162)

**Effective Date:** 7/14/1997

**Applied Date:** 1/1/1998

**Objective:** To include parent-teacher groups to be considered amongst those organizations who have been granted Exempt Organization status, which provides for sales-tax free purchases of goods or services for the organizations' own use to reduce costs for those organizations.

**Description:** Admission charges to certain events are exempt from tax if proceeds from the sale go exclusively to an exempt organization.

### 3 Advertising To Be Published in a Newspaper

**Citation:** N.J.S.A. 54:32B-8.30 (P.L. 1980, c.105)

**Effective Date:** 9/11/1980

**2014 Estimate:** \$113,500,000

**Applied Date:** 9/11/1980

**Objective:** To exempt Receipts from the sales of advertising to be published in a newspaper from the tax imposed by the Sales and Use Tax Act.

**Description:** Receipts from the sales of advertising to be published in a newspaper are exempt from the tax imposed under the Sales and Use Tax Act.

**Data Source** Economic Census 2002-2007 Extrapolated by Annual Newspaper Receipts Growth

**Reliability:** 4 Based on average or marginal tax rates applied to aggregate data

### 4 American and New Jersey State Flags

**Citation:** N.J.S.A. 54:32B-8.26 (P.L. 1980, c.105)

**Effective Date:** 9/11/1980

**Applied Date:** 9/11/1980

**Objective:** To exempt receipts from sales of the flag of the United States of America and of the flag of the State of New Jersey from the tax imposed under the Sales and Use Tax Act.

**Description:** Receipts from sales of the flag of the United States of America and of the flag of the State of New Jersey are exempt from sales tax.

## 5 Bakery Items

**Citation:** N.J.S.A. 54:32B-3(c)(3)(ii)(c) (P.L. 2005, c.126)

**Effective Date:** 7/2/2005

**2014 Estimate:** \$40,000,000

**Applied Date:** 10/1/2005

**Objective:** The State's sales and use tax has been revised to conform with various provisions of the multi-state Streamlined Sales and Use Tax Agreement (SSUTA). The changes are intended to simplify and modernize the State's tax collection and administrative procedures, and to ensure New Jersey continues to remain compliant with the provisions of the SSUTA.

**Description:** Bakery items sold as such, including but not limited to, bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, danish, cakes, tortes, pie, tarts, muffins, bars, cookies, and tortillas are exempt from tax if sold without eating utensils provided by the seller.

**Data Source** Economic Census 2002-2007 Extrapolated by Division of Taxation Bakery Growth to 2010 then by Harmonic Mean.

**Reliability:** 4 Based on average or marginal tax rates applied to aggregate data

## 6 Barges

**Citation:** N.J.S.A. 54:32B-8.12 (P.L. 1988, c.53)

**Effective Date:** 7/8/1988

**Applied Date:** 7/8/1988

**Objective:** Receipts from sales or charges for repairs, alterations or conversion of barges and other vessels of 50-ton burden or over are exempt from the tax imposed by the Sales and Use Tax Act. These vessels are integral to intrastate and interstate commerce.

**Description:** The law exempts receipts from the sale or repairs, alterations or conversion of certain commercial ships, including barges.

**7 Building Materials and Supplies Purchased for an Exempt Organization**

**Citation:** N.J.S.A.54:32B-8.22 (P.L. 1980, c. 105, amended 1983, c. 303, § 31; P.L. 1988, c. 83, § 1; P.L. 1988, c. 93, § 5; P.L. 2006, c. 34, § 2)

**Effective Date:** 7/8/2006

**Applied Date:** 7/15/2006

**Objective:** To ensure that those organizations granted Exempt Organization status are provided the opportunity to erect or modify structures for their own use without payment of sales tax on the materials used for those purposes.

**Description:** Receipts from sales made to contractors or repairmen of materials, supplies or services for exclusive use in erecting structures or building on, or otherwise improving, altering or repairing real property of exempt entities or government agencies are exempt from tax.



## 8 Business Retention and Relocation Assistance Grants

**Citation:** L. 1996, c. 25, § 4, eff. May 9, 1996; amended 2004, c. 65, § 4, eff. June 30, 2004; 2007, c. 310, § 1, eff. Jan. 13, 2008; 2010, c. 123, § 3, eff. Jan. 6, 2011.

**Effective Date:** 5/9/1996

**2014 Estimate:** \$3,300,000

**Applied Date:** 5/9/1996

**Objective:** The purpose of the program is to encourage economic development, preserve existing jobs, and stimulate new job activity in New Jersey.

**Description:** The Business Retention and Relocation Assistance Act (C.34:1B-112 et seq., was signed into law on May 9, 1996 and has been subsequently amended and expanded in scope.. P.L 2004, c.65 gave the State new tools in the effort to retain jobs under threat of leaving New Jersey. On January 13, 2008, the Business Retention and Relocation Assistance Act was amended by P.L. 2007, c.310 (C.34:1B-115), which reduced the program's eligibility threshold from 250 retained full-time jobs to 50 retained full-time jobs. Most recently, P.L. 2010, c.123, signed into law January 6, 2011, expanded the definition of the "designated industries" eligible for the grant; expanded the job retention grant from a one-time \$1,100 to \$1,500 grant for the number of jobs retained to a six-year award, in the same amounts, based on the number of jobs retained, e.g., a six-year award of \$1,500 per job retained, per year and allowed for an additional 50 percent bonus grant to be applied to any business that retains 2,000-plus jobs and invests double the amount they would receive in the tax credit. This would be on top of the existing \$750 per job bonus grant currently available to businesses keeping 2,000-plus jobs in the state and created a "net benefit test," in which potential grant recipients must prove that the state would see a net benefit from providing the tax credit, i.e., the anticipated tax revenue must be greater than the credits awarded under BRRAG; required that businesses maintain the relocated jobs in New Jersey for five years from the last year tax credits were awarded, essentially requiring businesses to keep the jobs in the state for 11 years if they wish to receive the full amount of the tax credits. For businesses that do not comply, a clawback provision exists to allow the state to recapture the awarded tax credits; and allowed for a business to receive BRRAG awards even if it's not relocating, so long as the business makes a capital investment equal to or greater than the total value of the grants to be received.

The BRRAG Program is a one-time grant of corporation business tax credits (or insurance premiums tax credits as applicable) to businesses to assist them in retaining jobs and developing projects that relocate within the state. Additionally, an eligible business may be authorized to acquire certain materials without payment of sales tax. There are specific statutory criteria that must be met.

The amount of the grant for a business relocating between 50 and 499 full-time employees can be up to \$1,500 per job and is scored based on a number of factors, such as the type of industry, quality of the jobs, and consistency with New Jersey's Smart Growth policies. Businesses relocating 500 or more full-time workers are eligible for a tax credit of \$1,500 per job retained. Businesses relocating 2,000 jobs or more into a designated urban center can qualify for a "bonus grant" of 50 percent in addition to their base grant amount.

The BRRAG program caps the tax credits that can be issued during any single fiscal year in New Jersey at \$20 million. Moreover, the credits issued to a business can be applied in the tax year issued or the tax year following issuance. The program rules also have a recapture or "claw back" provision for businesses that do not retain the necessary number of jobs for the agreed upon five-year period or that are otherwise in default according to the Project Agreement contract.

There are 5 components to the BRRAG program:

1. The Business Retention and Relocation Assistance Grant (BRRAG) Program;
2. The Sales and Use Tax Exemption (STX) Program;
3. The BRRAG Tax Credit Certificate Transfer Program (Transfer Program);
4. The Urban Enterprise Zone Energy Sales & Use Tax Exemption for Manufacturers Program; and

The Business Retention and Relocation Assistance Act (C.34:1B-112 et seq., was signed into law on May 9, 1996 and has been subsequently amended and expanded in scope.. P.L 2004, c.65 gave the State new tools in the effort to retain jobs under threat of leaving New Jersey. On January 13, 2008, the Business Retention and Relocation Assistance Act was amended by P.L. 2007, c.310 (C.34:1B-115), which reduced the program's eligibility threshold from 250 retained full-time jobs to 50 retained full-time jobs. Most recently, P.L. 2010, c.123, signed into law January 6, 2011, expanded the definition of the "designated industries" eligible for the grant; expanded the job retention grant from a one-time \$1,100 to \$1,500 grant for the number of jobs retained to a six-year award, in the same amounts, based on the number of jobs retained, e.g., a six-year award of \$1,500 per job retained, per year and allowed for an additional 50 percent bonus grant to be applied to any business that retains 2,000-plus jobs and invests double the amount they would receive in the tax credit. This would be on top of the existing \$750 per job bonus grant currently available to businesses keeping 2,000-plus jobs in the state and created a "net benefit test," in which potential grant recipients must prove that the state would see a net benefit from providing the tax credit, i.e., the anticipated tax revenue must be greater than the credits awarded under BRRAG; required that businesses maintain the relocated jobs in New Jersey for

five years from the last year tax credits were awarded, essentially requiring businesses to keep the jobs in the state for 11 years if they wish to receive the full amount of the tax credits. For businesses that do not comply, a clawback provision exists to allow the state to recapture the awarded tax credits; and allowed for a business to receive BRRAG awards even if it's not relocating, so long as the business makes a capital investment equal to or greater than the total value of the grants to be received.

The BRRAG Program is a one-time grant of corporation business tax credits (or insurance premiums tax credits as applicable) to businesses to assist them in retaining jobs and developing projects that relocate within the state. Additionally, an eligible business may be authorized to acquire certain materials without payment of sales tax. There are specific statutory criteria that must be met.

The amount of the grant for a business relocating between 50 and 499 full-time employees can be up to \$1,500 per job and is scored based on a number of factors, such as the type of industry, quality of the jobs, and consistency with New Jersey's Smart Growth policies. Businesses relocating 500 or more full-time workers are eligible for a tax credit of \$1,500 per job retained. Businesses relocating 2,000 jobs or more into a designated urban center can qualify for a "bonus grant" of 50 percent in addition to their base grant amount.

The BRRAG program caps the tax credits that can be issued during any single fiscal year in New Jersey at \$20 million. Moreover, the credits issued to a business can be applied in the tax year issued or the tax year following issuance. The program rules also have a recapture or "claw back" provision for businesses that do not retain the necessary number of jobs for the agreed upon five-year period or that are otherwise in default according to the Project Agreement contract.

There are 5 components to the BRRAG program:

1. The Business Retention and Relocation Assistance Grant (BRRAG) Program;
2. The Sales and Use Tax Exemption (STX) Program;
3. The BRRAG Tax Credit Certificate Transfer Program (Transfer Program);
4. The Urban Enterprise Zone Energy Sales & Use Tax Exemption for Manufacturers Program; and
5. The Energy Sales Tax Exemption Program, Salem County.

**Data Source** NJ Division of Taxation Unpublished Data

## 9 Capital Improvements to Real Property

**Citation:** N.J.S.A. 54:32B-3(b)(4) (P.L. 1966, c.30)

**Effective Date:** 4/27/1966

**Applied Date:** 7/1/1966

**Objective:** The law aims to encourage capital improvements to limit the amount of deterioration of real property in any given area. This treatment has been afforded to capital improvements since the inception of the sales tax in this State (P.L. 1966, c.30).

**Description:** Services in constructing or altering real property where the work performed results in a capital improvement are exempt from tax.

**Effectiveness:** There is no sales tax assessed on the labor portion of most completed capital improvements, which by their very nature increase property value which is subject to local property taxes. Double taxation is therefore avoided as the sales and use tax is levied on sales and servicing of tangible personal

## 10 Cargo Containers

**Citation:** N.J.S.A. 54:32B-8.12 (P.L. 1980, c. 105, § 24; amended P.L. 1981, c. 218, § 1; P.L. 1988, c. 53; P.L. 1999, c. 273)

**Effective Date:** 11/24/1999

**Applied Date:** 11/1/1996

**Objective:** To ensure that the repair, alteration or conversion of cargo containers, which are integral to intrastate and interstate commerce are not subject to sales and use tax.

**Description:** Receipts from sales or charges for repairs, alterations or conversion of any type of cargo containers used for commercial loading, storing, hauling or transport are exempt from the tax imposed under the Sales and Use Tax Act.

## 11 Casual Sales

**Citation:** N.J.S.A. 54:32B-8.6 (P.L. 1980, c. 105, § 18; amended P.L. 1983, c. 400, § 7; P.L. 1989, c. 123, § 4; P.L. 2005, c. 126, § 10.)

**Effective Date:** 7/2/2005

**Applied Date:** 10/1/2005

**Objective:** This exemption has been a part of the sales and use tax laws since the inception of the tax to prevent the occasional sale of personal property by individuals not engaged as merchants in such sales from subjectivity to the sales and use tax.

**Description:** The law exempts property sold as a casual sale, where an individual or business sells goods, originally purchased for their own use, so long as that are not in the business of selling such products. Yard and rummage sales are common examples. Sales of motor vehicles do not qualify as casual sales.

## 12 Certain Broadcast Equipment

**Citation:** N.J.S.A. 54:32B-8.13(e) (L. 1980, c. 105, § 25; amended 1985, c. 266; 1989, c. 2, § 1; 1995, c. 317; 1996, c. 26, § 18; 1997, c. 162, § 23).

**Effective Date:** 7/14/1997

**2014 Estimate:** \$2,400,000

**Applied Date:** 1/1/1998

**Objective:** This exemption allows commercial broadcasters or cable operators to purchase certain otherwise-taxable items for their own use without payment of the tax.

**Description:** Machinery, apparatus, or equipment used directly and primarily in the production or transmission of radio or television broadcasts by commercial broadcasters operating under a broadcasting license issued by the Federal Communications Commission or by providers of cable/satellite television program services. The exemption also applies to parts with a useful life of more than one year.

**Data Source** Economic Census 2002-2007

**Reliability:** 4 Based on average or marginal tax rates applied to aggregate data

**13 Certain Casino Parking Charges Authority and a Casino Operator**

**Citation:** N.J.S.A. 54:32B-3(i)

**Effective Date:** 12/19/2008

**Applied Date:** 1/1/2009

**Objective:** To exclude certain casino parking charges from subjectivity to the NJ Sales and Use Tax. This exclusion is effective as of December 19, 2008.

**Description:** Parking charges imposed pursuant to an agreement between the Casino Reinvestment Development Authority and a casino operator are exempt.

**Effectiveness:** To spur economic growth in Atlantic City it has been decided that sales tax would not be charged on certain items or services that would generally be subject to taxation.

**14 Certain Chemicals and Catalysts**

**Citation:** N.J.S.A. 54:32B-8.20 (L. 1980, c. 105, 32, eff. Sept. 11, 1980)

**Effective Date:** 9/11/1980

**Applied Date:** 9/11/1980

**Objective:** To allow receipts from sales of materials that do not become a component part of the finished product exemption from the tax imposed under the Sales and Use Tax Act.

**Description:** Materials used to induce chemical or refining processes in which the materials are an essential part of the process but do not become part of the finished product.

15 **Certain Commercial Trucks and Truck Repairs**

**Citation:** N.J.S.A. 54:32B-8.43 (L. 1990, c. 115, § 3)

**Effective Date:** 11/19/1990

**Applied Date:** 7/1/1990

**Objective:** Ensures receipts from sales, renting or leasing of certain commercial trucks, and their repairs, are excluded from the tax imposed by the NJ Sales and Use Tax Act.

**Description:** Receipts from sales, renting or leasing of commercial trucks, truck tractors, tractors, semitrailers which are registered in New Jersey and have a gross vehicle weight rating in excess of 26,000 pounds or are operated actively and exclusively for the carriage of interstate freight pursuant to a certificate or permit issued by the Interstate Commerce Commission are exempt from sales tax. Repair and replacement parts for such vehicles, also qualify for the tax exemption.

16 **Certain Direct Mail Advertising and Processing Services**

**Citation:** N.J.S.A. 54:32B-3(b)(5) (L. 2008, c.123)

**Effective Date:** 12/19/2008

**Applied Date:** 1/1/2009

**Objective:** The State's sales and use tax has been revised to conform with various provisions of the multi-state Streamlined Sales and Use Tax Agreement (SSUTA). The changes are intended to simplify and modernize the State's tax collection and administrative procedures, and to ensure New Jersey continues to remain compliant with the provisions of the SSUTA.

**Description:** This exemption applies to charges for printing or production of direct mail and direct mail processing services performed for distribution to out-of-State recipients.

### 17 Certain Electricity

**Citation:** N.J.S.A. 54:32B-8.46 (L. 1997, c. 162, § 26, eff. Jan. 1, 1998; amended 1998, c. 114, § 4, eff. Oct. 28, 1998, retroactive to Jan. 1, 1998; 1999, c. 23, § 62, eff. Feb. 9, 1999; 2009, c. 240, § 3, eff. Jan. 16, 2010).

**Effective Date:** 1/16/2010

**2014 Estimate:** \$15,330,400

**Applied Date:** 1/16/2010

**Objective:** The law requires that the Board of Public Utilities, when determining electric and natural gas rates, pass along to consumers all tax savings realized by utilities as a result of this bill. To encourage more competition and free market among electrical sales within municipal boundaries, and thus prevent the establishment of regulated monopolies.

**Description:** Receipts from the sale, exchange, delivery or use of electricity are exempt from the tax imposed under the "Sales and Use Tax Act," if the electricity is sold by a municipal electric corporation to customers within its municipal or regulatory boundaries.

**Data Source** Government Finances-2002-2009 Extrapolated by Mean of Growths

**Reliability:** 4 Based on average or marginal tax rates applied to aggregate data

### 18 Certain Equipment for Use at a Marine Terminal Facility

**Citation:** N.J.S.A. 54:32B-8.12 (L. 1980, c. 105, § 24; amended 1981, c. 218, § 1; 1988, c. 53; 1999, c. 273, eff. Nov. 24, 1999).

**Effective Date:** 11/24/1999

**Applied Date:** 11/1/1996

**Objective:** To provide economic incentives for the shipping industry, receipts from sales or charges for repairs, alterations or conversion of commercial ships or any component thereof including cargo containers of any type whatsoever, barges and other vessels of 50-ton burden or over, primarily engaged in interstate or foreign commerce, machinery, apparatus and equipment for use at a marine terminal facility in loading, unloading and handling cargo carried by those commercial ships, barges and other vessels and certain other related equipment are not subject to the New Jersey Sales and Use Tax Act (N.J.S.A. 54:32B-1 et seq.).

**Description:** The law exempts purchases of machinery, apparatus and equipment if they are for use at a marine terminal facility in loading, unloading and handling cargo carried by commercial ships, barges and other vessels.



**19 Certain Equipment Sold to a Regulated Service Provider**

**Citation:** N.J.S.A. 54:32B-8.13© (L. 1980, c. 105, § 25; amended 1985, c. 266; 1989, c. 2, § 1; 1995, c. 317; 1996, c. 26, § 18; 1997, c. 162, § 23).

**Effective Date:** 1/5/1996

**Applied Date:** 4/1/1996

**Objective:** The act provides a full sales and use tax exemption for machinery, apparatus and equipment sold to a service provider regulated by the New Jersey Board of Public Utilities or the Federal Communications Commission for use directly and primarily in providing telecommunications service.

**Description:** Machinery, apparatus and equipment sold to a service provider regulated by the new Jersey Board of Public Utilities or the Federal Communications Commission for use directly and primarily in providing telecommunications service are not subject to sales tax.

**20 Certain Farmer Purchases**

**Citation:** N.J.S.A. 54:32B-8.16 (L. 1980, c. 105, § 28; amended 1997, c. 162, § 25; 1997, c. 293, § 1; 1999, c. 314, § 2, eff. Jan. 6, 2000).

**Effective Date:** 1/8/1988

**Applied Date:** 1/8/1988

**Objective:** To update the "farm use" sales tax exemption to reflect the changing nature of the agricultural sector of the New Jersey economy and to remove the restriction on the sales tax exemption for farmer's purchases of property that is incorporated into buildings or structures.

**Description:** The law exempts tangible personal property and production and conservation services to a farmer for use and consumption directly and primarily in the production, handling and preservation for sale of agricultural or horticultural commodities at the farming enterprise including materials used to construct non-residential buildings or structures such as a silo, greenhouse, grain bin, or manure handling equipment.

**21 Certain Ferryboats**

**Citation:** N.J.S.A. 54:32B-8.12 (L. 1980, c. 105, § 24; amended 1981, c. 218, § 1; 1988, c. 53; 1999, c. 273, eff. Nov. 24, 1999)

**Effective Date:** 7/8/1988

**Applied Date:** 7/8/1988

**Objective:** To exclude receipts from sales or charges for repairs, alterations or conversion of ferryboats that are primarily engaged in the transportation of passengers during peak hours of commutation from the tax imposed under the Sales and Use Tax Act.

**Description:** Purchases of ferryboats that are primarily engaged in the transportation of passengers during peak hours of commutation are exempt from tax.

**22 Certain Garbage Removal and Sewer Services**

**Citation:** N.J.S.A. 54:32B-3(b)(4) (L. 1967, c. 25)

**Effective Date:** 4/16/1967

**Applied Date:** 5/1/1967

**Objective:** To exclude garbage removal and sewer services performed on a regular contractual basis for a term not less than 30 days from subjectivity to the NJ Sales and Use Tax.

**Description:** Garbage removal and sewer maintenance services performed on a regular contractual basis for a term not less than 30 days is exempt from the sales and use tax.

**23 Certain Massage Therapy Services**

**Citation:** N.J.S.A. 54:32B-3(b)(9) (L. 2008, c.123)

**Effective Date:** 12/19/2008

**2014 Estimate:** \$2,025,000

**Applied Date:** 1/1/2009

**Objective:** To provide an individual with massage, bodywork or somatic services tax free in order to treat a physical ailment or another purpose prescribed by a doctor.

**Description:** Massage therapy services performed pursuant to a doctor's prescription or performed at a licensed medical professional's place of business to treat a physical ailment is exempt from tax.

**Reliability:** 4 Based on average or marginal tax rates applied to aggregate data

**24 Certain Partnership Distributions**

**Citation:** N.J.S.A. 54:32B-(2)(e)(4)(D)

**Effective Date:** 12/19/2008

**Objective:** To clarify that distribution of property by a partnership to its partners in liquidation is not considered to be a sale for sales and use tax purposes, and therefore is not be taxed.

**Description:** Distribution of property by a partnership to its partners in whole or partial liquidation is not considered to be a sale for sales and use tax purposes.

**Effectiveness:** Partnership distributions are subject to tax under the Gross Income Tax Act (N.J.S.A. 54A:1-1 et seq., and therefore are not subject to sales and use taxes.

**25 Certain Purchases made by a Cogeneration Facility**

**Citation:** N.J.S.A. 54:32B-8.13(d)

**Effective Date:** 7/14/1997

**Objective:** The act provides a full sales and use tax exemption for machinery, apparatus and equipment, building materials and structures used directly and primarily for cogeneration in a cogeneration facility.

**Description:** Machinery, apparatus and equipment, building materials and structures are exempt if used directly and primarily for cogeneration in a cogeneration facility.

**26 Certain Recycling Equipment**

**Citation:** N.J.S.A. 54:32B-8.36

**Effective Date:** 10/1/2005

**Objective:** To ensure that recycling equipment, which provides environmental benefits, is not subject to the tax.

**Description:** Receipts from the sales of recycling equipment used exclusively to sort and prepare solid waste for recycling or in the recycling of solid waste is exempt from the tax.

## 27 Certain Services related to Exempt Vessels

**Citation:** N.J.S.A. 54:32B-8.12

**Effective Date:** 11/24/1999

**Objective:** To provide economic incentives for the shipping industry, receipts from sales or charges for repairs, alterations or conversion of commercial ships or any component thereof including cargo containers of any type whatsoever, barges and other vessels of 50-ton burden or over, primarily engaged in interstate or foreign commerce, machinery, apparatus and equipment for use at a marine terminal facility in loading, unloading and handling cargo carried by those commercial ships, barges and other vessels and certain other related equipment are not subject to the New Jersey Sales and Use Tax Act (N.J.S.A. 54:32B-1 et seq.).

**Description:** Storage and other services rendered with respect to loading, unloading and handling cargo at a marine terminal facility are exempt from the sales tax.

## 28 Certain Utility Equipment Purchases

**Citation:** N.J.S.A. 54:32B-8.13(b)

**Effective Date:** 7/14/1997

**Objective:** The act provides a full sales and use tax exemption for sales of machinery, apparatus and equipment directly and primarily used in the production, generation, transmission and distribution of gas, electricity, refrigeration, steam and water for sale and in the operation of sewerage system.

**Description:** Sales of machinery, apparatus and equipment directly and primarily used in the production, generation, transmission and distribution of gas, electricity, refrigeration, steam and water for sale and in the operation of sewerage system are exempt from tax.

29 **Charitable Organizations Exemption**

**Citation:** N.J.S.A. 54:32B-9(b)

**Effective Date:** 7/8/2006

**2014 Estimate:** \$50,000,000

**Objective:** The Sales and Use Tax Act (N.J.S.A. 54:32B-1 et seq.) exempts the purchases made by certain charitable entities for the purposes of those entities from tax in an effort to reduce costs for those organizations.

**Description:** New Jersey Exempt Organizations may purchase otherwise-taxable items for their own use without payment of the sales tax on those items

**Data Source** <http://www.irs.gov/uac/Tax-Stats-2>

**Reliability:** 5 Based on Federal tax expenditure estimates

30 **Clothing and Footwear**

**Citation:** N.J.S.A. 54:32B-8.4 (P.L. 1980, c. 105, § 16)

**Effective Date:** 12/19/2008

**2014 Estimate:** \$920,727,000

**Objective:** To exclude receipts from sales of articles of clothing and footwear from the New Jersey Sales and Use. This exemption does not apply to fur clothing, clothing accessories or equipment, sport or recreational equipment, or protective equipment.

**Description:** Receipts from sales of articles of clothing and footwear, excluding fur clothing, for human use are exempt from the tax imposed under the "Sales and Use Tax Act."

**Data Source** Economic Census 2002-2007 NJ Unpublished Data

**Reliability:** 4 Based on average or marginal tax rates applied to aggregate data

**Effectiveness:** New Jersey, unlike New York and many other states, exempts most clothing and footwear in recognition of the critical nature of these purchases.

**31 Coin-Operated Telephone Service**

**Citation:** N.J.S.A. 54:32B-8.58 (P.L. 2008, c. 123, § 16)

**Effective Date:** 12/19/2008

**Objective:** To comply with the then-current Streamlined Sales and Use Tax Agreement, the act provides a full sales and use tax exemption for receipts from coin-paid sales of telecommunications service using pay phones and expands the prior exemption which only applied to coin-operated calls at the local calling rate.

**Description:** Receipts from sales of coin-operated telephone service are exempt from the tax imposed under the Sales and Use Tax Act.

**32 Coin-Operated Vending Machine Sales under \$.25**

**Citation:** N.J.S.A. 54:32B-8.9

**Effective Date:** 10/15/1999

**Objective:** The act provides a full sales and use tax exemption for receipts from sales of tangible personal property sold through coin-operated vending machines at \$0.25 or less, provided the retailer is primarily engaged in making such sales and maintains records satisfactory to the director.

**Description:** Sales of any items for 25 cents or less, are not taxable and are deducted from gross sales receipts before calculating tax.

### 33 Commercial Fishing Boats and Boat Repairs

**Citation:** N.J.S.A. 54:32B-8.12

**Effective Date:** 11/24/1999

**Objective:** To clarify and extend an existing exemption from the tax for the sale and servicing of certain commercial ships to include commuter ferryboats, including specific provision for the exemption of receipts from sales or charges for repairs, alterations or conversion of ferryboats that are primarily engaged in the transportation of passengers during peak hours of commutation. Further, the statute now extends the exemption to commuter ferryboats primarily engaged in intrastate commerce.

**Description:** Certain boats, including commercial party boats (headboats) engaged in sport fishing and subject to annual inspection by the U.S. Coast Guard, and vessels primarily engaged in commercial fishing or shellfishing. Also exempt are charges for repairs, alterations, reoutfitting of boats, fuel, maintenance, and charges for supplies.

### 34 Commercial Fishing Vessels

**Citation:** N.J.S.A. 54:32B-8.12

**Effective Date:** 11/24/1999

**Objective:** The act provides a full sales and use tax exemption for receipts from sales or charges for repairs, alterations or conversion of commercial fishing vessels.

**Description:** Certain boats, including commercial party boats (headboats) engaged in sport fishing and subject to annual inspection by the U.S. Coast Guard, and vessels primarily engaged in commercial fishing or shellfishing.

**35 Commercial Trucks Used for Interstate Travel**

**Citation:** N.J.S.A.54:32B-8.43

**Effective Date:** 7/1/1990

**Objective:** To exclude receipts from sales, renting or leasing of ,certain truck tractors, tractors, semitrailers, and certain other vehicles , which are operated actively and exclusively for the carriage of interstate freight, from tax under the "Sales and Use Act." Also, to excludes the repair and replacement parts for such vehicles.

**Description:** The purchase, rental, or lease of commercial trucks, tractors, trailers, and vehicles used in combination with such when operated exclusively for the carriage of interstate freight pursuant to Federal law. Repair and replacement parts are also covered under this exemption.

**36 Concession Stand Sales: State-Owned Veterans Facilities**

**Citation:** N.J.S.A. 54:32B-8.54

**Effective Date:** 8/31/2003

**Objective:** This bill revises the State’s sales and use tax to conform with various provisions of the multi-state Streamlined Sales and Use Tax Agreement (SSUTA). The changes are intended to simplify and modernize the State’s tax collection and administrative procedures, and to ensure New Jersey remains compliant with the provisions of the SSUTA.

**Description:** Concession stand sales located at State-owned veterans facilities are not subject to tax by law.



**37 Credit for Certain Property When Used as a Trade-in**

**Citation:** N.J.S.A. 54:32B-2(oo)(2)(E)

**Effective Date:** 12/19/2008

**2014 Estimate:** \$796,663,600

**Objective:** To stipulate that the "sale price" does not include credit for any trade-in of property of the same kind accepted in part payment and intended for resale if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser.

**Description:** Within the Sales and Use Tax Act, the term "Sales price" does not include credit for any trade-in of property of the same kind accepted in part payment and intended for resale if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser.

**Data Source** Sales & Use Tax by Business Code 1988-2012

**Reliability:** 3 Based on data files of incomplete or unverified information from actual tax returns

**38 Diabetic Supplies**

**Citation:** N.J.S.A. 54:32B-8.1

**Effective Date:** 12/19/2008

**Objective:** To allow tax exemptions for those in need of certain medical supplies and equipment. Also for reasons of compliance with the Streamlined Sales and Use Tax Agreement.

**Description:** An exemption exists for certain medical supplies and equipment including diabetic supplies.

**Effectiveness:** New Jersey allows for the exemption of certain medical supplies, including diabetic supplies, to support the health and welfare of New Jersey citizens.

39 **Dietary Supplements**

**Citation:** N.J.S.A. 54:32B-8.2

**Effective Date:** 12/19/2008

**2014 Estimate:** \$58,300,000

**Objective:** To exclude sales of food and food ingredients and dietary supplements sold for human consumption from the NJ Sales and Use Tax. This is effective as of December 19, 2009.

**Description:** Products required by the Federal government to be labeled as a dietary supplement, and that are identifiable by the Supplement Facts box on the label are exempt from New Jersey Sales and Use Tax.

**Reliability:** 4 Based on average or marginal tax rates applied to aggregate data

**Effectiveness:** New Jersey allows for the exemption of certain medical supplies, including dietary supplements, to support the health and welfare of New Jersey citizens.

40 **Diplomats, Consulates and Foreign Embassies**

**Citation:** N.J.S.A. 54:32B-9(a)(3)

**Effective Date:** 7/8/2006

**Objective:** To recognize the status of foreign embassy personnel and to afford them an exemption from the sales and use tax on certain approved purchases.

**Description:** Purchases made by diplomats, consulates and foreign embassies are exempt from tax when made for purposes approved by the Department of State, Office of Foreign Missions.

**41 Disposable Household Paper Products**

**Citation:** N.J.S.A. 54:32B-8.44

**Effective Date:** 7/15/1991

**2014 Estimate:** \$80,671,000

**Objective:** To exclude sales of disposable household paper products, including towels, napkins, toilet tissues, cleaning tissues, diapers, paper plates and cups purchased for household use, from the tax imposed under the "Sales and Use Tax Act". This exclusion is effective as of July 15, 1991.

**Description:** Sales of disposable household paper products such as towels, napkins, toilet tissue, paper plates, and paper cups are exempt from sales tax.

**Data Source** Economic Census 2007 and New York State Tax Expenditure Report 2011-12

**Reliability:** 4 Based on average or marginal tax rates applied to aggregate data

**42 Distribution of Certain Corporate Property**

**Citation:** N.J.S.A. 54:32B-(2)(e)(4)(c)

**Effective Date:** 12/19/2008

**Objective:** To define a distribution of property by a corporation to its stockholders as a liquidating dividend in the Streamlined Sales and Use Tax Agreement.

**Description:** The distribution of property by a corporation to its stockholders as a liquidating dividend is not considered a sale under the Sales and Use Tax Act.

**Effectiveness:** The distribution of corporate property may be subject to the corporate business tax, and, as such, it is not subject to the sales and use tax.

**43 Durable Medical Equipment**

**Citation:** N.J.S.A. 54:32B-8.1 (P.L. 1980, c. 105, § 13; amended 1982, c. 227, § 5; 1987, c. 383, § 1; 2005, c. 126, § 7; 2008, c. 123, § 6).

**Effective Date:** 12/19/2008

**Objective:** To exclude purchases of durable medical equipment including bath and shower chairs, bed pans, and raised toilet seats from subjectivity to tax under the NJ Sales and Use Tax Act.

**Description:** Purchases of durable medical equipment including bath and shower chairs, bed pans, and raised toilet seats are not subject to tax.

**Effectiveness:** Durable medical equipment that improves the health and welfare of New Jersey citizens is not subject to tax when sold directly to the end customer.

**44 Eggs, Fish, Meat and Poultry**

**Citation:** N.J.S.A. 54:32B-3(c)(3)(i)(B) (N.J.A.C. 18:24-12.2)

**Effective Date:** 12/1/2008

**2014 Estimate:** \$211,700,000

**Applied Date:** 12/1/2008

**Objective:** To define prepared food as 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. Also aligns with federal Food and Drug Administration regulations to prevent food borne illnesses.

**Description:** The sale of eggs, fish, meat, poultry and foods that contain these raw animal foods that require cooking by the consumer are not subject to sales tax.

**Data Source:** From Consumer Expenditure Survey. Forecast using harmonic mean growth rate 2006-2011

**Reliability:** 4 Based on average or marginal tax rates applied to aggregate data

**45 Electronically Delivered Software for Business Use**

**Citation:** N.J.S.A. 54:32B-8.56 (P.L. 2005, c. 126, §15; amended 2006, c. 44, §12; 2008, c. 123, §11).

**Effective Date:** 12/19/2008

**Objective:** To ensure that business software purchases, critical to commerce, are not subject to the sales tax.

**Description:** The law exempts sales prewritten computer software used exclusively for business when delivered electronically.

**46 Employer Provided Parking**

**Citation:** N.J.S.A. 54:32B-3(i) (L. 2007, c.105)

**Effective Date:** 6/28/2007

**Applied Date:** 7/1/2008

**Objective:** To ensure that certain employer-provided parking benefits are not subject to sales tax.

**Description:** Charges for employee parking, when provided by an employer or at a facility owned or operated by the employer, are exempt from tax.

**47 Energy and Utility Service**

**Citation:** N.J.S.A. 54:32B-8.47 (P.L. 1997, c. 162, § 33; amended 2007, c. 94, § 1)

**Effective Date:** 5/10/2007

**Objective:** To reduce the costs of certain energy production by utilities.

**Description:** Receipts from the sale or use of energy and utility service to or by a utility corporation or person that was subject to the provisions of P.L.1940, c.4, as of April 1, 1997, or currently or formerly subject to taxation pursuant to P.L.1940, c.5, for their own use and consumption, are exempt from the tax imposed under the Sales and Use Tax Act.

**48 Equipment for Printing and Publishing**

**Citation:** N.J.S.A. 54:32B-8.29 (P.L. 1980, c. 105, 41. Amended by L. 1985, c. 440, 1)

**Effective Date:** 3/1/1986

**Objective:** To allow for receipts from sales of machinery and equipment used by businesses engaged in commercial printing, and certain other publishing activities to be excluded from taxation under the NJ Sales and Use Tax Act.

**Description:** An exemption exists for machinery and equipment used by businesses engaged in commercial printing, publishing of periodicals, books, business forms, greeting cards, or miscellaneous publishing, typesetting, photoengraving, electrotyping, stereotyping, and lithographic platemaking,

**49 Equipment Used on Boats or Ships**

**Citation:** N.J.S.A. 54:32B-8.12 (PL. 1980, c. 105, § 24; amended 1981, c. 218, § 1; 1988, c. 53; 1999, c. 273).

**Effective Date:** 11/24/1999

**Objective:** One of a number of shipping-related exemptions in the sales tax statute, the intent of which is to reduce costs in the maritime industries.

**Description:** Sales of machinery, apparatus and equipment for fuel, provisions, supplies, maintenance and repairs (other than articles purchased for the original equipping of a new ship) on a boat or other vessel are exempt.

50 **Exempt Organizations: State of New Jersey and its Agencies**

**Citation:** N.J.S.A. 54:32B-9(a)(1)

**Effective Date:** 7/8/2006

**2014 Estimate:** \$61,720,000

**Objective:** In order to ensure that the business of governmental entities is conducted in the most cost-efficient manner possible for the benefit of taxpayers, purchases by government are not subject to sales and use tax.

**Description:** Certain purchasers are exempt from sales and use tax including the State of New Jersey, or any of its agencies, instrumentalities and public authorities.

**Data Source:** State and Local Government Finances 2004-2009 Extrapolated by Harmonic Mean

**Reliability:** 4 Based on average or marginal tax rates applied to aggregate data

51 **Exempt Organizations: Parent-Teachers Associations**

**Citation:** N.J.S.A. 54:32B-9(b) (P.L. 1997, c.162)

**Effective Date:** 11/9/1998

**Objective:** To ensure that parent-teacher organizations purchasing items for the use of such organizations are not subject to sales and use tax.

**Description:** Purchases made by and for the use of an association of parents and teachers of an elementary or secondary school are exempt for either a public and private school association.

**52 Exempt Organizations: United Nations**

**Citation:** N.J.S.A. 54:32B-9(a)(3)

**Effective Date:** 7/8/2006

**Objective:** To ensure that the United Nations, an international organization which counts the United States among its members, is not burdened by sales tax subjectivity to purchases it makes, nor the requirement for the collection of sales tax on certain sales it makes.

**Description:** The law exempts the United Nations or any international organization of which the United States of America is a member where it is the purchaser, user or consumer, or where it sells services or property of a kind not ordinarily sold by private persons.

**53 Exempt Organizations: United States of America**

**Citation:** N.J.S.A. 54:32B-9(a)(2)

**Effective Date:** 7/8/2006

**2014 Estimate:** \$229,200,000

**Objective:** The State exempts the federal government on purchases it makes from the burden of sales and use tax subjectivity and also from the requirement of sales tax collection on certain sales it makes.

**Description:** The law exempts the United States of America, and any of its agencies and instrumentalities, where it is the purchaser, user or consumer, or where it sells services or property of a kind not ordinarily sold by private persons.

**Reliability:** 4 Based on average or marginal tax rates applied to aggregate data



**54 Exemption for Certain Vessels**

**Citation:** N.J.S.A. 54:32B-8.12 (P.L. 1980, c. 105, § 24; amended 1981, c. 218, § 1; 1988, c. 53; 1999, c. 273)

**Effective Date:** 11/24/1999

**Objective:** One of a number of maritime industry-related exemptions provided within the law to promote and support intrastate and interstate commerce.

**Description:** The sale of vessels of 50-ton burden or over primarily engaged in interstate or foreign commerce are exempt from sales tax.

**55 Exemption for Volunteer Fire and Similar Emergency Companies**

**Citation:** N.J.S.A. 54:32B-9(b)

**Effective Date:** 7/8/2006

**Objective:** To relieve volunteer fire companies and similar organizations, who perform public services at no cost to the State's taxpayers, from the added financial burden of the payment of sales taxes on certain purchases made for the use of those organizations.

**Description:** The law provides a sales tax exemption on purchases made by a volunteer fire company, rescue, ambulance, first aid and emergency company or squad.

**56 Farm Vehicles and Vehicle Repairs**

**Citation:** N.J.S.A. 54:32B-8.43

**Effective Date:** 11/19/1990

**Objective:** To exclude receipts from sales, renting or leasing of ,certain truck tractors, tractors, semitrailers, and vehicles used in combination therewith, which are registered in New Jersey from tax under the "Sales and Use Act". Also, to exclude the repair and replacement parts for such vehicles from tax imposed by the NJ "Sales and Use Tax Act".

**Description:** This exemption applies to the purchase of trucks, trailers, and truck-trailer combinations that are used directly and exclusively in the production for sale of tangible personal property on farms when the vehicles have a gross vehicle weight rating in excess of 18,000 pounds and are registered with the New Jersey Division of Motor Vehicles for farm use.

**57 Films, Records and Tapes Used in Radio and Television**

**Citation:** N.J.S.A. 54:32B-8.18

**Effective Date:** 9/11/1980

**Objective:** To allow receipts from sales of films, records, tapes or any type of visual or sound transcriptions not used for advertising purposes exclusion from the tax imposed under the Sales and Use Tax Act.

**Description:** Films, records, tapes, and other types of visual or sound transcriptions produced for exhibition in theaters or for broadcast by radio or television stations or networks and not used for advertising may be purchased exempt from sales tax.

**58 Firearm Safety Locks**

**Citation:** N.J.S.A. 54:32B-8.50

**Effective Date:** 12/1/1999

**Objective:** To encourage responsibility in firearm ownership by relieving owners of liability for sales tax on their purchases of firearm safety locks and other devices that enable the firearm to be made inoperable by anyone other than an authorized person.

**Description:** Receipts from sales of firearm trigger locks and other devices that enable the firearm to be made inoperable by anyone other than an authorized person.

**59 Firearm Storage Vaults**

**Citation:** N.J.S.A. 54:32B-8.51

**Effective Date:** 12/1/1999

**Objective:** To ensure a place of secure storage for firearms and to prevent tragic events caused by firearms from occurring through affording lawful firearm owners with an effective means of storing their firearms in a place that, while convenient to the owner, is inaccessible to a child, intruder or anyone else that the owner would wish to exclude from access to firearms.

**Description:** Receipts from sales of firearm vaults providing secure storage for firearms.

**60 Food and Drink for Airline Passengers**

**Citation:** N.J.S.A. 54:32B-3

**Effective Date:** 12/19/2008

**Objective:** To ensure that food purchased for consumption by airline passengers in flight, in whatever air space it is consumed is not subject to sales tax.

**Description:** Food and drink sold by airlines for consumption while in flight are not subject to sales tax.

**61 Food and Food Ingredients**

**Citation:** N.J.S.A. 54:32B-8.2

**Effective Date:** 12/19/2008

**2014 Estimate:** \$1,491,264,000

**Objective:** The State's sales and use tax laws have been revised to conform with various provisions of the multi-state Streamlined Sales and Use Tax Agreement (SSUTA). The changes are intended to simplify and modernize the State's tax collection and administrative procedures, and to ensure New Jersey remains compliant with the provisions of the SSUTA.

**Description:** Food sold for human consumption in various states but not including hot or prepared food, candy and soft drinks.

**Data Source** 2002-2007 Economic Census, New York State Tax Expenditure Report, Internal Information.

**Reliability:** 4 Based on average or marginal tax rates applied to aggregate data

**62 Food Purchased with Food Stamps**

**Citation:** N.J.S.A. 54:32B-2(oo)(2)(D)

**Effective Date:** 9/11/1980

**2014 Estimate:** \$6,000,000

**Objective:** To clarify that "sales price" does not include the amount for which food stamps have been used for full or partial payment. Clearly, the eligibility for and use of food stamps is indicative of economic hardship and such hardship should not be worsened by the payment of sales tax on otherwise-taxable food items.

**Description:** The term "sales price" does not include the amount for which food stamps have been properly tendered in full or part payment.

**Data Source** Monthly Food Stamp Benefits, September 2011 - 2012, Statehealthfacts.org, Kaiser Family Foundation

**Reliability:** 4 Based on average or marginal tax rates applied to aggregate data

**63 Food Sold by a Manufacturer**

**Citation:** N.J.S.A. 54:32B-3(c)(3)(ii)(A)

**Effective Date:** 12/19/2008

**Objective:** Unlike many states, New Jersey exempts most sales of unprepared food for use for human consumption from the sales tax, including food sold by manufacturers thereof.

**Description:** Food sold by a seller who is a manufacturer is exempt from NJ sales tax.

**64 Food Sold in an Unheated State**

**Citation:** N.J.S.A. 54:32B-3(c)(3)(ii)(B)

**Effective Date:** 12/19/2008

**Objective:** Unlike many other states, New Jersey exempts most unprepared food sold for human consumption, including food sold in an unheated state.

**Description:** Foods prepared by the seller are exempt if sold in an unheated state by weight or volume and without utensils provided by the seller.

**65 Food that is Cut, Repacked or Pasteurized by the Seller**

**Citation:** N.J.S.A. 54:32B-3(c)(3)(i)(B)

**Effective Date:** 12/19/2008

**Objective:** The State's sales and use tax has been revised to conform with various provisions of the multi-state Streamlined Sales and Use Tax Agreement (SSUTA). The changes are intended to simplify and modernize the State's tax collection and administrative procedures, and to ensure New Jersey remains compliant with the provisions of the SSUTA.

**Description:** Food that is only cut, repackaged, or pasteurized by the seller is not subject to sales tax if sold without eating utensils.

66 **Garment Services**

**Citation:** N.J.S.A. 54:32B-3(b)(2)(iii)

**Effective Date:** 12/19/2008

**Objective:** The sale of most clothing and footwear, other than certain specialty items, is not subject to sales tax. This exemption ensures that certain garment services are also provided without the payment of the tax.

**Description:** Charges for laundering, dry cleaning, tailoring, weaving, and pressing, limited specifically to clothing, are exempt.

67 **Gas, Water, Steam and Fuel in Containers and Bulk**

**Citation:** N.J.S.A. 54:32B-8.7

**Effective Date:** 6/1/1998

**Objective:** This ensures that utilities' sales, including the unbundling of energy products and services is provided at as low cost as possible, advancing competitiveness.

**Description:** The law exempts sales of gas, other than natural gas, water, steam, or fuel delivered to consumers through mains, lines, pipe, or in containers or bulk.

68 **Gold and Silver**

**Citation:** N.J.S.A. 54:32B-8.32

**Effective Date:** 9/11/1980

**Objective:** Receipts from the sales of gold or silver, in the form that can be traded on an exchange, are exempt from the tax imposed under the Sales and Use Tax Act.

**Description:** Receipts from the sales of gold or silver and storage thereof, in the form that can be traded on an exchange are exempt from the tax imposed under the Sales and Use Tax Act.

**69 Government-owned Ships and Other Vessels**

**Citation:** N.J.S.A. 54:32B-8.12

**Effective Date:** 11/24/1999

**Objective:** To further clarify that the sales tax is not imposed on various purchases by the state and federal government, including these vessels.

**Description:** Governmentally-owned ships, barges and other vessels, including property used by or purchased for the use of such vessels, is exempt from tax.

**70 Hotel Occupancy by a Permanent Resident**

**Citation:** N.J.S.A. 54:32B-2(m)

**Effective Date:** 12/19/2008

**Objective:** This exemption attempts to differentiate between short-term rentals and more permanent ones by allowing rentals of 90 days or more freedom from taxation.

**Description:** Charges for lodging at a hotel, motel or similar facility where the occupant resides at the lodging facility for at least 90 consecutive days.

**71 Human Blood and its Derivatives**

**Citation:** N.J.S.A. 54:32B-8.1

**Effective Date:** 12/19/2008

**Objective:** This exemption is a part of the large body of medically-related tax exemptions. Many medical procedures and related services are exempt to the end consumer of those services.

**Description:** The law exempts sales of human blood and its derivatives.

## 72 Imprinting Services

**Citation:** N.J.S.A. 54:32B-8.48

**Effective Date:** 1/12/1998

**Objective:** The act provides a sales tax exemption for imprinting services performed on production machinery.

**Description:** The law exempts charges for imprinting services when performed on production or manufacturing equipment.

## 73 Inconsequential Tangible Personal Property

**Citation:** N.J.S.A. 54:32B-(2)(e)(4)(A)

**Effective Date:** 12/19/2008

**Objective:** The sales tax is assessed on the sale of tangible personal property and certain related services to that property to end consumers. Most professional, insurance and personal services are not subject to tax in that they do not transfer tangible items as a consequential element of those services.

**Description:** Professional, insurance, or personal service transactions which involve the transfer of tangible personal property as an inconsequential element, for which no separate charges are made.

## 74 Initiation Fees and Membership Dues: Exempt Entity Operated

**Citation:** N.J.S.A. 54:32B-3(h)(2)

**Effective Date:** 12/19/2008

**Objective:** The act does not subject to tax membership dues and related charges made to patrons of nonprofit-operated health and fitness clubs.

**Description:** The law exempts charges for initiation fees and membership dues of a health and fitness, athletic, sporting or shopping club or organization operated by an exempt religious, charitable, scientific, literary or educational organization.



**75 Initiation Fees and Membership Dues: Youth Membership**

**Citation:** N.J.S.A.54:32B-3(h)(1)

**Effective Date:** 7/1/2007

**Objective:** To extend the benefits of health and fitness and related organizations to our youth, the charges therefor are not subject to sales tax.

**Description:** Although generally taxable, charges in the nature of initiation fees, membership fees or dues of a health and fitness, athletic, sporting or shopping club or organization whose members are predominantly age 18 or under are exempt from sales tax.

**76 Interest, Financing, and Carrying Charges**

**Citation:** N.J.S.A. 54:32B-2(oo)(2)(B)

**Effective Date:** 12/19/2008

**Objective:** Most intangible services, including various financing charges, are not subject to tax as the tax is generally imposed on the sales of tangible personal property and related services to that property.

**Description:** The law does not tax separately stated interest, financing, and/or carrying charges from credit extended on the sale of personal property or services.

**77 Internet Access Service**

**Citation:** N.J.S.A. 54:32B-2(cc)(12)

**Effective Date:** 12/19/2008

**2014 Estimate:** \$87,130,000

**Objective:** This bill revises the State’s sales and use tax to conform with various provisions of the multi-state Streamlined Sales and Use Tax Agreement (SSUTA). The changes are intended to simplify and modernize the State’s tax collection and administrative procedures, and to ensure New Jersey remains compliant with the provisions of the SSUTA.

**Description:** Internet access service charges, including the routing of internet traffic, are not subject to tax.

**Data Source** Internet and Satellite Access Charges from Service Annual Survey Information

**Reliability:** 4 Based on average or marginal tax rates applied to aggregate data

**78 Laundry and Dry Cleaning Services for Clothing**

**Citation:** N.J.S.A. 54:32B-3(b)(2)(iii)

**Effective Date:** 12/19/2008

**Objective:** Generally, the sales of most clothing and footwear, other than certain specialty items, is not subject to the sales tax. This exemption ensures that the laundering and/or dry cleaning of those items also remains exempt.

**Description:** Charges for laundering, dry cleaning, tailoring, weaving, and pressing, limited specifically to clothing, are exempt.

**79 Limousine Services - Funerals**

**Citation:** N.J.S.A.54:32B-3(b)(13)

**Effective Date:** 12/19/2008

**Objective:** Generally, the transportation of persons or property is not subject to the sales tax; this exemption ensures that limousine transportation is treated in a like manner.

**Description:** Charges for limousine transportation provided in connection with funeral services.

**80 Limousines and Limousine Repairs**

**Citation:** N.J.S.A. 54:32B-8.52

**Effective Date:** 5/10/2001

**Objective:** As the transportation services provided by limousines are exempt from tax, the repairs of the vehicles providing such transportation are likewise tax exempt.

**Description:** Limousines sold to a person licensed under New Jersey law to operate a limousine service and charges for the repair, including replacement parts, of a limousine operated by a person so licensed or by a person licensed by another state or by the United States to operate a limousine service.

**81 Locomotives, Railroad Cars and Other Railroad Rolling Stock**

**Citation:** N.J.S.A. 54:32B-8.27

**Effective Date:** 9/11/1980

**Objective:** To exclude receipts from sales of locomotives, railroad cars and other railroad rolling stock, including repair and replacement parts, track materials, and communication, signal and power transmission equipment from the tax imposed under the Sales and Use Tax Act.

**Description:** Receipts from sales of locomotives, railroad cars and other railroad rolling stock, including repair and replacement parts, track materials, and communication, signal and power transmission equipment are exempt from the tax imposed under the Sales and Use Tax Act.

**82 Magazines and Periodicals**

**Citation:** N.J.S.A. 54:32B-8.5

**Effective Date:** 7/8/2006

**Objective:** This exemption has been in effect since the tax was enacted in 1966.

**Description:** Magazines and Periodicals are exempt from tax, but only when sold by subscription.

**83 Medical Oxygen**

**Citation:** N.J.S.A. 54:32B-8.1

**Effective Date:** 12/19/2008

**Objective:** The majority of medically-necessary items designed to alleviate human suffering have been exempt since the tax was enacted in 1966.

**Description:** The law exempts sales of oxygen used for medicinal purposes.

**84 Membership Periodicals**

**Citation:** N.J.S.A. 54:32B-8.5

**Effective Date:** 7/8/2006

**Objective:** This exemption demonstrates State support of the distribution of otherwise-taxable periodicals to members of nonprofit organizations in an effort to reduce administrative burdens to those organizations and to reduce costs to their members.

**Description:** Any periodical distributed by a nonprofit organization to its members as a benefit of membership in the organization.

**85 Milk Sales by Coin-Operated Vending Machine**

**Citation:** N.J.S.A. 54:32B-3(c)(2)

**Effective Date:** 12/19/2008

**Objective:** Sales of milk have been included in exempt food sales since the tax was enacted in 1966. This exemption ensures that purchases of milk remain tax-exempt regardless of whether sold at a retail outlet or through a vending machine.

**Description:** Receipts from the sale of milk through coin-operated vending machines are exempt from tax, regardless of price.

**86 Mobility Enhancing Equipment**

**Citation:** N.J.S.A. 54:32B-8.1

**Effective Date:** 12/19/2008

**Objective:** Mobility enhancement equipment is tax exempt in the same manner as other tangible personal property furnished to end consumers as medically necessary items intended for the alleviation of human suffering.

**Description:** Sales of mobility enhancing equipment including canes, crutches, wheelchairs, wheelchair lifts, hand controls for vehicles if purchased with a prescription. The purchase of repair and replacement parts are included under this exemption.

**87 Motor, Airplane and Railroad Fuels**

**Citation:** N.J.S.A. 54:32B-8.8

**Effective Date:** 9/11/1980

**Objective:** These fuels, dependent on their use, may be subject to state motor fuels taxation.

**Description:** The sale of fuels for use in motor vehicles, airplanes and railroad cars is exempt.

**88 Municipal Parking Charges**

**Citation:** N.J.S.A. 54:32B-3(i)

**Effective Date:** 12/19/2008

**2014 Estimate:** \$11,100,000

**Objective:** The majority of services provided to the users of government services have been tax exempt since the tax was enacted in 1966. This exemption provided that benefit to parking facilities so operated.

**Description:** The law exempts charges for parking, storing or garaging provided a motor vehicle by a municipality, county, or municipal or county parking authority.

**Data Source:** Governmental Finances in 2009 and Governmental Finances in 2008. Local Government Parking Charges

**Reliability:** 4 Based on average or marginal tax rates applied to aggregate data

**89 Newspapers**

**Citation:** N.J.S.A. 54:32B-8.5

**Effective Date:** 7/8/2006

**Objective:** The sale of newspapers has been exempt since the tax was enacted in 1966.

**Description:** The sales of newspapers are exempt from sales tax.

**90 Non-Reimbursed Discounts**

**Citation:** N.J.S.A. 54:32B-2(o)(2)(A)

**Effective Date:** 12/19/2008

**Objective:** Discounted items for which the seller is not reimbursed by a third party are seen as actual reduction in the sales price subject to tax, whereas items where the discounted price is a due to third-party reimbursement (normally provided by transfer of the customer coupon received by the retailer to the third party) are taxed at the price which includes the reimbursed amount.

**Description:** When a taxable item is purchased at a discounted price, or with a coupon, sales tax is due only on the reduced sale amount so long as the seller is not being reimbursed by a third-party, such as a manufacturer's coupon, for the discounted amount.

**91 Other Taxes Imposed on the Consumer**

**Citation:** N.J.S.A. 54:32B-2(o)(2)(c)

**Effective Date:** 7/2/2005

**Objective:** When an invoice separately lists taxes imposed on the sale of tangible personal property, the sales tax is only charged on the property itself, to avoid the payment of tax on other taxes.

**Description:** Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the purchaser are exempt from sales tax. Examples include Federal excise taxes imposed on a consumer's telecommunications services.

92 **Out-of-State Sales**

**Citation:** N.J.S.A. 54:32B-8.10

**Effective Date:** 9/11/1980

**Objective:** New Jersey's sales and use tax is a transaction tax and it is imposed on all sales of taxable tangible personal property made within this State. Sales to our-of-state end consumers are subject to the laws of that state or jurisdiction.

**Description:** The law does not tax sales of taxable products where the customer receives or takes possession of the goods outside of New Jersey.

93 **Over-the-Counter Drugs**

**Citation:** N.J.S.A. 54:32B-8.1

**Effective Date:** 12/19/2008

**2014 Estimate:** \$50,974,000

**Objective:** The sales of over the counter drugs are included under the general exemption of medically necessary items sold to end consumers to alleviate human suffering.

**Description:** Sales of over-the-counter drugs where there is a label identifying the product as a drug, such as a Drug Facts panel or a statement of active ingredients.

**Data Source** Economic Census 2002-2007

**Reliability:** 4 Based on average or marginal tax rates applied to aggregate data

94 **Parking Charges Subject to Other Taxes**

**Citation:** N.J.S.A. 54:32B-3(i)

**Effective Date:** 12/19/2008

**Objective:** Parking charges subject to other taxes, such as municipal taxes, are not subject to State sales tax to ensure against double taxation of these services.

**Description:** Charges for parking or storing a motor vehicle are not subject to sales tax when they are taxed pursuant to any other law or ordinance, such as municipal parking tax.



**95 Parking Charges Subject to the Atlantic City Parking Fee**

**Citation:** N.J.S.A. 54:32B-3(i)

**Effective Date:** 12/19/2008

**Objective:** Parking charges subject to other taxes, such as municipal taxes, are not subject to State sales tax to ensure against double taxation of these services.

**Description:** Charges for parking or storing a motor vehicle are not subject to sales tax when they are taxed pursuant to the Atlantic City Parking Fee.

**96 Participatory Sporting Activities**

**Citation:** N.J.S.A. 54:32B-3(e)(1)

**Effective Date:** 12/19/2008

**2014 Estimate:** \$14,900,000

**Objective:** The exemption from tax is related to the participatory nature of the sport, as opposed to mere admission charges for viewing an event, which are generally subject to tax.

**Description:** Charges for sporting activities where the purchaser pays a fee to engage as a participant such as kart racing or batting cage fees.

**Data Source** Economic Census 2002-2007

**Reliability:** 4 Based on average or marginal tax rates applied to aggregate data

**97 Prepared Food Delivered to Homebound**

**Citation:** N.J.S.A. 54:32B-3(c)(1)

**Effective Date:** 12/19/2008

**Objective:** In general, prepared food is subject to the sales tax, however this exemption recognizes that nonprofits who are providing direct social services to elderly residents of New Jersey need not be burdened with additional costs.

**Description:** Charges for prepared food delivered to homebound elderly, age 60 or older, and to disabled persons and meals as all or part of any food service project funded by the government or by a nonprofit food service project are exempt from sales tax.

98 **Prescribed Drugs and Medications**

**Citation:** N.J.S.A. 54:32B-8.1

**Effective Date:** 12/19/2008

**2014 Estimate:** \$672,000,000

**Objective:** The general medical exemption for medication and related items provided to end consumers to alleviate human suffering encompasses prescribed medications.

**Description:** Drugs sold pursuant to a doctor's prescription are exempt from tax provided there is a label identifying the product as a drug, such as a Drug Facts panel or a statement of active ingredients.

**Data Source** Using 2002 and 2007 Economic Census, Merchandise Line Sales: Prescriptions New Jersey

**Reliability:** 4 Based on average or marginal tax rates applied to aggregate data

99 **Printed Advertising Material Delivered Out-of-State**

**Citation:** N.J.S.A. 54:32B-8.39

**Effective Date:** 12/19/2008

**Objective:** This exemption follows the general rule that items shipped out of state for use out of state are subject to the laws of that state, and not to the New Jersey sales and use tax.

**Description:** Charges for printing or production of direct mail for subsequent shipment to out-of-state customers is not subject to sales tax to the extent that it will be shipped to non-resident customers.

100 **Private Services to a Homeowner**

**Citation:** N.J.S.A. 54:32B-3(b)(2)(i)

**Effective Date:** 12/19/2008

**Objective:** Services to homeowners rendered by individuals hired to provide services to the home of that homeowner have been exempt from the tax since it went into effect in 1966.

**Description:** Sales tax is not imposed on charges for 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.

101 **Production Machinery**

**Citation:** N.J.S.A. 54:32B-8.13(a)

**Effective Date:** 1/8/2002

**Objective:** Machinery used directly in the production of items for eventual sale to end consumers has been exempt since the tax went into effect in 1966. Tax will be assessed on taxable tangible personal property sold to end consumers. Exemption of the machinery which produces taxable items avoids taxing previously-assessed sales tax, as some small portion of the cost of the machine may be included in the total cost of the product as sold at retail.

**Description:** Machinery and equipment used directly and primarily in the production of merchandise by manufacturing, assembling, processing, and refining. The exemption also applies to parts with a useful life of more than one year, and to imprinting services performed on such machinery.

102 **Property Contributed Towards Partnership Interest**

**Citation:** N.J.S.A. 54:32B-(2)(e)(4)(F)

**Effective Date:** 12/19/2008

**Objective:** Partners' contributed capital, combined with earnings and other income and expense items, comprises the total value of the partnership ascribed to each individual partner based on the specifics of his or her participation and the partnership agreement itself. The sale of that partner's interest may result in a capital gain subject to state income taxes. The sales tax is assessed on tangible personal property and certain enumerated services. Partnership earnings are intangible.

**Description:** Under the Sales and Use Tax Act, the term "retail sale" does not include the contribution of property to a partnership in consideration for a partnership interest therein.

103 **Property Purchased for Film or Video Productions**

**Citation:** N.J.S.A. 54:32B-8.49

**Effective Date:** 12/1/1999

**2014 Estimate:** \$1,200,000

**Objective:** To encourage the expansion of the commercial production of motion pictures and videos in New Jersey.

**Description:** Tangible personal property used directly and primarily in the production of film or video for sale including charges for installing, maintaining, servicing, or repairing such property are exempt from tax.

**Data Source** 2010 and 2011 NJ Motion Picture & Television Commission Reports

**Reliability:** 4 Based on average or marginal tax rates applied to aggregate data

**Effectiveness:** Massachusetts has done an extensive study of its similar film tax credit.  
<http://www.mass.gov/Ador/docs/dor/News/2010FilmIncentiveReport.pdf>

104 **Property Used in Research and Development or Laboratory Sense**

**Citation:** N.J.S.A. 54:32B-8.14

**Effective Date:** 12/19/2008

**Objective:** Since the sales tax law went into effect in 1966, the purchase of property used in research and development has been exempt from tax.

**Description:** Tangible personal property purchased for use or consumption directly and exclusively in research and development in the experimental or laboratory sense.

105 **Prosthetic Devices**

**Citation:** N.J.S.A. 54:32B-8.1

**Effective Date:** 12/19/2008

**2014 Estimate:** \$16,100,000

**Objective:** Prosthetic devices fall within the meaning of the general exemption for medically necessary items purchased by end consumers for the alleviation of human suffering.

**Description:** The sale of prosthetic devices, including repair parts and replacement parts, is exempt from sales tax.

**Data Source** Global Industry Analysts and Census Bureau

**Reliability:** 4 Based on average or marginal tax rates applied to aggregate data

106 **Protective Work Equipment**

**Citation:** N.J.S.A. 54:32B-8.4

**Effective Date:** 12/19/2008

**Objective:** Although the vast majority of clothing and footwear items are exempt from tax, certain specialty clothing is taxable. This exemption ensures that equipment which is designed to safeguard the health of workers is not taxed as specialty clothing.

**Description:** The sale of protective equipment is exempt if the equipment is necessary for daily work of the user.

107 **Public Passenger Buses**

**Citation:** N.J.S.A. 54:32B-8.28 (P.L. 1991, c.497)

**Effective Date:** 1/18/1992

**Objective:** Purchases of motor vehicles are generally subject to tax when those purchases are made by end consumers. This exemption ensures that the purchase of buses used for public transportation is not burdened by taxation.

**Description:** Receipts from sales of buses for public passenger transportation, including repair and replacement parts and labor, to bus companies whose rates are regulated by the Interstate Commerce Commission or the Department of Transportation or to an affiliate of said bus companies or to common or contract carriers for their use in the transportation of children to and from school are exempt from the tax imposed under the Sales and Use Tax Act.

108 **Purchases for Resale**

**Citation:** N.J.S.A. 54:32B-2(e)(1)

**Effective Date:** 12/19/2008

**2014 Estimate:** \$3,215,583,000

**Objective:** One of the basic tenets of the sales tax laws in this state is that tax is levied on the purchase of taxable goods and services by end consumers. All purchases for resale, whether they are finished goods acquired for retail sale or work in process acquired by manufacturers to finish or add value to the product, such purchases are not subject to tax as the final sale of the finished good to an end consumer, reflecting all added value, will be taxed.

**Description:** Items purchased to resell, or to be incorporated into other products for resale, are exempt from sales tax.

**Data Source** Wholesale and Construction Exemptions in Sales Tax Reports

**Reliability:** 3 Based on data files of incomplete or unverified information from actual tax returns

109 **Radio and Television Programming Services**

**Citation:** N.J.S.A. 54:32B-2(cc)(13)

**Effective Date:** 12/19/2008

**Objective:** A number of broadcast services and related purchases have been made tax exempt in order to support media-related industry.

**Description:** Radio and television audio and video programming services, including cable and satellite television service, is exempt from tax.

110 **Rental of Tangible Personal Property to Related Parties**

**Citation:** N.J.S.A. 54:32B-8.53

**Effective Date:** 8/1/2003

**Objective:** These rentals are not considered to be arms-length, end user transactions, so the tax is not levied thereon.

**Description:** Receipts from the rental of tangible personal property, on which sales tax was paid, between related persons, not engaged in the regular trade or business of renting that property to other persons are exempt from the tax.

111 **Repairs to Certain Aircraft**

**Citation:** N.J.S.A. 54:32B-8.35(b)

**Effective Date:** 1/1/2000

**Objective:** In support of passenger airline service, the law exempts replacement parts and repair services directly related to larger aircraft.

**Description:** Repairs, and installed replacement parts, to aircraft which have a certified maximum takeoff weight of 6,000 pounds or more are exempt from sales tax.

112 **Resale of Taxable Services**

**Citation:** N.J.S.A. 54:32B-3(b)

**Effective Date:** 12/19/2008

**2014 Estimate:** \$204,571,900

**Objective:** The resale of otherwise-taxable services is treated in an identical manner to the resale of otherwise taxable goods; these transactions are exempt from tax. The sales tax in New Jersey is levied on the sale, to end consumers of taxable tangible personal property and certain taxable services.

**Description:** The law exempts services when purchased by a contractor or vendor for resale such as in subcontracted service.

**Data Source** Division of Taxation Reports 2007-2011

**Reliability:** 3 Based on data files of incomplete or unverified information from actual tax returns

113 **Residential Parking**

**Citation:** N.J.S.A. 54:32B-3(i)

**Effective Date:** 12/19/2008

**Objective:** The charges for parking, storing and/or garaging of a motor vehicle directly related to a taxpayer's personal residence are not subject to tax.

**Description:** Charges for parking, storing or garaging a motor vehicle are exempt from tax if used exclusively for residential purposes.



114 **Sale-Leaseback Transactions**

**Citation:** N.J.S.A. 54:32B-8.57

**Effective Date:** 10/1/2005

**Objective:** An arrangement where the seller of an asset leases back the same asset from the purchaser. In a leaseback arrangement, the specifics of the arrangement are made immediately after the sale of the asset, with the amount of the payments and the time period specified. Essentially, the seller of the asset becomes the lessee and the purchaser becomes the lessor in this arrangement. This type of transaction has both financial and tax-related benefits to the eventual lessee and lessor and is not a transaction subject to the sales tax.

**Description:** A sale-leaseback is considered to be a financing arrangement and is not considered to be a "retail sale".

115 **Salem County Reduced Sales Tax**

**Citation:** N.J.S.A. 54:32B-8.45

**Effective Date:** 7/8/2006

**2014 Estimate:** \$3,002,400

**Objective:** There is a 50% reduction in the sales tax rate on certain otherwise fully taxable purchases within the entire county of Salem. This preferential tax treatment was enacted to allow for competitiveness with the state of Delaware which has no sales tax.

**Description:** Sales of tangible personal property, except for motor vehicles, are subject to New Jersey sales tax at a reduced 50% rate.

**Data Source** Division of Taxation Reports

**Reliability:** 3 Based on data files of incomplete or unverified information from actual tax returns

116 **Sales by a Mortician, Undertaker or Funeral Director**

**Citation:** N.J.S.A. 54:32B-8.17

**Effective Date:** 9/11/1980

**Objective:** This exemption ensures that otherwise-taxable sales to the bereaved are not burdened by taxation.

**Description:** Receipts from sales of tangible personal property sold by a mortician, undertaker or funeral director are exempt from the tax.

117 **Sales of Certain Aircraft**

**Citation:** N.J.S.A. 54:32B-8.35(a)

**Effective Date:** 1/1/2000

**Objective:** The sales tax law, in an effort to support the passenger airline industry, exempts the sales, replacement parts and repair costs for passenger aircraft.

**Description:** The law exempts the sale of aircraft to be used as air carriers. The exemption includes the purchase of repairs and installation of replacement parts.

118 **Sales of Property held for Security**

**Citation:** N.J.S.A. 54:32B-(2)(e)(4)(G)

**Effective Date:** 12/19/2008

**Objective:** This bill revises the State's sales and use tax to conform with various provisions of the multi-state Streamlined Sales and Use Tax Agreement (SSUTA). The changes are intended to simplify and modernize the State's tax collection and administrative procedures, and to ensure New Jersey remains compliant with the provisions of the SSUTA.

**Description:** Under the Sales and Use Tax Act, the term "retail sale" does not include the sale of tangible personal property if the purpose of the vendee is to hold the thing transferred as security for the performance of an obligation of the seller.

119 **School Textbooks**

**Citation:** N.J.S.A. 54:32B-8.21

**Effective Date:** 10/1/2005

**2014 Estimate:** \$13,800,000

**Objective:** The sales tax law has exempted textbooks from tax since the law became effective in 1966. In general, books, whether in physical form or delivered electronically, are taxable. This exemption recognizes the value of books for educational purposes.

**Description:** The sale of textbooks for use by students in a school, college, university, or other educational institution, approved as such by the Department of Education, when the educational institution declares that the books are required reading for school purposes.

**Data Source** Economic Census 2002-2007 Merchandise Line Sales

**Reliability:** 4 Based on average or marginal tax rates applied to aggregate data

120 **Services Performed as an Employee**

**Citation:** N.J.S.A. 54:32B-3

**Effective Date:** 12/19/2008

**Objective:** Wages, salaries and other forms of employee compensation are subject to income taxation in this State. They are not subject to the sales tax, avoiding double taxation.

**Description:** Wages, salaries, and other compensation paid by an employer to an employee for performing as an employee a taxable service.

**121 Services Rendered by Certain Individuals**

**Citation:** N.J.S.A. 54:32B-3(b)(2)(v)

**Effective Date:** 12/19/2008

**Objective:** Like the treatment of casual sales, those otherwise-taxable services rendered by individuals not in the business of providing such services are not subject to the sales tax.

**Description:** Services rendered by an individual who is not in the regular trade or business offering his services to the public.

**122 Services to Exempt Medical Equipment**

**Citation:** N.J.S.A. 54:32B-3(b)(2)

**Effective Date:** 12/19/2008

**Objective:** In general, if the sale of tangible personal property, such as exempt medical equipment, is not subject to the sales tax, then services, repairs and/or alterations to that property is also exempt.

**Description:** Sales tax is not imposed on charges for services performed to exempt medical equipment.

**123 Services to Residential Home Heating Systems**

**Citation:** N.J.S.A. 54:32B-3(b)(4)

**Effective Date:** 12/19/2008

**Objective:** This exemption is designed to reduce the cost of maintenance for residential heating systems serving very few residents.

**Description:** The sales tax law specifically exempts from tax the charges for maintaining or repairing residential heating system units serving no more than three families, provided that the families live independently of each other and do their own cooking on the premises.

124 **Sewing Materials**

**Citation:** N.J.S.A. 54:32B-8.4

**Effective Date:** 12/19/2008

**2014 Estimate:** \$4,000,000

**Objective:** In general, clothing and footwear for human use, other than certain specified specialty items, is exempt from tax. The law provides that the materials which are incorporated into normally exempt clothing are also exempt.

**Description:** Receipts from sales of sewing materials, such as fabrics, thread, knitting yarn, buttons and zippers, purchased by noncommercial purchasers for incorporation into clothing as a constituent part thereof, are exempt from the tax imposed under the Sales and Use Tax Act.

**Data Source** 2002 and 2007 Economic Census

**Reliability:** 4 Based on average or marginal tax rates applied to aggregate data

125 **Shoe Repairs**

**Citation:** N.J.S.A. 54:32B-3(b)(2)(iv)

**Effective Date:** 12/19/2008

**Objective:** In general, footwear for human use, other than certain specified specialty items, is not subject to the sales tax. These services, which preserve, enhance or extend the useful life of footwear are also exempt.

**Description:** Receipts from shoe repairing and shoe shining services are exempt from tax.

126 **Solar Energy Devices and System Components**

**Citation:** N.J.S.A. 54:32B-8.33

**Effective Date:** 9/11/1980

**Objective:** To support the solar energy industry, these approved energy-generation systems have been made tax exempt. Qualification for exemption are determined by standards set by The Division of Energy Planning and Conservation.

**Description:** Devices or systems specifically approved by the Board of Public Utilities, Division of Energy and designed to provide heating or cooling or electrical or mechanical power by converting solar energy to some other usable energy source, including devices for storing solar-generated energy.

127 **Storage of Property Held for Sale**

**Citation:** N.J.S.A. 54:32B-3

**Effective Date:** 12/19/2008

**Objective:** The storage of tangible personal property, whether that of an individual or business entity is not subject to the tax.

**Description:** Charges for storage space which is used to store property that is held for sale is not subject to sales tax, such as charges for the storage of a business's inventory.

128 **Feminine Hygiene Products**

**Citation:** N.J.S.A. 54:32B-8.1

**Effective Date:** 12/19/2008

**2014 Estimate:** \$2,700,000

**Objective:** These necessary personal hygiene items have been long determined to be exempt from the tax.

**Description:** An exemption is provided for feminine hygiene products such as tampons, sanitary napkins and panty liners.

**Data Source** Statista US Sales 2011/2012 <http://www.statista.com/statistics/192658/us-tampon-sales-via-different-sales-channels-in-2010-and-2011/>

**Reliability:** 4 Based on average or marginal tax rates applied to aggregate data

129 **Tax Exempt Organizations: National Guard and War Veteran Posts**

**Citation:** N.J.S.A. 54:32B-9(b)(4)

**Effective Date:** 7/8/2006

**Objective:** In support of organizations which themselves promote or support our veterans, services provided by these organizations are exempt from tax.

**Description:** A National Guard organization, post or association, or a post or organization of war veterans, and the Marine Corps League, including auxiliary units or societies of any such post, organization or association are exempt from sales tax.

130 **Tax Exemption for Certain Fishing Vessels and Equipment**

**Citation:** N.J.S.A. 54:32B-8.12 (P.L. 1980, c. 105, § 24; amended 1981, c. 218, § 1; 1988, c. 53; 1999, c. 273)

**Effective Date:** 11/24/1999

**Objective:** The harvesting of fish, shellfish and other crustaceans and aquatic organisms has been determined to be an important economic activity in this state, therefore the sale of vessels for use directly and primarily within this industry is not subject to tax.

**Description:** The sale of vessels, regardless of tonnage, primarily engaged in commercial fishing or shell fishing, including equipment necessary for harvesting fish, shellfish and other crustaceans and aquatic organisms are exempt from tax.

131 **Transfer of Property for Corporate Stock**

**Citation:** N.J.S.A. 54:32B-(2)(e)(4)(E)

**Effective Date:** 12/19/2008

**Objective:** The transfer of property for consideration, as in the receipt of the stock of that corporation is deemed to be an acquisition of an ownership interest in the corporation. Shares of stock are intangible ownership rights and therefore not subject to tax. The sales and use tax is assessed on the sale of taxable tangible personal property and certain enumerated services to end consumers.

**Description:** The transfer of property to a corporation upon its organization in consideration for the issuance of its stock is not considered a sale for sales and use tax purposes.



**132 Transfer of Property to a Corporation**

**Citation:** N.J.S.A. 54:32B-(2)(e)(4)(B)

**Effective Date:** 12/19/2008

**Objective:** The transfer of property for consideration, as in the receipt of the stock of that corporation is deemed to be an acquisition of an ownership interest in the corporation. Shares of stock are intangible ownership rights and therefore not subject to tax. The sales and use tax is assessed on the sale of taxable tangible personal property and certain enumerated services to end consumers.

**Description:** The transfer of tangible personal property to a corporation, solely in consideration for the issuance of its stock, pursuant to a merger or consolidation effected under the laws of New Jersey or any other jurisdiction is not considered a 'retail sale' under the act and is, therefore, not subject to tax.

**133 Transportation Charges Exemption**

**Citation:** N.J.S.A. 54:32B-8.11 (P.L. 1980, c. 105, § 23; amended 1997, c. 162, § 22; 2006, c. 44, § 8)

**Effective Date:** 7/8/2006

**Objective:** As described above, most transportation charges for persons and property have long been exempt from the sales and use tax.

**Description:** Receipts from charges for the transportation of persons or property are exempt from the tax imposed under the Sales and Use Tax Act, except for delivery charges; transportation services provided by a limousine operator; and the transportation of energy.

134 **Urban Enterprise Zone Exempt Business Purchases**

**Citation:** N.J.S.A. 52:27H-79 (P. L. 1983, c. 303, § 20; amended 1990, c. 40, § 9; 1997, c. 162, § 31; 2006, c. 34, § 1, eff. July 15, 2006; 2007, c. 328, § 1, eff. Jan. 13, 2008; 2008, c. 118, § 1)

**Effective Date:** 12/17/2008

**2014 Estimate:** \$132,600,000

**Objective:** Urban Enterprise Zones, of which there are currently 32, are a designated portion of a city or town where it has been deemed that it is a public purpose to stimulate economic activity. A great variety of face-to-face sales made at business locations within these designated areas are subject to 50% of the current sales tax rate. The law provided certain advantages for hiring local citizens as well. This exemption permits those urban enterprise zone-located businesses to purchase items for the use of the business within that location without payment of the sales tax.

**Description:** There is a 100% sales and use tax exemption for UEZ businesses on purchases of tangible personal property and services for exclusive use at their UEZ location.

**Reliability:** 3 Based on data files of incomplete or unverified information from actual tax returns

135 **Wrapping Supplies**

**Citation:** N.J.S.A. 54:32B-8.15

**Effective Date:** 7/8/2006

**Objective:** Since the tax went into effect, such supplies, which are used to package tangible personal property for sale to end consumers, where such packaging does not add material value, have been exempt from tax. This provides for a reduced cost for such materials which facilitate tangible personal property sales.

**Description:** Wrapping paper, bags, cartons, tape, rope, twine, labels, nonreturnable containers, and all other packaging supplies when the use of the supplies is incidental to the delivery of merchandise.

136 **Zero Emission Vehicles**

**Citation:** N.J.S.A. 54:32B-8.55 (P.L. 2003, c. 266, § 11)

**Effective Date:** 1/14/2004

**2014 Estimate:** \$17,000,000

**Objective:** There are stringent standards to be met, set by the Environmental Protection Administration, to attain the designation of 'zero-emission vehicle' and if a vehicle meets such standards, as the reduction of atmospheric pollutants helps to improve the quality of life of our State's residents, the sale of such vehicle is tax exempt. Most motor vehicle sales are subject to sales tax.

**Description:** Receipts from sales of zero emission vehicles are exempt from the tax imposed under the Sales and Use Tax Act.

**Data Source** Motor Sources, Department of Environmental Protection

**Reliability:** 3 Based on data files of incomplete or unverified information from actual tax returns

**Effectiveness:** None available at this time

## Corporation Business Tax Overview

### Description

The Corporation Business Tax Act imposes a franchise tax on a domestic corporation for the privilege of existing as a corporation under New Jersey law, and on a foreign corporation for the privilege of having or exercising its corporate charter in this State or doing business, employing or owning capital or property, maintaining an office, deriving receipts, or engaging in contracts in New Jersey. The tax applies to all domestic corporations and all foreign corporations having a taxable status unless specifically exempt. The tax also applies to joint-stock companies or associations, business trusts, limited partnership associations, financial business corporations, and banking corporations, including national banks. Also, a corporation is defined as any other entity classified as a corporation for Federal income tax purposes and any state or Federally chartered building and loan association or savings and loan association. Taxpayers must pay the greater of their liability under the net income tax or the alternative minimum assessment. The income-based tax is measured by that portion of the net income allocable to New Jersey. The tax applies to net income for the firm's accounting period (calendar year or fiscal year), or any part thereof during which the corporation has a taxable status within New Jersey. The alternative minimum assessment is based on apportioned gross receipts or gross profits. Exempt from the tax are certain agricultural cooperative associations; Federal corporations which are exempt from state taxation; corporations created under the limited-dividend housing corporation law; nonprofit cemetery corporations; nonprofit corporations without capital stock; non-stock mutual housing corporations; railroad and canal corporations; sewerage and water corporations; insurance companies subject to premiums tax; and certain municipal electric corporations.

### Rate

The tax rate is 9% upon entire net income, or the portion of entire net income allocated to New Jersey. For tax years beginning in calendar year 2002 and thereafter, the minimum Corporation Business Tax is \$500 or \$2,000 for all members of a controlled or affiliated group of corporations if the aggregate annual payroll for all corporations is \$5 million or more. Rates for New Jersey S corporations were also changed in 2002. New Jersey S corporations with an entire net income of \$100,000 or less are still subject to the minimum tax, but if entire net income exceeds \$100,000, the rate for periods ending on or before June 30, 2006, is 1.33%. For periods ending on or after July 1, 2006, but on or before June 30, 2007, the rate is 0.67%

For accounting years beginning on and after January 1, 2002, the 7.5% Corporation Business Tax rate for corporations with entire net income of \$100,000 or less is reduced to 6.5% for corporations with entire net income of \$50,000 or less.

For privilege periods ending on or after July 1, 2006, but before July 1, 2009, each taxpayer shall be assessed and must pay a surtax equal to 4% of the amount of tax liability remaining after applying credits against liability, other than credits for installment payments, estimated payments made with

a request for extension to file a return, or overpayments from a prior privilege period.

For calendar years beginning in 2006 and thereafter, the minimum tax shall be based on New Jersey gross receipts as defined in the Business Tax Reform Act (P.L. 2002, C. 40).

For New Jersey gross receipts of less than \$100,000, the minimum tax is \$500. For New Jersey gross receipts equal to or greater than \$100,000, but less than \$250,000, the minimum tax is \$750. For New Jersey gross receipts equal to or greater than \$250,000, but less than \$500,000, the minimum tax is \$1,000. For New Jersey gross receipts equal to or greater than \$500,000, but less than \$1,000,000, the minimum tax is \$1,500. For New Jersey gross receipts equal to or greater than \$1,000,000, the minimum tax is \$2,000.

The minimum tax for affiliated or controlled groups remains the same, \$2,000 for each member of a group that has a total payroll of \$5,000,000 or more for a privilege period.

### **Disposition of Revenues**

Revenues collected from general business corporations are deposited in the State Treasury for general State use. Revenues collected from banking and financial corporations are distributed 25% to counties, 25% to municipalities, and 50% to the State.

Article 8, Section 2, paragraph 6 of the State Constitution was amended to dedicate 4% of Corporation Business Tax revenue to fund hazardous discharge cleanup, underground storage tank improvements, and surface water quality projects.

Chapter 40, P.L. 2002, Section 32 created within the General Fund a restricted reserve fund to be known as the "Corporation Business Tax Excess Revenue Fund."

### **History**

Corporation Business Taxes date back to 1884 when a franchise tax was imposed upon all domestic corporations. Between 1884 and 1946, the franchise tax was based upon the total amount of capital stock issued by the taxpayer and outstanding as of January 1 of each year (C. 159, P.L. 1884).

There was no franchise tax on foreign corporations prior to 1936, when provision was made for an annual tax (C. 264, P.L. 1936). This tax was replaced in 1937 (C. 25, P.L. 1937) with a new franchise tax providing for allocation of capital stock of foreign corporations.

Effective January 1, 1946 (C. 162, P.L. 1945), the tax became a net worth tax applicable to both domestic and foreign corporations and measured by net worth allocated to New Jersey. Allocation was measured by the greater of an assets factor or a three-part business factor (property, sales, and payroll).

Chapter 88, Laws of 1954, increased the tax on allocable net worth from 8/10 mills per \$1 to 2 mills per \$1.

Chapter 63, Laws of 1958, amended the Corporation Business Tax Act by adding a tax at 1¾% based upon allocated net income to the tax based upon allocated net worth. The 1958 amendment also changed the tax year from a calendar year for all corporations to a privilege period coinciding with the accounting year for each taxpayer.

In 1975, the Corporation Business Tax was imposed on banking corporations and incorporated financial businesses.

In 1982, there was enacted into law a measure phasing out the Corporation Business Tax on net worth. The tax was phased out at 25% per year over a four-year period with taxpayers whose accounting or privilege periods began on or after April 1, 1983 (C. 55, P.L. 1982). The net worth tax has been eliminated for periods beginning after June 30, 1986.

Net Income Tax rates have changed as follows:

<b>Effective Date</b>	<b>Rate</b>
January 1, 1959 (C. 63, P.L. 1958)	1¾%
January 1, 1967 (C. 134, P.L. 1966)	3¾%
January 1, 1968 (C. 112, P.L. 1968)	4¾%
January 1, 1972 (C. 25, P.L. 1972)	5½%
January 1, 1975 (C. 162, P.L. 1975)	7½%
January 1, 1980 (C. 280, P.L. 1980)	9%

For taxable years ending after June 30, 1984, a carryover of net operating loss was allowed as a deduction from entire net income for seven years following the year of the loss (C. 143, P.L.1985, approved April 22, 1985).

A surtax of 0.417% was invoked for privilege periods ending between July 1, 1990, and June 30, 1991; and 0.375% for privilege periods ending between July 1, 1989, and June 30, 1990, and July 1, 1991, through June 30, 1993. The 0.375% surtax on corporate net income was repealed effective January 1, 1994. The surtax had been scheduled to end July 1, 1994 (C. 3, P.L. 1994).

A new jobs investment tax credit, enacted in 1993 (C. 170), allows corporations to take a credit against Corporation Business Tax and property taxes for qualified investments in new or expanded business facilities resulting in new jobs in the State. The credit against Corporation Business Tax is for up to 50% of the portion of the tax that results from investment in new or expanded facilities. The credit was extended to midsize businesses by P.L. 2002, C. 40. P.L. 1993, Chapter 171, allows for a credit against Corporation Business Tax for investment in qualified equipment. The credit is 2% of

the cost of qualified machinery purchased (the investment credit base). Taxpayers taking the 2% equipment credit may also take an employment credit of \$1,000 per new employee (up to a maximum of 3% of the investment credit base). A small business benefit was added by P.L. 2004, C. 65. Chapter 175 P.L. 1993, allows for a credit for increased research activities.

Two changes in 1993 brought New Jersey corporation tax law into closer alignment with Federal corporation tax law. Chapter 172 allows corporations to use the Federal modified accelerated cost recovery system for depreciation of property under the New Jersey Corporation Business Tax for property placed in service for accounting years beginning after July 7, 1993. Chapter 173 allows, for the first time, an S election to be made under New Jersey law. As noted above, a New Jersey S corporation pays a reduced tax rate on that portion of entire net income not subject to Federal corporate income tax. The shareholder is taxed on net pro rata share of S corporation income under the Gross Income Tax.

The allocation formula for multistate corporations was changed in 1995. Under prior law, multistate corporation income was allocated to New Jersey based on equally weighted New Jersey property, payroll, and sales compared to total property, payroll, and sales. The new formula counts sales twice, so that sales account for half the allocation formula (C. 245, P.L. 1995).

The legislature continued to provide additional tax benefits for corporation business taxpayers. These include a tax benefit certificate transfer program to assist certain emerging companies (C. 334, P.L. 1997), later modified by P.L. 1999, C. 140 and P.L. 2004, C. 65, and supplemented by a credit transfer program P.L. 2004, C. 65, the Small New Jersey Based High Technology Business Investment Tax Credit Act (C. 349, P.L. 1997), the carryforward of net operating losses under the Corporation Business Tax for certain taxpayers (C. 350, P.L. 1997), the extension of the carryforward of the research and development tax credit (C. 351, P.L. 1997), and the Neighborhood and Business Child Care Tax Incentive Program (C. 102, P.L. 1999).

Other credits against Corporate Business Tax liability have also been enacted for effluent equipment (P.L. 2001, C. 321), neighborhood revitalization (P.L. 2001, C. 415), HMO credit (P.L. 2000, C. 12), the economic recovery tax credit (P.L. 2002, C. 43), and the remediation tax credit (P.L. 2003, C. 296).

Electric and telephone companies were subjected to the Corporation Business Tax effective January 1, 1999.

Chapter 369, P.L. 1999, excludes certain hedge fund activity income of corporations of foreign nations from taxation under the Corporation Business Tax.

Chapter 12, P.L. 2000, provides that holders and former holders of a certificate of authority to operate a health maintenance organization are allowed a Corporation Business Tax credit for certain payments they are required to make.

Chapter 23, P.L. 2001, provides for a three-year phase-out of the corporate taxation of the regular income of S corporations with annual income in excess of \$100,000, and for S corporations whose net income is under \$100,000 whose privilege periods end on or after July 1, 2001. Also, the bill

provides for the adjusted minimum tax amount to be rounded to the next highest multiple of \$10.

Chapter 136, P.L. 2001, provides for the Corporation Business Tax payment obligations of certain partnerships and limited liability companies for privilege periods beginning on and after January 1, 2001.

Chapter 40, P.L. 2002, among other things, effects the most extensive changes in the Corporation Business Tax since 1945. This law provides for a partnership filing fee, an alternative minimum assessment, nonresident partner withholding, a “throwout rule” on corporations apportioning income outside New Jersey, and new rules for related-party transactions. It also increases the minimum tax and broadens the definition of corporations that are subject to this tax.

Chapter 43, P.L. 2002, includes some provisions for incentives in the form of Corporation Business Tax credits to qualifying taxpayers engaged in a business in the qualified municipality during the municipality’s “period of rehabilitation and economic recovery.”

P.L. 2004, C. 47, limits the Corporation Business Tax application of net operating losses to 50% of taxable income for tax years 2004 and 2005.

P.L. 2004, C. 65, decouples Corporation Business Tax from changes in Federal bonus depreciation and certain expensing principles under IRC section 179.

P.L. 2005, C. 127, uncouples Corporation Business Tax from many provisions of the IRC Section 199 deduction for certain qualified production activities income.

P.L. 2005, C. 318, allows Corporation Business Tax credit to businesses providing employment to qualified handicapped persons at sheltered workshops.

P.L. 2005, C. 345, provides a credit under the Corporation Business Tax for film production expenses incurred in New Jersey and provides for the transfer of those tax credits to other taxpayers.

P.L. 2006, C. 38, imposes a 4% surcharge on the Corporation Business Tax liability and increases the minimum tax. The surcharge was in effect between July 1, 2006 and June 30, 2010.

P.L. 2007, C. 89, increases the amount of State tax credits granted to businesses providing funding to qualified neighborhood revitalization projects.

### **Installment Payments of Estimated Tax**

Taxpayers are required to make installment payments of estimated tax. The requirement for making these payments is based on the amount of the total tax liability shown on the most recent return.

(a) If the total tax liability is \$500 or more, the taxpayer must make installment payments. These payments are due on or before the 15th day of the 4th, 6th, 9th, and 12th month of the tax year.



(b) If the total tax liability is less than \$500, installment payments may be made as shown in (a) above or, in lieu of making installment payments, the taxpayer may make a payment of 50% of the total tax liability.

The Business Tax Reform Act (C. 40, P.L. 2002) provides for two significant changes regarding corporate estimated tax. First, for the tax year beginning on or after January 1, 2002, all corporations must base their fourth quarter payment on 25% of the actual 2002 tax computed under the changes to avoid penalty. This one-time change supersedes the prior rules for estimated returns. The fourth quarter payment must be 25% of the year 2002 liability even if the corporation may have already satisfied all or substantially all of its year 2002 corporation tax liability through prior year's overpayments or quarterly estimated payments in the first three quarters. The corporation must nonetheless remit 25% of the year 2002 tax to avoid penalties.

Secondly, for large corporations with sales of over \$50 million, beginning with the year 2003, the second and third quarter payments, normally due on the 15th day of the 6th and 9th months, will be combined into a single 50% payment due on the 15th day of the 6th month. No payments will be due for such corporations on the 15th day of the 9th month, and normal 25% payments will be due in the 4th and 12th months.

## **Partnerships**

Chapter 40, P.L. 2002, establishes a \$150 per partner filing fee for partnerships, LLPs, and LLCs deriving income from New Jersey sources. In general, the \$150 per partner fee is based on the number of K-1s issued. For professional service corporations, the \$150 fee applies for each registered professional who owns or is employed by the enterprise and is calculated using a quarterly average. In addition to the filing fee for the year, an installment payment equal to 50% of the filing fee is also required with the New Jersey partnership return. The annual fee is capped at \$250,000.

New Jersey partnership payments made on behalf of out-of-State corporate and noncorporate partners are based on taxable income whether the income is distributed or undistributed and are designated as a tax at a rate of 9% for nonresident corporate partners and 6.37% for noncorporate partners. Qualified investment partnerships and partnerships listed on a U.S. national stock exchange are not subject to the tax. The calculation is based on the partnership's "entire net income" multiplied by the partnership's New Jersey apportionment percentages computed under the Corporation Business Tax, not under Gross Income Tax.

Chapter 40, P.L. 2002, subjects savings banks and savings and loan associations to the Corporation Business Tax and repeals the Savings Institution Tax and the Corporation Income Tax.

Effective beginning with the 2002 tax year, P.L. 2003, C. 256, exempts investment clubs from the \$150 per owner annual partnership filing fee and from the requirement that partnerships remit Gross Income Tax payments on behalf of their nonresident noncorporate partners. To meet the definition of "investment club," the partnership must have income below \$35,000 per individual (up to a total of \$250,000) and satisfy other limitations and criteria.

P.L. 2005, C. 288, requires partners and other owners of pass-through entities to credit payments made on their behalf against estimated taxes to end double withholding. In addition, for privilege periods beginning on or after January 1, 2007, partnerships that are required to make tax payments on behalf of nonresident partners must make installment payments of 25% of that tax on or before the 15th day of the 4th, 6th, and 9th months of the privilege period, and on or before the 15th day of the 1st month following the close of the privilege period.

## **Banking and Financial Corporations**

Banking and financial corporations are subject to the Corporation Business Tax Act at the rate of 9% on net income or to the lesser rates stated above if their income meets those thresholds.

Chapter 170, P.L. 1975, provides that during each of privilege years 1976, 1977, and 1978, the amount paid by each banking corporation as taxes shall be the greater of (1) the amount which such banking corporation paid in calendar year 1975 as Bank Stock Tax, or (2) a sum equal to total of taxes paid by such banking corporation as Corporation Business Tax and Business Personal Property Tax. Formerly, banks were subject to a tax of 1.5% on net worth under the Bank Stock Tax Act. Bank Stock Tax was formerly administered by the Division of Taxation and the 21 separate County Boards of Taxation. The corporate tax upon banks is now administered solely by the Division. Financial business corporations were formerly subject to the Financial Business Tax. These included such corporations as small loan companies and mortgage finance companies which are now subject to Corporation Business Tax.

Chapter 171, P.L. 1975, provides that during each of the years 1976, 1977, and 1978, each financial business corporation shall pay as taxes, the greater of (1) a sum equal to the amount such financial business corporation paid under the Financial Business Tax Act in the calendar year 1975, or (2) a sum equal to the total of the taxes payable by such financial business corporation pursuant to the Corporation Business Tax Act. Chapter 40, P.L. 1978, extended the save harmless provision through 1979. It expired in 1980. As a result of changes in the Federal and State banking laws, interstate banking is now permitted (C. 17, P.L. 1996). An administrative rule adopted by the Division of Taxation (N.J.A.C. 18:7-1.14, effective June 16, 1997) sets forth certain conditions under which foreign banks and certain domestic banks will be taxed in New Jersey.

## **Investment Companies**

A taxpayer qualifying and electing to be taxed as an investment company is subject to an allocation percentage of 40% of the net income base. Investment companies are subject to a minimum tax of \$500.

*Regulated Investment Company* means any corporation which, for a period covered by its reports, is registered and regulated under the Investment Company Act of 1940 (54 Stat. 789), as amended.

The Corporation Business Tax on regulated investment companies was eliminated (P.L. 1983, C. 75), approved on February 24, 1983. Regulated investment companies in New Jersey were formerly taxed on both entire net worth and entire net income. These taxes were eliminated and a flat tax of

\$500 per year is imposed.

Real estate investment trusts qualifying and electing to be taxed as such under Federal law are taxed at 4% of entire net income.

### **Deferred Predissolution Payment**

Chapter 367, P.L. 1973, approved in 1974, eliminated the requirement for a certificate to be obtained in the case of merger or consolidation involving a domestic or foreign corporation qualified to transact business in New Jersey. It also provided alternatives to actual payment of taxes, or payment on account of such taxes by providing in lieu thereof, for a written undertaking to be given by a domestic corporation, or a foreign corporation authorized to transact business in New Jersey, to pay all taxes when payable on behalf of a corporation which otherwise would have to pay all taxes prior to taking certain corporate actions.

### **Allocation Factor**

If a taxpayer has a regular place of business outside New Jersey, its tax liability is measured by net income allocated to New Jersey, according to a three-fraction formula based on an average of property, payroll, and sales, which is counted twice. The factor is computed by adding the percentage of the property and payroll fractions, and a fraction representing two times the sales receipts, and dividing the total by four.

The Business Tax Reform Act (P.L. 2002, C. 40) imposes a “throwout rule” on corporations apportioning income outside the State. The tax effect of the throwout rule on an affiliated or controlled group having \$20 million or more in net income is capped at \$5 million.

Chapter 40, P.L. 2002, also introduced an alternative minimum assessment (AMA) on apportioned gross receipts or gross profits of C corporations when the AMA exceeds the normal Corporation Business Tax. The assessment is based on either gross receipts or gross profits, with the taxpayer electing which formula to use. This formula must also be used for the next four tax periods. S corporations, professional corporations, investment companies, and unincorporated businesses are exempt from the AMA. The AMA also applies to non-New Jersey businesses deriving income from New Jersey sources with or without physical presence in the State that are not currently subject to the Corporation Business Tax.

For privilege periods beginning after June 30, 2006, the AMA is \$0, except for taxpayers claiming exemption under Pub. L. 86-272, for whom the previously prescribed rate will continue. For privilege periods beginning after December 31, 2006, the AMA for taxpayers otherwise subject to the AMA that consent to jurisdiction and pay the Corporation Business Tax will be \$0.

The use of net operating losses is suspended for tax years 2002 and 2003. For 2004 and 2005 net operating losses were limited to 50% of taxable income.



### 1 60% of Investment Company Income

**Citation:** N.J.S.A. 54:10A-5(d) (P.L. 1945, c. 162)

**Effective Date:** 4/13/1945

**2014 Estimate:** \$75,000,000

**Applied Date:** 1/1/1946

**Objective:** To exclude 60% of income earned by an investment company from the Corporate Business Tax, providing reduced exposure to taxation for income from these entities.

**Description:** Corporation Business Tax assessed and due for any investment company is measured by 40% of its entire net income and 40% of its entire net worth, rather than the entire net income.

**Data Source** Division of Taxation Reports 2010-2011

**Reliability:** 3 Based on data files of incomplete or unverified information from actual tax returns

### 2 96% of Real Estate Investment Trust/Regulated Investment

**Citation:** N.J.S.A. 54:10A-5(d)

**Effective Date:** 2/24/1983

**2014 Estimate:** \$6,760,000

**Objective:** To exclude 96% of net income of a Real Estate Investment Trust from the Corporate Business Tax, yielding 4% of their net income to assessed for tax. Also excludes 85% of the firm's net worth for tax. This treatment greatly reduces the tax consequences of the activities carried out by these entities.

**Description:** For a real estate investment trust, Corporation Business Tax is assessed and due measured by 4% of the trust's entire net income and 15% of its entire net worth rather than the entire net income.

**Data Source** Division of Taxation Reports 2007-2010 Extrapolated Using Mean

**Reliability:** 3 Based on data files of incomplete or unverified information from actual tax returns

### 3 Agricultural Co-operatives

**Citation:** N.J.S.A. 54:10A-3(c) (P.L. 1960. Ch 174)

**Effective Date:** 1/10/1961

**2014 Estimate:** \$0

**Objective:** The nature of these businesses and the integral role that agriculture plays in our State were the driving forces behind this exemption from the tax.

**Description:** Agricultural cooperatives are statutorily excluded from the payment of Corporation Business Tax.

**Data Source** There are no agricultural co-ops. Department of Agriculture.

### 4 All Income of New Jersey S Corporations

**Citation:** N.J.S.A. 54:10A-5.22 (L. 1993, c. 173)

**Effective Date:** 7/7/1993

**2014 Estimate:** \$150,000,000

**Objective:** To give small businesses a tax break and prevent dual taxation. The statute provides a special corporation business tax rate for businesses organized as S corporations under the federal tax code who have sought that same treatment for New Jersey purposes.

**Description:** Federal S-Corporations who have elected to be treated as New Jersey S-Corporations are not subject to the corporate tax rate on net profits from business. NJ S-Corporations pay only the statutory minimum tax.

**Data Source** Division of Taxation Reports 2007-2010

**Reliability:** 3 Based on data files of incomplete or unverified information from actual tax returns

### 5 AMA Tax Credit

**Citation:** N.J.S.A. 54:10A-5af

**Effective Date:** 7/1/2002

**2014 Estimate:** \$40,500,000

**Objective:** To provide that, if a taxpayer incurs an AMA (Alternative Minimum Assessment) liability in excess of the regular Corporation Business Tax (CBT) liability, the excess may be carried over to subsequent years and used as a credit against the regular CBT liability. The carryovers were designed never to expire. There are, however, limitations as to how much credit can be taken on any single return.

**Description:** 1) If the alternative minimum assessment for a taxpayer computed pursuant to this section exceeds the tax computed pursuant to section 5 of P.L.1945, c.165 (C.54:10A-5) for a privilege period, the taxpayer shall be allowed an amount of credit equal to the amount by which the alternative minimum assessment computed pursuant to this section for the privilege period exceeds the tax computed pursuant to section 5 of P.L.1945, c.165 (C.54:10A-5) for that privilege period; provided however, that a taxpayer shall not be allowed a credit for any amount of alternative minimum assessment for a privilege period for which a credit is allowed pursuant to section 29 of P.L.2002, c.40 (C.54:10A-5b). The amount of credit may be carried forward for application in subsequent privilege periods subject to the limitations of paragraph (2) of this subsection.

2)A taxpayer may apply all or a portion of the credits allowed by paragraph (1) of this subsection against the tax computed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), for a privilege period for which the tax pursuant to that section exceeds the alternative minimum assessment computed for the privilege period pursuant to this section; provided however, that the amount of credit applied shall not reduce the amount of tax otherwise due to less than the alternative minimum assessment as computed pursuant to this section for the privilege period, shall not reduce the amount of tax otherwise due by more than 50%, and shall not reduce the amount of tax otherwise due below the statutory minimum provided in subsection (e) of section 5 of P.L.1945, c.162 (C.54:10A-5).

**Data Source** Division of Taxation Reports 2007-2011

**Reliability:** 1 Based on the population of verified tax returns

### 6 Business Income of Non-Profits

**Citation:** N.J.S.A. 54:10A-3(e)

**Effective Date:** 7/2/2002

**Objective:** The corporate business tax is levied on for-profit entities organized under this state's statutes or authorized to do business in this state if organized under the laws of another jurisdiction. Nonprofit organizations are organized as such and are statutorily not subject to taxation.

**Description:** Nonprofit corporations, associations or organizations established, organized or chartered, without capital stock, under the provisions of Title 15, 16 or 17 of the Revised Statutes, Title 15A of the New Jersey Statutes or under a special charter or under any similar general or special law of this or any other state, and not conducted for pecuniary profit of any private shareholders or individual.



## 7 Business Retention and Relocation Tax Credit

**Citation:** N.J.S.A. 34:1B-114

**Effective Date:** 7/1/2004

**2014 Estimate:** \$2,400,000

**Objective:** These credits are authorized by the Economic Development Authority to assist businesses in retaining jobs in or locating jobs to New Jersey. Eligible businesses will be awarded a credit reflective of those retained or relocated to New Jersey.

**Description:** The Business Retention and Relocation Assistance Grant Program is hereby established as a program under the jurisdiction of the New Jersey Commerce and Economic Growth Commission and shall be administered by the Chief Executive Officer and Secretary of the New Jersey Commerce and Economic Growth Commission. The purpose of the program is to encourage economic development and job creation and to preserve jobs that currently exist in New Jersey but which are in danger of being relocated to premises outside of the State. To implement that purpose, and to the extent that funding for the program is available, the program may provide grants of tax credits but in no case shall the amount of an individual grant of tax credits exceed 80% of the projected State tax revenues from the retained full-time jobs covered by the project agreement of an applicant for a grant of tax credits.

**Data Source** Division of Taxation Reports 2007-2011 Extrapolated Using Mean

**Reliability:** 1 Based on the population of verified tax returns

## 8 Cemetery Corporations not conducted for profit

**Citation:** N.J.S.A. 54:10A-3(d)

**Effective Date:** 4/13/1945

**Objective:** As set forth in the original Corporate Business Tax Act of 1945, cemetery corporations not conducted for profit are excluded from the imposition of corporate taxes.

**Description:** Nonprofit cemetery corporations first became exempt from the Corporation Business Tax in 1945.

## 9 Digital Media Production Credit

**Citation:** N.J.S.A. 54:10A-5.39

**Effective Date:** 1/11/2008

**Objective:** In order to provide support to entities who are creating digital media content in New Jersey, 20% of the expenses directly related to the creation of such content are provided as a credit to reduce the digital media company's corporate business tax liability. The carryforward provision ensures that the business gets the full advantage of the approved credit to reduce future income.

**Description:** Allows for a credit equal to 20% of a companies qualified digital media production expenses in new Jersey to be applied against Corporation Business Tax in the year the expenses are incurred. The amount of the digital media production tax credit, when used with other eligible tax credits, cannot exceed 50% of the tax liability. Unused credit amounts can be carried forward to future CBT years or transferred to another CBT filer. This tax credit expires January 15, 2015.

10 **Dividend Exclusion (ALL)**

**Citation:** N.J.S.A. 54:10A-4(k)(2)(B)

**Effective Date:** 1/1/2002

**2014 Estimate:** \$2,526,166,000

**Objective:** The Corporation Business Tax has, since its inception, provided for a deduction for dividends received. This ensures profits are not taxed twice. The Corporation Business Tax has, since its' inception, provided for a deduction for dividends received. This ensures profits are not taxed twice.

**Description:** Entire net income shall be determined without the exclusion, deduction or credit of any part of any income from dividends or interest on any kind of stock, securities or indebtedness.

**NOTE:**

Entire net income shall exclude 100% of dividends which were included in computing such taxable income for federal income tax purposes, paid to the taxpayer by one or more subsidiaries owned by the taxpayer to the extent of the 80% or more ownership of investment described in subsection (d) of this section and shall exclude 50% of dividends which were included in computing such taxable income for federal income tax purposes, paid to the taxpayer by one or more subsidiaries owned by the taxpayer to the extent of 50% or more ownership of investment, such ownership of investment calculated in the same manner as the 80% or more of ownership of investment is calculated as described in subsection (d) of this section.

**Data Source** Division of Taxation Reports 2006-2011 extrapolated using the mean

**Reliability:** 3 Based on data files of incomplete or unverified information from actual tax returns

**11 Dividend Exclusion (less than 50% owned)**

**Citation:** N.J.S.A. 54:10A-4(k)(5)

**Effective Date:** 1/1/2002

**2014 Estimate:** \$112,000,000

**Objective:** Prior law excluded 100 percent of dividends received from companies in which the taxpayer has an ownership interest of 80 percent or more; and excluded 50 percent of all other dividends received. The Business Tax reform Act disallowed the deduction for dividends received from a corporation in which the taxpayer has less than a 50 percent ownership interest.

**Description:** Entire net income shall exclude 100% of dividends which were included in computing such taxable income for federal income tax purposes, paid to the taxpayer by one or more subsidiaries owned by the taxpayer to the extent of the 80% or more ownership of investment described in subsection (d) of this section and shall exclude 50% of dividends which were included in computing such taxable income for federal income tax purposes, paid to the taxpayer by one or more subsidiaries owned by the taxpayer to the extent of 50% or more ownership of investment, such ownership of investment calculated in the same manner as the 80% or more of ownership of investment is calculated as described in subsection (d) of this section.

**Data Source** Division of Taxation Reports 2009-2011 Extrapolated Using the Mean

**Reliability:** 3 Based on data files of incomplete or unverified information from actual tax returns

12 Economic Recovery Tax Credit

**Citation:** N.J.S.A. 52:27BBB-54, 52:27BBB-55

**Effective Date:** 6/30/2002

**2014 Estimate:** \$10,000

**Objective:** To expand the economic development incentives provided by the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43, to encourage more business organizations or a wider variety to locate in municipalities qualified under that act. To increase the potential maximum amount of the incentive to a business under the "Qualified Municipality Open For Business Incentive Program" from 75% of the incentive payment to 100% of the incentive payment if the New Jersey Economic Development Authority determines that a particular business relocation or business expansion will more effectively contribute to the municipal rehabilitation and economic recovery in a distressed municipality.

**Description:** A taxpayer engaged in the conduct of business within a qualified municipality and who is not receiving a benefit under the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.), may apply to receive a tax credit against the amount of tax otherwise imposed under the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), or the tax imposed on insurers pursuant to P.L.1945, c.132 (C.54:18A-1 et seq.), section 1 of P.L.1950, c.231 (C.17:32-15) and N.J.S.17B:23-5, equal to: \$2,500 for each new full-time position at that location in credit year one and \$1,250 for each new full-time position at that location in credit year two.

b. (1) The credit pursuant to subsection a. of this section for credit year one shall be allowed for the privilege period or reporting period in which or with which credit year one ends; the credit pursuant to subsection a. of this section for credit year two shall be allowed for the privilege period or reporting period in which or with which credit year two ends.

(2) An unused credit may be carried forward, if necessary, for use in the privilege periods or reporting periods following the privilege period or reporting period for which the credit is allowed.

(3) The order of priority of the application of the credit allowed under this section and any other credits allowed by law shall be as prescribed by the Director of the Division of Taxation. The amount of the credit applied under this section against the tax imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5) for a privilege period, together with any other credits allowed by law, shall not exceed 50% of the tax liability otherwise due and shall not reduce the tax liability to an amount less than the statutory minimum provided in

subsection (e) of section 5 of P.L.1945, c.162.

c. (1) Notwithstanding the provisions of subsection b. of this section to the contrary, the credit allowed for credit year one may be refundable at the close of the privilege period or reporting period in which or with which credit year two ends, pursuant to the requirements and limitations of this subsection.

(2) That amount of the credit received for credit year one remaining, if any, after the liabilities for the privilege period or reporting period in which or with which credit year two ends and for any prior period have been satisfied, multiplied by the sustained effort ratio, shall be an overpayment for the purposes of section R.S.54:49-15 for the period in which or with which credit year two ends; that amount of the credit received for credit year one remaining, if any, that is not an overpayment pursuant to this paragraph may be carried forward pursuant to subsection b. of this section.

d. The burden of proof shall be on the taxpayer to establish by clear and convincing evidence that the taxpayer is entitled to the credits or refund allowed pursuant to this section. The director shall by regulation establish criteria for the determination of when new or expanded operations have begun at a location. No taxpayer shall be allowed more than a single 24-month continuous period in which credits shall be allowed for activity at a location within a qualified municipality pursuant to P.L.2002, c.43 (C.52:27BBB-1 et al.).

**Data Source** Division of Taxation Unpublished Data 2007-2011

**Reliability:** 1 Based on the population of verified tax returns

### 13 Effluent Equipment Tax Credit

**Citation:** N.J.S.A. 54:10A-5.31

**Effective Date:** 7/1/2002

**2014 Estimate:** \$100,000

**Objective:** To establish a credit against the corporation franchise tax (P.L.1945, c.162 C.54:10A-1 et seq.) for the purchase of treatment equipment that is used exclusively for the treatment of effluent from a wastewater treatment system.

**Description:** Tax credit for purchase of effluent treatment, conveyance equipment

**Data Source** Division of Taxation Unpublished Data 2007-2011

**Reliability:** 1 Based on the population of verified tax returns

14 **Exceptions to Related Intangible Costs Expense Add Back**

**Citation:** N.J.S.A. 54:10A-4.4(c) (P.L. 2002, c. 40)

**Effective Date:** 7/2/2002

**2014 Estimate:** \$119,000,000

**Objective:** To revise and update the corporation business tax to close loopholes and limit certain tax benefits.

**Description:** Intangible expenses are not added back when computing entire net income if intangible expenses and costs are directly or indirectly paid, accrued or incurred to a related member in a foreign nation which has in force a comprehensive income tax treaty with the United States or the taxpayer establishes by clear and convincing evidence, as determined by the director, that the adjustments are unreasonable or the taxpayer and the director agree in writing to the application or use of an alternative method of apportionment.

**Data Source** Division of Taxation Reports 2009-2010 Extrapolated Using Mean

**Reliability:** 3 Based on data files of incomplete or unverified information from actual tax returns

15 **Film Production Tax Credit**

**Citation:** N.J.S.A. 54:10A-5.39

**Effective Date:** 1/12/2006

**2014 Estimate:** \$1,100,000

**Objective:** To support and expand business opportunities to produce films in this State, a tax credit is provided to businesses under the corporation business tax for certain qualified film production expenses incurred in New Jersey. The carry-forward provisions of the credit ensure that the entirety of allowable expenses may be used to reduce future tax liability.

**Description:** Allows for a credit equal to 20% of a company's qualified film production expenses in new Jersey to be applied against Corporation Business Tax in the year the expenses are incurred. The amount of the film production tax credit, when used with other eligible tax credits, cannot exceed 50% of the tax liability. Unused credit amounts can be carried forward to future CBT years or transferred to another CBT filer. This tax credit expires January 15th, 2015.

**Data Source** Division of Taxation Reports 2007-2011

**Reliability:** 1 Based on the population of verified tax returns

**Effectiveness:** Massachusetts has done an extensive study of its similar film tax credit.  
<http://www.mass.gov/Ador/docs/dor/News/2010FilmIncentiveReport.pdf>



**16 HMO Assistance Fund Tax Credit**

**Citation:** N.J.S.A. 17B:32B-12

**Effective Date:** 4/6/2000

**2014 Estimate:** \$1,400,000

**Objective:** To reimburse health care professionals and health care facilities, who were participating providers of HIP Health Plan of New Jersey, Inc. and American Preferred Provider Plan, Inc. on contractual obligations that were unpaid and were incurred prior to insolvency of those organizations.

**Description:** A member organization may offset against its corporation business tax liability an amount of not more than 10% of any assessment for each of the five privilege periods beginning on or after the third calendar year commencing after the assessment was paid, except that no member organization may offset more than 20% of its corporation business tax liability in any one year.

To claim this credit, the taxpayer must complete Form 310 and attach it to the tax return.

**Reliability:** 1 Based on the population of verified tax returns

**17 Lack of Throw Back**

**Citation:** N/A

**Effective Date:**

**2014 Estimate:** \$125,000,000

**Objective:** The taxation of receipts based on physical presence allows for certain receipts to avoid taxation in any state.

**Description:** When a corporation with facilities in the state has income that is not taxed by any state (because it does not have sufficient physical presence in some states where it has sales), then that income is "thrown back" and taxed in the state where the company has facilities. New Jersey does not have a throwback provision within our taxing statutes. Please note that there is no strict provision to account for the lack of a throwback.

**Data Source** Division of Taxation Reports 2007-2008

**Reliability:** 3 Based on data files of incomplete or unverified information from actual tax returns

## 18 Manufacturing Equipment and Employment Investment Tax Credit

**Citation:** N.J.S.A. 54:10A-5.16 - N.J.S.A. 54:10A-5.21

**Effective Date:** 1/1/1994

**2014 Estimate:** \$15,880,000

**Objective:** The purpose of the Manufacturing Equipment and Employment Investment Tax Credit is to offset the purchase of manufacturing equipment and to support the creation of new jobs. The law allows a corporate business tax credit of 2 percent on the purchase price on new machinery or equipment during the first year of operation. For each of the next two years, a company could qualify for an additional credit of 3 percent by creating new jobs, capped at \$1,000 per additional employee.

**Description:** A taxpayer shall be allowed a credit against the tax imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), in an amount equal to 2% of the investment credit base of qualified equipment placed in service in the tax year, up to a maximum allowed credit for the tax year of \$1,000,000; provided however, that if a taxpayer has 50 or fewer employees (an average number of full-time employees and full-time employee equivalents of 50 or less) and entire net income to be used as a measure of the tax determined pursuant to section 6 of P.L.1945, c.162 (C.54:10A-6) of less than \$5,000,000 for the tax year, the taxpayer shall be allowed a credit against the tax imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), in an amount equal to 4% of the investment credit base of qualified equipment placed in service in the tax year, up to a maximum allowed credit for the tax year of \$1,000,000.

**Data Source** Division of Taxation Unpublished Data 2007-2011 extrapolated as a mean of reported numbers.

**Reliability:** 1 Based on the population of verified tax returns

19 **Neighborhood Revitalization State Tax Credit**

**Citation:** N.J.S.A. 52:27D-490

**Effective Date:** 7/1/2002

**2014 Estimate:** \$4,200,000

**Objective:** To create an incentive for businesses to invest in neighborhood revitalization and preservation projects sponsored by nonprofit corporations through the granting of a tax credit.

**Description:** A business entity shall be eligible for a certificate for neighborhood revitalization State tax credits if it has provided funding for a qualified project that has been approved in accordance with sections 4 and 5 of P.L.2001, c.415 (C.52:27D-493 and C.52:27D-494).

a.Credits may be granted in an amount up to 100 percent of the approved assistance provided to a nonprofit organization to implement a qualified neighborhood preservation and revitalization project.

b.The credit may be applied by the business entity receiving the certificate as credit against tax imposed on business related income, other than tax imposed under the New Jersey Gross Income Tax, including, but not limited to, business income subject to the provisions of the Corporation Business Tax Act (1945), P.L.1945, c.162 (C.54:10A-1 et al.), "The Savings Institution Tax Act," P.L.1973, c.31 (C.54:10D-1 et seq.), the tax imposed on marine insurance companies pursuant to R.S.54:16-1 et seq., the tax imposed on insurers generally, pursuant to P.L.1945, c.132 (C.54:18A-1 et seq.), the sewer and water utility excise tax imposed pursuant to section 6 of P.L.1940, c.5 (C.54:30A-54) and the petroleum products gross receipts tax imposed pursuant to section 3 of P.L.1990, c.42 (C.54:15B-3).

c.The credit allowed to a business entity under this section may not exceed for any taxable year \$1,000,000 or the total amount of tax otherwise payable by the business entity for the taxable year and, in addition, shall not exceed limitations placed on the amounts of credits or carryforward credits allowed, if any, under the relevant statute as enumerated in subsection b. of this section concerning the tax for which a credit is being claimed.

d.Credit shall not be allowed for activities for which the business entity is receiving credit under any other provision against any tax on business related income other than the New Jersey Gross Income Tax, including, but not limited to, the corporate business tax, corporate income tax, insurance premiums tax, petroleum products gross receipts tax, public utilities franchise tax, public utilities gross receipts tax, public utility excise tax, railroad franchise tax, and

the saving institution tax.

e. The tax credit shall be awarded only for assistance provided within the same year in which the commissioner issued the certificate, or if the commissioner approved assistance for more than one year, within the year in which payment was scheduled and made. The provisions of this subsection may be waived for good cause shown.

f. The total tax credits certified for all qualified projects proposed in a fiscal year shall not exceed \$10,000,000.

**Data Source** Division of Taxation Reports

**Reliability:** 1 Based on the population of verified tax returns

## 20 Net Operating Loss Deduction

**Citation:** N.J.S.A. 54:10A-4(k)(6)(A) (P.L. 1985, Chapter 143)

**Effective Date:** 4/22/1985

**2014 Estimate:** \$557,970,000

**Objective:** To clarify that net operating loss deduction as one of the allowable deductions used to arrive at income subject to tax.

**Description:** There are certain statutory exemptions and deductions allowable to arrive at income subject to tax. Among those is the net operating loss deduction. There shall be allowed as a deduction for the privilege period the net operating loss carryover to that period.

**Data Source** Division of Taxation Reports 2006-2010 Extrapolated Using Mean

**Reliability:** 3 Based on data files of incomplete or unverified information from actual tax returns

**21 New Jobs Investment Tax Credit**

**Citation:** N.J.S.A. 54:10A-5.5 – N.J.S.A. 54:10A-5.15

**Effective Date:** 7/7/1993

**2014 Estimate:** \$1,240,000

**Objective:** To create a corporate business tax credit for creating new jobs in New Jersey. The credit percentage depends on the type of investment and the number of jobs created, and can be as high as 10% of the investment costs. The credit would be available to most sectors including manufacturing, wholesale distribution, warehousing, retailing and service-related businesses. The size of the business will determine how many new jobs must be created in order to qualify: 50 for a large business and five jobs for a small business. The credit would be calculated by multiplying the costs of new machinery/equipment by a "jobs creation" factor.

**Description:** A taxpayer shall be allowed a credit against the portion of the tax imposed in section 5 of P.L.1945, c.162 (C.54:10A-5), that is attributable to and the direct consequence of the taxpayer's qualified investment in a new or expanded business facility in this State which results in the creation of at least five new jobs in the case of a small or mid-size business taxpayer, or at least 50 new jobs in the case of any other taxpayer, provided that the median compensation of all new jobs included in the taxpayer's determination of the new jobs factor shall not be less than \$27,000 per year, provided that beginning with tax years commencing on and after January 1 next following the operative date of this act the director shall adjust the median annual compensation which shall apply as provided in subsection e. of this section. The amount of this credit shall be determined and applied as hereinafter provided.

**Reliability:** 1 Based on the population of verified tax returns

### 22 Non-Profit Corporations

**Citation:** N.J.S.A. 54:10A-3(e) (P.L. 1945, c. 162)

**Effective Date:** 1/1/1992

**Objective:** To exempt non-profit corporations from the taxes imposed by the Corporate Business Tax Act.

**Description:** Nonprofit corporations, associations or organizations established, organized or chartered, without capital stock, under the provisions of Title 15, 16 or 17 of the Revised Statutes, Title 15A of the New Jersey Statutes or under a special charter or under any similar general or special law of this or any other state, and not conducted for pecuniary profit of any private shareholders or individual.

### 23 Non-Profit Retirement Communities

**Citation:** N.J.S.A. 54:10A-3(h) (P.L. 1973, c. 275)

**Effective Date:** 11/29/1973

**Objective:** To exempt non-profit corporations, whose primary purpose is to provide for its members housing in a retirement community, from the taxes imposed by the Corporate Business Tax Act.

**Description:** Corporations not for profit organized under any law of this State where the primary purpose thereof is to provide for its shareholders or members housing in a retirement community as the same is defined under the provisions of the "Retirement Community Full Disclosure Act," P.L. 1969, c. 215.

24 **Non-Stock Residential Housing**

**Citation:** N.J.S.A. 54:10A-3(g) (P.L. 1963. Ch 59)

**Effective Date:** 5/27/1963

**Objective:** To exempt non-stock corporations, providing mutual ownership housing, from the taxes imposed by the Corporate Business Tax Act.

**Description:** Non-stock corporations organized under the laws of this State or of any other state of the United States to provide mutual ownership housing under federal law by tenants, provided, however, that the exemption hereunder shall continue only so long as the corporations remain subject to rules and regulations of the Federal Housing Authority and the Commissioner of the Federal Housing Authority holds membership certificates in the corporations and the corporate property is encumbered by a mortgage deed or deed of trust insured under the National Housing Act as amended by subsequent Acts of Congress.

25 **Redevelopment Authority Project Tax Credit**

**Citation:** N.J.S.A. 55:19-3, (P.L. 1985, c. 227)

**Effective Date:** 7/26/1991

**2014 Estimate:** \$0

**Objective:** Another tax credit available to qualifying corporations who create jobs.

**Description:** Any person, firm or corporation actively engaged in the conduct of business at a location within a project, as defined in this act, which is subject to the provisions of the "Corporation Business Tax Act (1945)," P.L. 1945, c. 162 (C.54:10A-1 et seq.), and the business of which at that location consists primarily of manufacturing or other business that is not retail sales or warehousing oriented, shall, for a period of two years from the date upon which an agreement for the undertaking of the project was entered into pursuant to section 8 or 9 of this act, be entitled to an annual credit against the amount of tax imposed under that act of \$1,500.00 for each new employee employed at that location who is a resident of the qualified municipality and who immediately prior to such employment was unemployed at least 90 days or was dependent upon public assistance as the primary source of income. A credit for which an employer taxpayer qualifies under this section shall be allowed in the tax year next following the tax year of qualification, and may be continued into a second tax year if such qualification continues, but it shall be allowed only for those new employees who were employed for at least six consecutive months by the employer taxpayer in the year of qualification.

**Data Source** Division of Taxation Unpublished Data 2007-2011 Extrapolated as Mean of Reported Data

**Reliability:** 1 Based on the population of verified tax returns



26 **Remediation Tax Credit**

**Citation:** N.J.S.A. 54:10A-5.33 (P.L. 2003, c. 296)

**Effective Date:** 1/14/2004

**2014 Estimate:** \$50,000

**Objective:** Contaminated site remediation is a critically important function in an urbanized state and the corporate business tax credit herein described reduces tax liability by the expended eligible costs of these cleanups for the period that the credit was in existence.

**Description:** A taxpayer shall be allowed a credit against the tax imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), in an amount equal to 100% of the eligible costs of the remediation of a contaminated site as certified by the Department of Environmental Protection pursuant to section 2 of P.L.2003, c.296 (C.54:10A-5.34) and the Director of the Division of Taxation in the Department of the Treasury pursuant to section 3 of P.L.2003, c.296 (C.54:10A-5.35) performed during privilege periods beginning on or after January 1, 2004 and before January 1, 2007.

**Data Source** GENTS Remediation Credit Data 2006-2011 Extrapolated Using Mean of Three Most Recent Actual Years Data

**Reliability:** 1 Based on the population of verified tax returns

27 Research and Development Tax Credit

**Citation:** N.J.S.A. 54:10A-5.24

**Effective Date:** 1/1/1998

**2014 Estimate:** \$65,600,000

**Objective:** Research and development costs have been deemed to be critical corporate expenditures as they could result in future economic activity based on product discovery and innovation. This credit is one of the most used credits available to corporations, clear demonstration of its importance.

**Description:** 1. a. A taxpayer shall be allowed a credit, subject to the provisions of subsection b. of this section, against the tax imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), in an amount equal to

(1) 10% of the excess of the qualified research expenses for the fiscal or calendar accounting year (referred to hereafter in this section as the "tax year") over the base amount; and

(2) 10% of the basic research payments determined in accordance with section 41 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.41, as in effect on June 30, 1992, and provided that subsection (h) of 26 U.S.C. s.41 relating to termination shall not apply. Provided however, that the terms "qualified research expenses," "base amount," "qualified organization base amount period," "basic research" and any other terms determined by the Director of the Division of Taxation to affect the calculation of the credit shall include only expenditures for research conducted in this State.

b. No credit shall be allowed under section 42 of P.L.1987, c.102 (C.54:10A-5.3), or under the "Manufacturing Equipment and Employment Investment Tax Credit Act," P.L.1993, c.171 (C.54:10A-5.16 et al.), or under P.L.1993, c.170 (C.54:10A-5.4 et seq.), for property or expenditures for which a credit is allowed, or which are includable in the calculation of a credit allowed, under this section.

The tax imposed for a fiscal or calendar accounting year pursuant to section 5 of P.L.1945, c.162, shall first be reduced by the amount of any credit allowed pursuant to section 19 of P.L.1983, c.303 (C.52:27H-78), then by any credit allowed pursuant to section 12 of P.L.1985, c.227 (C.55:19-13), then by any credit allowed pursuant to section 42 of P.L.1987, c.102 (C.54:10A-5.3), then by any credit allowed under section 3 of P.L.1993, c.170 (C.54:10A-5.6), and then by any credit allowed under section 3 or 4 of P.L.1993, c.171 (C.54:10A-5.18 or C.54:10A-5.19), prior to applying any credits allowable pursuant to this section. Credits allowable pursuant to this section shall be applied in the order of the credits' tax years. The amount of the credits applied under this section against

## Corporation Business Tax

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the tax imposed pursuant to section 5 of P.L.1945, c.162, for an accounting year shall not exceed 50% of the tax liability otherwise due and shall not reduce the tax liability to an amount less than the statutory minimum provided in subsection (e) of section 5 of P.L.1945, c.162. The amount of tax year credit otherwise allowable under this section which cannot be applied for the tax year due to the limitations of this subsection may be carried over, if necessary, to the seven accounting years following a credit's tax year.

**Data Source** Division of Taxation Unpublished Data RY 2007-2011 Extrapolated as mean of reported numbers

**Reliability:** 1 Based on the population of verified tax returns

### 28 Sheltered Workshop Tax Credit

**Citation:** N.J.S.A 54:10A-5.38

**Effective Date:** 1/12/2006

**2014 Estimate:** \$0

**Objective:** To provide corporation business tax and gross income tax credits to businesses that provide employment at an occupational training center/sheltered workshop, under a contract with the workshop, for the performance of services (usually product assembly and packaging services) by the workshop's handicapped clients.

**Description:** A taxpayer shall be allowed a credit against the tax imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), in an amount equal to 20% of the salary and wages paid by the taxpayer during the privilege period for the employment of a qualified person, but not to exceed \$1,000 for each qualified person for the privilege period.

Qualified person" means an extended employee, within the meaning of that term as set forth in section 2 of P.L.1971, c.272 (C.34:16-40), to whom the Commissioner of Labor and Workforce Development, under subsection (b) of section 18 of P.L.1966, c.113 (C.34:11-56a17), shall have issued a special license authorizing employment at wages less than the minimum wage rate, and who, for at least 26 weeks during the privilege period, shall have performed at least 25 hours per week of work at or under the supervision of a sheltered workshop pursuant to a contract between the taxpayer and the sheltered workshop.

**Reliability:** 1 Based on the population of verified tax returns

**31 Urban Enterprise Zone Employee Tax Credit**

**Citation:** N.J.S.A. 52:27H-78a-b (P.L. 1983, c. 303)

**Effective Date:** 8/4/1988

**2014 Estimate:** \$23,000

**Objective:** To allow a business, which is not retail sales or warehouse oriented, within a specified enterprise zone to receive an employee tax credit against the tax imposed by the Corporate Business Tax Act.

**Description:** Any qualified business subject to the provisions of the "Corporation Business Tax Act (1945)," P.L. 1945, c. 162 (C. 54:10A-1 et seq.), as actively engaged in the conduct of business from a location within an enterprise zone designated pursuant to this act, which business at that location consists primarily of manufacturing or other business which is not retail sales or warehousing oriented, shall receive an enterprise zone employee tax credit against the amount of tax imposed under the "Corporation Business Tax Act (1945),"

**Data Source** RY 2007-10 from Division of Taxation reports

**Reliability:** 1 Based on the population of verified tax returns

**32 Urban Enterprise Zone Investment Tax Credit**

**Citation:** N.J.S.A. 52:27H-78c (P.L. 1988, c. 93)

**Effective Date:** 8/4/1988

**2014 Estimate:** \$0

**Objective:** To allow a business within a specified enterprise zone, which is not retail sales or warehouse oriented and is unable to receive employee tax credits, to receive a one-time tax credit against the tax imposed by the Corporate Business Tax Act for new investment into the enterprise zone.

**Description:** A qualified business which is not entitled to an employee tax credit under this section, but meets the eligibility criteria pursuant to the provisions of subsection c. of section 27 of P.L. 1983, c. 303 (C. 52:27H-86), shall receive a one-time credit in an amount equal to 8% of each new investment made by the qualified business in the enterprise zone under an agreement approved by the authority.

**Reliability:** 1 Based on the population of verified tax returns

**33 Urban Transit Hub Tax Credit**

**Citation:** N.J.S.A. 34:1B-207-209 (P.L. 2007, c. 346)

**Effective Date:** 7/28/2009

**2014 Estimate:** \$23,837,000

**Objective:** To promote economic development in urban transit hubs through a tax credit program for capital investment and increased employment. The approved tax credit is only allowable after the capital expenditure has actually been made.

**Description:** This tax credit is based on a capital investment made by a qualified business to a location defined as an Urban transit hub. An Urban Transit hub is property located within a 1/2 mile radius surrounding the mid point of a New Jersey Transit Corporation, Port Authority Transit Corporation or Port Authority Trans-Hudson Corporation rail station platform area, including all light rail stations, and property located within a one mile radius of the mid point of the platform area of such a rail station if the property is in a qualified municipality under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 or a property located within a 1/2 mile radius surrounding the mid point of one of up to two underground light rail stations' platform areas that are most proximate to an interstate rail station or a property adjacent to, or connected by rail spur to a freight rail line, if the business utilizes that freight line for loading and unloading freight cars on trains per declaration made by the Economic Development Authority.

**Data Source** GENTS CBT Data 2006-2011

**Reliability:** 1 Based on the population of verified tax returns

## **9-1-1 System and Emergency Response Assessment Overview**

### **Description**

P.L. 2004, C. 48, enacted June 29, 2004, for certain services, imposes a fee on periodic billings to mobile telecommunications and telephone exchange customers. This fee is charged by:

- Mobile telecommunications companies for each voice grade access service number as part of mobile telecommunications service provided to a customer billed by or for the customer's home service provider and provided to a customer with a place of primary use in this State; and
- Telephone exchange companies for each telephone voice grade access service line provided as part of that telephone exchange service.

The fee is not applicable to the Federal government, its agencies, or instrumentalities. On and after January 1, 2005, the law provides an exemption for State, county and municipal governments, and school districts from the fee imposed on telephone exchange services.

### **Rate**

The 9-1-1 System and Emergency Response Fee is \$.90 for each voice grade access service number and line to mobile telecommunications and telephone exchange customers.

### **Disposition of Revenues**

The revenue collected pursuant to the fee will serve to replace the current 9-1-1 infrastructure Statewide with a state-of-the-art enhanced 9-1-1 system. Revenue collected is also applied to pay for costs of funding the State's capital equipment, facilities, and operating expenses that arise from emergency preparedness, emergency response training, counter-terrorism measures, security at State facilities including transportation infrastructure, preparation for first responders to chemical or biohazard emergencies, and any expenses of the Office of Emergency Management in the Division of State Police in the Department of Law and Public Safety.

## 9-1-1 System and Emergency Response Assessment

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### 1 Exempt Telephone Lines

**Citation:** N.J.S.A. 52:17C-17 et seq. (P.L. 2004, c.48)

**Effective Date:** 6/29/2004

**2014 Estimate:** \$1,327,000

**Applied Date:** 7/1/2004

**Objective:** To continue an established tradition of providing 9-1-1 system equipment and maintaining this system without any cost to local governments.

**Description:** Exemptions include lines billed to customers enrolled in the Lifeline Telecommunication program, or in receipt of Lifeline Telecommunication or Universal Service Fund benefits, State government agencies, and county and municipal governments and their agencies, and school districts.

**Reliability:** 1 Based on the population of verified tax returns

## **Alcoholic Beverage Tax Overview**

### **Description**

Under the Alcohol Beverage Tax Law at N.J.S.A. 54:43-1 et seq. (P.L. 1933, c. 434, § 301, p. 1165), New Jersey imposes licensing requirements, permit fees and requires taxes to be paid on the manufacture, sale and distribution of alcoholic beverages in New Jersey.

### **Rates**

Alcoholic beverages are subject to excise taxes on each gallon. The tax on beer is imposed at 12 ¢ per gallon. The tax on liquor is imposed at \$5.50 per gallon (\$4.40 prior to August 1, 2009). The tax on wine, vermouth, and sparkling wine is imposed at 87.5 ¢ per gallon (70 ¢ prior to August 1, 2009). Cider containing at least 3.2% of alcohol by volume but no more than 7% of alcohol by volume is taxed at the rate of 15¢ per gallon (12¢ prior to August 1, 2009). (N.J.S.A. 54:43-1; P.L. 1933, c. 434 § 301, p. 1165)

Tax on bitters, grenadine and other mixers: All bitters, grenadine, highballs, cocktails, cordials and other mixes which are classified by the IRS as intoxicating liquors and which require federal strip stamps are taxable at the rate of \$4.40 per gallon. (N.J.A.C. 18:3-3.4)

The tax must be paid once on any alcoholic beverages held within the state. (N.J.S.A. 54:43-3; P.L. 1933, c. 434, § 301, p. 1165) Sales or deliveries of alcoholic beverages to churches, convents or other religious societies and organizations, whether for sacramental purposes or otherwise, are taxable. (N.J.A.C. 18:3-3.5)

### **Disposition of Revenues**

Revenues are deposited in the State Treasury for general State use, except that beginning on July 1, 1992, \$11 million of the tax revenue is deposited annually into the Alcohol Education, Rehabilitation and Enforcement Fund. A small percentage also goes to the New Jersey Wine Promotion Account.



**1 Out-of-State Sales - Beer and Malt**

**Citation:** N.J.S.A. 54:43-2 (P.L. 1938, c. 319, p. 800, 7; P.L. 1942, c. 171, p. 527, 5; P.L. 1968, c. 298, 2)

**Effective Date:** 6/14/1938

**2014 Estimate:** \$12,700,000

**Applied Date:** 7/1/1938

**Objective:** Out of state sales are not subject to the tax.

**Description:** No tax imposed by this subtitle shall be payable on any sale of alcoholic beverages by any State licensee for resale and consumption outside of this State, or directly for consumption outside of this State, when said sale is accompanied by the actual transportation of such beverages out of this State and by the delivery of such beverages in full compliance with the laws of the place or places of delivery; provided, evidence of such sales and deliveries satisfactory to the director is submitted.

**Reliability:** 1 Based on the population of verified tax returns

**Effectiveness:** No data available at this time

**2 Out-of-State Sales - Liquor**

**Citation:** N.J.S.A. 54:43-2 (P.L. 1938, c. 319, p. 800, 7; P.L. 1942, c. 171, p. 527, 5; P.L. 1968, c. 298, 2)

**Effective Date:** 6/14/1938

**2014 Estimate:** \$74,500,000

**Applied Date:** 7/1/1938

**Objective:** Out of state sales of these products are not subject to the tax.

**Description:** No tax imposed by this subtitle shall be payable on any sale of alcoholic beverages by any State licensee for resale and consumption outside of this State, or directly for consumption outside of this State, when said sale is accompanied by the actual transportation of such beverages out of this State and by the delivery of such beverages in full compliance with the laws of the place or places of delivery; provided, evidence of such sales and deliveries satisfactory to the director is submitted

**Reliability:** 1 Based on the population of verified tax returns

**3 Out-of-State Sales - Still Wine**

**Citation:** N.J.S.A. 54:43-2 (P.L. 1938, c. 319, p. 800, 7; P.L. 1942, c. 171, p. 527, 5; P.L. 1968, c. 298, 2)

**Effective Date:** 6/14/1938

**2014 Estimate:** \$27,500,000

**Applied Date:** 7/1/1938

**Objective:** Out of state sales of these products are not subject to the tax.

**Description:** No tax imposed by this subtitle shall be payable on any sale of alcoholic beverages by any State licensee for resale and consumption outside of this State, or directly for consumption outside of this State, when said sale is accompanied by the actual transportation of such beverages out of this State and by the delivery of such beverages in full compliance with the laws of the place or places of delivery; provided, evidence of such sales and deliveries satisfactory to the director is submitted.

**Reliability:** 1 Based on the population of verified tax returns

**4 Out-of State Sales - Vermouth/Sparkling Wine/Apple Cider**

**Citation:** N.J.S.A. 54:43-2 (P.L. 1938, c. 319, p. 800, 7; P.L. 1942, c. 171, p. 527, 5; P.L. 1968, c. 298, 2)

**Effective Date:** 6/4/1938

**2014 Estimate:** \$1,400,000

**Applied Date:** 7/1/1938

**Objective:** Out-of-state sales of these products are not subject to the tax.

**Description:** No tax imposed by this subtitle shall be payable on any sale of alcoholic beverages by any State licensee for resale and consumption outside of this State, or directly for consumption outside of this State, when said sale is accompanied by the actual transportation of such beverages out of this State and by the delivery of such beverages in full compliance with the laws of the place or places of delivery; provided, evidence of such sales and deliveries satisfactory to the director is submitted.

**Reliability:** 1 Based on the population of verified tax returns

## **Cigarette Tax Overview**

### **Description**

The Cigarette Tax is collected primarily from licensed distributors who receive cigarettes directly from out-of-state manufacturers. Unless otherwise provided by law, every package of cigarettes must be stamped before being transferred from the original acquirer in New Jersey. This tax is not imposed on other tobacco products.

Sales to the United States Government or the Veterans Administration, and sales in interstate commerce are exempt.

### **Rate**

Effective July 1, 2009, the tax rate is \$2.70 per pack of 20 cigarettes. Formerly, the tax was \$2.575 per pack of 20 cigarettes.

A distributor is allowed a .00174757% discount on the purchase of 1,000 or more stamps or meter impressions.

### **Disposition of Revenues**

Revenues are deposited in the State Treasury for general State use (Pursuant to P.L. 1998, C. 264, the first \$150 million are deposited in the Health Care Subsidy Fund).

## 1 Director's Redemption of Certain Stamps

**Citation:** N.J.S.A. 54:40A-19 (P.L. 1948, c. 65, p. 163, §409, Amended by L. 1957, c. 92, p. 179, 1)

**Effective Date:** 6/21/1957

**2014 Estimate:** \$1,200,000

**Applied Date:** 4/16/1956

**Objective:** To allow any distributor or dealer to receive a credit for any unused or mutilated, but identifiable, stamps for the face value of the given stamp.

**Description:** The director shall redeem any unused or mutilated, but identifiable, stamps that any distributor or dealer may present for redemption, and issue a refund of the face value.

**Reliability:** 1 Based on the population of verified tax returns

## 2 Distributor Discounts

**Citation:** N.J.S.A. 54:40A-11 (P.L. 1948, c. 65, p. 159, §401)

**Effective Date:** 10/31/2008

**2014 Estimate:** \$1,400,000

**Objective:** To allow for a tax credit of 1.8%, due to the service and expense of the distributor in affixing and handling revenue stamps, for any sale of 1,000 stamps or more.

**Description:** On sales of revenue stamps the director shall allow, as compensation for the services and expenses of the distributor in affixing and handling of such stamps, a discount of 1.80% of the face amount of any sale of 1,000 stamps or more; provided, that the distributor has complied with all the provisions of this act; and, provided, further, however, that the director shall be empowered to adjust such discount to provide equivalent compensation with respect to the face value of each 1,000 stamps or more. No discount shall be allowed on any sale of less than 1,000 stamps and stamps shall not be sold in blocks of less than 100 stamps.

**Reliability:** 1 Based on the population of verified tax returns

### 3 U.S. Constitution Federal laws

**Citation:** N.J.S.A. 54:40A-8 through N.J.S.A. 54:40A-10, N.J.A.C. 18:5-2.4

**Effective Date:** 12/7/2009

**Objective:** To ensure that the State of New Jersey does not levy a tax upon cigarettes to hospitalized veterans, which is prohibited by the Constitution and Statutes of the United States.

**Description:** No tax imposed by this act shall be levied upon cigarettes or the sale of cigarettes which this State is prohibited from taxing under the Constitution or the statutes of the United States or where an authorized agent of the United States Veterans Administration purchases cigarettes from donations for free distribution to and for consumption by hospitalized veterans housed in State institutions.

### 4 U.S. V.A. for Free Distribution to Hospitalized Veterans.

**Citation:** N.J.S.A. 54:40A-10 (P.L. 1948, c. 65, p. 159, §303, amended P.L. 1955, c. 18)

**Effective Date:** 5/16/1955

**Objective:** To exempt the purchase of cigarettes to be donated and distributed to hospitalized veterans from the tax.

**Description:** Purchases of cigarettes to be donated to hospitalized veterans are exempt from the tax.

**Reliability:** 1 Based on the population of verified tax returns

## Domestic Security Fee Overview

### Description

A statutory assessment designated as the “Domestic Security Fee” is imposed under P.L. 2002, C. 34, on motor vehicle rental companies for each day or part thereof that a motor vehicle is rented under rental agreements of not more than 28 days. This fee applies with respect to rental agreements in New Jersey entered into on or after August 1, 2002.

### Rate

The fee is assessed at the rate of \$5 per day effective July 8, 2006, on all motor vehicle rental companies doing business in this State for each rental day a motor vehicle is rented under agreements of 28 days or less. The fee applies only to the first 28 days of a rental agreement with the same renter. Thus, the maximum rental fee in the aggregate is \$140 even if the actual rental extends beyond 28 days. Prior to July 8, 2006, the rate was \$2 per day.

### Disposition of Revenues

The fee is paid to the Division of Taxation for deposit in the New Jersey Domestic Security Account established in the General Fund.

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## Domestic Security Fee

### 1 Total Deductions

**Citation:** N.J.S.A. App. A:9-78 (P.L. 2002, C. 34)

**Effective Date:** 7/1/2002

**2014 Estimate:** \$1,000,000

**Applied Date:** 8/1/2002

**Objective:** The exemption for certain motor vehicles from the sales and use tax is likewise applied to the domestic security fee on those exempted vehicles.

**Description:** The law does not impose the Domestic Security Fee on motor vehicle rentals that are exempt for Sales and Use tax purposes, such as resale transactions and rentals to tax exempt organizations or government agencies.

**Reliability:** 3 Based on data files of incomplete or unverified information from actual tax returns

## **Hotel/Motel Occupancy Fee and Municipal Occupancy Tax Overview**

### **Description**

P.L. 2003, C. 114, imposes a State Occupancy Fee and authorizes the imposition of a Municipal Occupancy Tax on charges for the rental of a room in a hotel, motel, or similar facility in most New Jersey municipalities.

### **Rate**

The State Occupancy Fee rate is 7% for occupancies from August 1, 2003, through June 30, 2004, and 5% for occupancies on and after July 1, 2004, or at a lower rate in cities in which such occupancies are already subject to tax:

Atlantic City—1%

Newark and Jersey City—1%

The Wildwoods—3.15%

The majority of the municipalities that have enacted a municipal occupancy tax have authorized the tax rate to increase to 3% as of July 1, 2004; however, Cape May City (Cape May County), Glassboro Borough (Gloucester County), Berkeley Township (Ocean County), and Somers Point City (Atlantic County) impose the tax at the rate of 2%.

### **Disposition of Revenues**

The monies collected from the State Occupancy Fee are deposited to the General Fund and are statutorily allocated, in varying percentages, to the New Jersey State Council on the Arts for cultural projects; the New Jersey Historical Commission; the New Jersey Commerce and Economic Growth Commission for tourism advertising and promotion; and the New Jersey Cultural Trust. Any amount over the dedication is allocated to the General Fund. Collections from the Municipal Occupancy Tax are distributed back to the municipality.

**1 Government Exemption**

**Citation:** N.J.S.A. 54:32D-1b (P.L. 2003, c. 114)

**Effective Date:** 7/1/2003

**2014 Estimate:** \$2,350,000

**Applied Date:** 7/1/2003

**Objective:** To allow occupancies that are exempt for Sales and Use Tax purposes, including occupancies for government use, a credit from the Hotel/Motel

**Description:** The law provides that the Hotel/Motel Occupancy Fee will not apply on occupancies that are exempt for Sales and Use Tax purposes, including occupancies for government use.

**Reliability:** 1 Based on the population of verified tax returns

**2 Permanent Resident Exemption**

**Citation:** N.J.S.A. 54:32D-1b. (P.L. 2003, c. 114)

**Effective Date:** 7/1/2003

**2014 Estimate:** \$3,460,000

**Objective:** To allow occupancies that are exempt for Sales and Use Tax purposes or motel occupancy where the purchaser resides at the lodging facility for at least 90 day, a deduction/exemption from the Hotel/Motel occupancy fee.

**Description:** The law provides that the Hotel/Motel Occupancy Fee will not apply on occupancies that are exempt under the Sales and Use Tax Act such as a hotel or motel occupancy where the purchaser resides at the lodging facility for at least 90 days.

**Reliability:** 1 Based on the population of verified tax returns



## Hotel/Motel Occupancy Fee

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### 3 Rooms for Assembly

**Citation:** N.J.S.A. 54:32D-1 (P.L. 2003, c. 114)

**Effective Date:** 7/1/2003

**2014 Estimate:** \$541,000

**Objective:** To allow occupancies that are exempt for Sales and Use Tax purposes or using rooms for the purpose of assembly a exclusion from the Hotel/Motel Occupancy fee.

**Description:** The law provides that the Hotel/Motel Occupancy Fee is imposed on rooms used for occupancy. The fee is not imposed on rooms used for the purpose of assembly, such as conference, meeting or banquet rooms.

**Data Source** GENTS

**Reliability:** 1 Based on the population of verified tax returns

## **Local Property Tax Supported by State Government Overview**

Senior citizen, disabled and blind persons local property tax deduction. N.J.S.A. 54:4-8.40 et seq.

This is a \$250 deduction from local property taxes for qualified senior citizens, disabled and blind persons, and surviving spouses/civil union partners.

The deduction is granted where:

(1) The senior citizen is 65 years or more and the annual income of the senior citizen and any spouse/civil union partner is not in excess of \$10,000.

(2) The disabled person is under 65 years and permanently and totally disabled and the annual income of that person and any spouse/civil union partner is not in excess of \$10,000.

(3) The blind person is under 65 years and permanently and totally disabled and the annual income of that person and any spouse/civil union partner is not in excess of \$10,000.

(4) The surviving spouse/surviving civil union partner has not remarried/entered into a new civil union partnership and was age 55 or more as of December 31 of the year prior to the tax year and at time of his/her spouse's/civil union partner's death.

**\$250 PROPERTY TAX DEDUCTION FOR VETERANS OR SURVIVING SPOUSES** N.J.S.A. 54:4-8.10, et seq.

\$250 may be deducted each year from taxes due on the real or personal property of qualified war veterans or their unmarried surviving spouses. In 1999, a constitutional amendment increased the deduction from \$50 to \$100 for 2000; \$150 for 2001; \$200 for 2002 and \$250 per year thereafter.

To qualify, the applicant must be an honorably discharged US Armed Forces war veteran or the unmarried surviving spouse of such a war veteran or the unmarried surviving spouse of a serviceperson who served in time of war and died while on active duty. The successful applicant must be a property owner and a legal resident of New Jersey and, where applicable, prove that the deceased veteran or serviceperson was a legal resident of New Jersey.

Claim Form V.S.S must be filed with the applicant's municipal tax assessor or collector.

## Local Property Tax support by State Government

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### 1 Senior Citizen Real Estate Tax Deduction

**Citation:** N.J.S.A. 54:4-8.40 et seq. (P.L. 1989, c.252)

**Effective Date:** 1/3/1990

**2014 Estimate:** \$14,500,000

**Applied Date:** 1/1/1991

**Objective:** To establish an annual deduction of \$250 for real property taxes in the event a given dwelling is owned by a qualified senior citizen.

**Description:** An annual \$250 deduction from real property taxes is provided for the dwelling of a qualified senior citizen, disabled person or their surviving spouse.

**Reliability:** 1 Based on the population of verified tax returns

### 2 Veteran's Deduction

**Citation:** N.J.S.A. 54:4-8.11 (P.L.2000, c,9, s.1)

**Effective Date:** 3/30/2000

**2014 Estimate:** \$60,804,000

**Objective:** To implement the State constitutional amendment, approved by the voters of the State on November 2, 1999, which provides for a veteran's property tax deduction and to increase that annual property tax deduction for certain veterans and surviving spouses of those veterans from \$50 to \$250.

**Description:** The law provides a \$250 real estate tax deduction for residents who served or currently serve Armed Forces of the United States during a time of war and who were honorably discharged. Surviving spouses are also eligible for this deduction.

**Reliability:** 1 Based on the population of verified tax returns

## **Motor Fuels Tax Overview**

### **Description**

A tax on motor fuels is applied to gasoline, diesel fuel and liquefied petroleum gas used in motor vehicles on public highways.

### **Rate**

The general motor fuels tax rate is \$0.105 per gallon of gasoline. A tax of \$0.0525 per gallon is imposed on petroleum gas and liquefied petroleum gas sold or used to propel motor vehicles on public highways.

The diesel fuel tax rate is \$0.135 per gallon, of which \$0.03 per gallon is refundable for fuel used in passenger automobiles and motor vehicles of less than 5,000 pounds gross weight (C. 73, P.L. 1984, effective September 1, 1985).

Tax exempt sales include sales to the United States or any agency or instrumentality thereof and to the State of New Jersey and its political subdivisions, departments and agencies. Sales of dyed fuel and sales for export are also exempt.

### **New Motor Fuels Law**

Chapter 22, P.L. 2010, the Motor Fuels Tax Act, effective July 1, 2010, as amended, and operative beginning January 1, 2011, repeals prior Motor Fuels legislation in order to make sweeping changes in the licensing, reporting, and the imposition and collection of the Motor Fuels Taxes.

For purposes of comparison of tax expenditures, there are no taxes paid, nor exemptions to be claimed by any seller of motor fuels other than suppliers, distributors and certain retail dealers. Distributors, jobbers, importers and seller-users of special fuels previously collected the tax and were able to take exemptions through December 31, 2010.

### **Disposition of Revenues**

Certain revenues are credited to a special account in the General Fund and are dedicated from the gasoline tax, the petroleum products tax, and the Sales and Use Tax to the Transportation Trust Fund for maintenance of the State's transportation system (New Jersey Constitution, Article 8, Section 2, paragraph 4).

## 2 Certain Exported Fuels

**Citation:** N.J.S.A. 54:39-112 (L. 2010, c. 22, § 12, eff. June 29, 2010, operative Jan. 1, 2011 operative date amended 2010, c. 79, § 29; amended 2010, c. 79, § 11, eff. Oct. 1, 2010).  
)

**Effective Date:** 6/29/2010

**2014 Estimate:** \$4,000

**Applied Date:** 10/1/2010

**Objective:** To stipulate that fuels exported outside of the State are, in general, exempt from the tax imposed with certain limitations applying.

**Description:** Fuels exported outside New Jersey are generally exempt from imposition of the tax, with certain limitations.

**Reliability:** 1 Based on the population of verified tax returns

## 5 Fuel Used by Ambulances

**Citation:** N.J.S.A. 54:39-112a.(5) (Previously N.J.S.A. 54:39-66(f))

**Effective Date:** 10/1/2010

**2014 Estimate:** \$205,000

**Objective:** To allow the fuel used by an ambulance to be exempt from the current Motor Fuels tax, or receive a refund of taxes imposed.

**Description:** Fuel used by ambulances is exempt from the tax imposed by the "Motor Fuel Tax Act," P.L.2010, c.22 ([C.54:39-101](#) et seq.), and a refund of the tax imposed by subsection a. of section 3 of P.L.2010, c.22 ([C.54:39-103](#)) may be claimed by the consumer providing proof the tax has been paid and no refund has been previously issued.

**Reliability:** 1 Based on the population of verified tax returns

**Effectiveness:** Current law allows for the deduction or exclusion of certain vehicles, including ambulances, from the motor fuels tax in order to reduce an entities expenses. All eligible to benefit take advantage of either this deduction or exemption.

## 6 Fuel Used by Certain Agricultural Tractors and Farm Machinery

**Citation:** N.J.S.A. 54:39-112a.(2) (Previously N.J.S.A. 54:39-66(c) P.L. 1935, c. 319, § 1202, p. 1035)

**Effective Date:** 10/1/2010

**2014 Estimate:** \$40,000

**Objective:** Motor fuel used by certain vehicles for defined purposes are exempt from the tax imposed by the Motor Fuel Tax Act of 2010.

**Description:** Fuel used by agricultural tractors not operated on a public highway is exempt from the tax imposed by the "Motor Fuel Tax Act," P.L.2010, c.22 ([C.54:39-101](#) et seq.), and a refund of the tax imposed by subsection a. of section 3 of P.L.2010, c.22 ([C.54:39-103](#)) may be claimed by the consumer providing proof the tax has been paid and no refund has been previously issued.

**Reliability:** 1 Based on the population of verified tax returns

## 7 Fuel Used by Certain Autobuses

**Citation:** N.J.S.A. 54:39-112a.(1) (Previously N.J.S.A. 54:39-66(b) P.L. 1935, c. 319, § 1202, p. 1035)

**Effective Date:** 10/1/2010

**2014 Estimate:** \$1,900,000

**Objective:** Motor fuel used by certain vehicles for defined purposes are exempt from the tax imposed by the Motor Fuel Tax Act of 2010.

**Description:** Fuel used by 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 is exempt from the tax imposed by the "Motor Fuel Tax Act," P.L.2010, c.22 ([C.54:39-101](#) et seq.), and a refund of the tax imposed by subsection a. of section 3 of P.L.2010, c.22 ([C.54:39-103](#)) may be claimed by the consumer providing proof the tax has been paid and no refund has been previously issued.

**Reliability:** 1 Based on the population of verified tax returns

**9 Fuel Used by Non-Highway Equipment**

**Citation:** N.J.S.A. 54:39-112a.(1) (Previously N.J.S.A. 54:39-66(o))

**Effective Date:** 10/1/2010

**2014 Estimate:** \$1,300,000

**Objective:** Motor fuel used by certain vehicles for defined purposes are exempt from the tax imposed by the Motor Fuel Tax Act of 2010.

**Description:** Fuel used by stationary machinery and vehicles or implements not designed for the use of transporting persons or property on the public highways is exempt from the tax imposed by the "Motor Fuel Tax Act," P.L.2010, c.22 ([C.54:39-101](#) et seq.), and a refund of the tax imposed by subsection a. of section 3 of P.L.2010, c.22 ([C.54:39-103](#)) may be claimed by the consumer providing proof the tax has been paid and no refund has been previously issued.

**Reliability:** 1 Based on the population of verified tax returns

**18 Total Exempt Government Sales**

**Citation:** N.J.S.A. 54:39-112(c)3 (P.L. 2010, c.79)

**Effective Date:** 10/1/2010

**2014 Estimate:** \$3,500,000

**Objective:** To stipulate that sales made to government entities are exempt under the current Motor Fuels Tax Act and were exempt under the previous statute.

**Description:** Sales made to government entities are exempt under the current motor fuels law and were exempt under the previous statute.

**Reliability:** 1 Based on the population of verified tax returns

24 **Off Road Use of On Road Vehicles**

**Citation:** N.J.S.A. 54:39-112a.(8) (Previously N.J.S.A. 54:39-66(i))

**Effective Date:** 10/1/2010

**2014 Estimate:** \$35,000

**Objective:** Motor fuel used by certain vehicles for defined purposes are exempt from the tax imposed by the Motor Fuel Tax Act of 2010.

**Description:** Fuel used by highway motor vehicles that are operated exclusively on private property is exempt from the tax imposed by the "Motor Fuel Tax Act," P.L.2010, c.22 ([C.54:39-101](#) et seq.), and a refund of the tax imposed by subsection a. of section 3 of P.L.2010, c.22 ([C.54:39-103](#)) may be claimed by the consumer providing proof the tax has been paid and no refund has been previously issued.

**Reliability:** 1 Based on the population of verified tax returns

133 **Fuel Used by Aircraft**

**Citation:** N.J.S.A. 54:39-112a.(4) (Previously N.J.S.A. 54:39-66(e)) also N.J.S.A. 54:39-27(a); P.L. 1983, c. 264, § 7)

**Effective Date:** 10/1/2010

**2014 Estimate:** \$130,000

**Objective:** To exempt fuel used by aircrafts from the tax imposed by the Motor Fuels Tax Act.

**Description:** Fuel used by aircraft is exempt from the tax imposed by the "Motor Fuel Tax Act," P.L.2010, c.22 ([C.54:39-101](#) et seq.), and a refund of the tax imposed by subsection a. of section 3 of P.L.2010, c.22 ([C.54:39-103](#)) may be claimed by the consumer providing proof the tax has been paid and no refund has been previously issued.

**Reliability:** 1 Based on the population of verified tax returns



## Motor Vehicle Tire Fee Overview

### Description

P.L. 2004, C. 46, imposes a fee on the sale of new motor vehicle tires, including new tires sold as a component part of a motor vehicle, either sold or leased, that are subject to New Jersey sales tax. The tire fee is imposed per tire, including the spare tire sold as part of a motor vehicle. The tire fee also applies to sales of new tires in connection with a repair or maintenance service.

### Rate

The motor vehicle tire fee is \$1.50 per tire.

### Disposition of Revenues

The revenue collected from the Motor Vehicle Tire Fee is deposited in the Tire Management and Cleanup Fund established in the Department of Environmental Protection. Any additional revenue collected is available for appropriation to the Department of Transportation to support snow removal operations.

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## Motor Vehicle Tire Fee

### 1 Exempt Tires Sales Times \$1.50 Tire Fee

**Citation:** N.J.S.A. 54:32F-1 et seq. (P.L. 2004, c.46)

**Effective Date:** 6/29/2004

**2014 Estimate:** \$3,950,000

**Applied Date:** 8/1/2004

**Objective:** To offset the cost of proper scrap tire pile management.

**Description:** The law exempts the Motor Vehicle Tire Fee on transactions where sales tax would be exempt. Examples could include new tire sales for resale, tires sold to exempt organization or government agency and vehicles purchased by non-residents where the vehicle will be registered in their state of residency.

**Reliability:** 1 Based on the population of verified tax returns

## Nursing Home Provider Assessment Overview

### Description

The New Jersey "Nursing Home Quality of Care Improvement Fund Act" was signed into law on July 1, 2003 as P.L. 2003 c.105 and was subsequently amended on June 29, 2004, as P.L. 2004, c.41. The Acts establish an assessment on nursing homes, in accordance with federal regulations set forth at 42 C.F.R. 433.68, in order to provide additional funds for improving the quality of care by increasing Medicaid reimbursement for services delivered to those senior citizens and other persons residing in New Jersey nursing homes.

The Department of Health and Senior Services is responsible for the oversight, coordination and disbursement of fund monies. The New Jersey Division of Taxation is charged with the responsibility for collecting the quarterly assessments. The fund will receive revenues from quarterly assessments from nursing homes based upon payment of an assessment in accordance with 42 C.F.R. 433.68. This assessment shall be paid to the Division of Taxation, Department of the Treasury.

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### Nursing Home Assessment

#### 1 Exempt Days Times Rate

**Citation:** N.J.S.A. 26:2H-92 et seq. (P.L. 2003, c. 105, P.L. 2004, c. 41)

**Effective Date:** 6/29/2004

**2014 Estimate:** \$35,500,000

**Applied Date:** 7/1/2004

**Objective:** To ensure compliance with applicable federal requirements that will enable the State to receive its maximum share of federal Medicaid matching funds.

**Description:** The New Jersey Nursing Home Quality Care Act established a quarterly assessment on nursing homes in order to provide additional funds for improving the quality of care by increasing Medicaid reimbursement for services delivered to those senior citizens and other persons residing in New Jersey nursing homes.

The current rate is \$11.92 per non-Medicare day to applicable nursing homes. The annual assessment rate is calculated by the Department of Health and Senior Services, and may be up to a maximum of 6% of the aggregate amount of annual revenues received by applicable nursing homes.

**Reliability:** 1 Based on the population of verified tax returns

## **Petroleum Products Gross Receipts Tax Overview**

### **Description**

The Petroleum Products Gross Receipts Tax is imposed on all companies engaged in refining and/or distributing petroleum products for distribution in this State. It applies to the first sale, not for export, of petroleum products within New Jersey.

Home heating oil (including #2, #4, and #6 heating oils) and propane gas and kerosene used for residential heating are exempt from tax. Also exempt from tax are receipts from sales of petroleum products used by marine vessels engaged in interstate or foreign commerce; receipts from sales of aviation fuels used by airplanes in interstate or foreign commerce other than burnout portion; receipts from sales of asphalt and polymer grade propylene used in the manufacture of polypropylene; receipts from sales to nonprofit entities qualifying for exemption under the Sales and Use Tax Act; and receipts from sales to the United States or the State of New Jersey.

Effective January 1, 2001, P.L. 2000, C. 156, phased out, over a three-year period, the Petroleum Products Gross Receipts Tax for fuel used by any utility, co-generation facility, or wholesale generation facility to generate electricity sold at wholesale or through certain retail channels.

### **Rate**

The petroleum products tax is imposed at the rate of 2¾% on gross receipts from the first sale of petroleum products in New Jersey. In the case of fuel oils, aviation fuels, and motor fuels, this rate is converted to \$0.04 per gallon pursuant to C. 48, P.L. 2000, adopted on June 30, 2000. Eligible taxpayers may claim the Neighborhood Revitalization State Tax Credit against the petroleum products gross receipts tax pursuant to P.L. 2001, C. 415.

### **Disposition of Revenues**

Certain revenues are credited to a special account in the General Fund and dedicated to the Transportation Trust Fund under the New Jersey Constitution, Article 8, Section 2, paragraph 4.

## Petroleum Products Gross Receipts Tax

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### 2 Withdrawn for Use Outside New Jersey

**Citation:** N.J.S.A. 54:15B-3 (P.L. 1990, c. 42, § 3)

**Effective Date:** 6/30/2000

**2014 Estimate:** \$2,100,000

**Objective:** To set the petroleum products gross receipts tax rate on fuel oils, aviation fuels and motor fuels subject to tax under R.S.54:39-1 et seq. at the current rate of 4 cents per gallon which is the minimum statutory rate allowed.

**Description:** Petroleum Gross Receipts Tax is only levied upon petroleum products for use or consumption within this State. Any such products withdrawn to be used outside New Jersey are exempt.

**Reliability:** 1 Based on the population of verified tax returns

## Realty Transfer Fee Overview

### Description

The Realty Transfer Fee is imposed upon the recording of deeds evidencing transfers of title to real property in the State of New Jersey. The Realty Transfer Fee is calculated based on the amount of consideration recited in the deed.

The Realty Transfer Fee does not apply to a deed: for a consideration of less than \$100; by or to the United States of America, this State, or any instrumentality, agency, or subdivision thereof; solely in order to provide or release security for a debt or obligation; which confirms or corrects a deed previously recorded; on a sale for delinquent taxes or assessments; on partition; by a receiver, trustee in bankruptcy or liquidation, or assignee for the benefit of creditors; eligible to be recorded as an "ancient deed" pursuant to R.S. 46:16-7; acknowledged or proved on or before July 3, 1968; between husband and wife, or parent and child; conveying a cemetery lot or plot; in specific performance of a final judgment; releasing a right of reversion; previously recorded in another county and full Realty Transfer Fee paid or accounted for, as evidenced by written instrument, attested by the grantee, and acknowledged by the county recording officer; by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State; recorded within 90 days following the entry of a divorce decree which dissolves the marriage between grantor and grantee; issued by a cooperative corporation, as part of a conversion of all of the assets of the cooperative corporation into a condominium, to a shareholder upon the surrender by the shareholder of all of the shareholder's stock in the cooperative corporation and the proprietary lease entitling the shareholder to exclusive occupancy of a portion of the property owned by the corporation.

Chapter 103, P.L. 2007, the Civil Union Act, became effective on February 19, 2007. This law grants civil union couples the same benefits, protections, and responsibilities under law as are granted to spouses in marriage. The law required amendatory language pertaining to partial and total exemptions from the Realty Transfer Fee to be included on the Affidavit forms (RTF-1 and RTF-1EE) and other Property Administration forms.

### Rate

In accordance with Chapter 66, Laws of 2004, as amended by Chapter 19, Laws of 2005, the level or rate of the Realty Transfer Fee is as follows:

### Standard Transactions and New Construction

#### *Total Consideration not Over \$350,000*

Consideration Over	but not over	Rate/\$500
\$0	\$150,000	\$2.00
150,000	200,000	3.35
200,000	350,000	3.90

### ***Total Consideration Over \$350,000***

Consideration Over	but not over	Rate/\$500
\$0	\$150,000	\$2.90
150,000	200,000	4.25
200,000	550,000	4.80
550,000	850,000	5.30
850,000	1,000,000	5.80
1,000,000	*	6.05

### **Senior Citizens or Blind or Disabled Persons; Low and Moderate Income Housing**

#### ***Total Consideration not Over \$350,000***

Consideration Over	but not over	Rate/\$500
\$0	\$150,000	\$0.50
150,000	350,000	1.25

#### ***Total Consideration Over \$350,000***

Consideration Over	but not over	Rate/\$500
\$0	\$150,000	\$1.40
150,000	550,000	2.15
550,000	850,000	2.65
850,000	1,000,000	3.15
1,000,000	*	3.40

### **Additional Fee Where Consideration Is Over \$1 million**

Effective February 1, 2005, a 1% fee is imposed upon grantees (buyers) on property transfers for consideration in excess of \$1 million for property class 2 "residential"; class 3A "farm property (regular)" if effectively transferred with other property to the same grantee; and cooperative units, which are class 4C. The 1% fee is imposed on the entire amount of such consideration recited in the deed. The 1% fee is not imposed upon organizations determined by the Federal Internal Revenue Service to be exempt from Federal income taxation that are the buyers in deeds for a consideration in excess of \$1 million.

Chapter 33, P.L. 2006, effective on August 1, 2006, provides that:

- A fee of 1% is imposed on Class 4A "commercial properties" for an entire consideration in excess of \$1 million as well as the classes already incurring the 1% fee.

- The 1% fee does not apply if real property transfer is incidental to a corporate merger or acquisition and the equalized assessed value of the real property transferred is less than 20% of the total value of all assets exchanged in the merger or acquisition.
- Buyers (grantees) in deeds involving Class 4A sales recorded on or before November 15, 2006, that were transferred pursuant to a contract fully executed before July 1, 2006, who remit the 1% fee shall have it refunded by filing a Claim for Refund with the Division within one year following the recording date of the deed.
- Affidavit of Consideration for Use by Seller (Form RTF-1) is required for all Class 4 property deed recordings.
- A fee of 1% is imposed on nondeed transfers of a controlling interest in an entity which possesses, directly or indirectly, a controlling interest in classified real property, payable to the Director, by the purchaser of the controlling interest.

## **Disposition of Revenues**

The Realty Transfer Fees per \$500 of consideration will be allocated according to the type of transaction as follows: Priority Fund and the State Extraordinary Aid Account. In Fiscal Year 2007, the Extraordinary Aid Account received \$105,903,326.

**1 Exempt Sales Exceeding \$1 million Where the Grantee Pays**

**Citation:** N.J.S.A. 46:15-7.4 (P.L. 2006, c.33)

**Effective Date:** 7/8/2006

**2014 Estimate:** \$27,600,000

**Applied Date:** 8/1/2006

**Objective:** In an effort to provide adequate funding for State services during what was then an austere fiscal period, the Realty Transfer Fee was increased on certain high-value income-producing properties (not including residential property, farm property, industrial properties, and apartments) where the grantee (purchaser) was required to pay the additional fee.

**Description:** The 1% fee shall not apply to a deed if a real property transfer is incidental to a corporate merger or acquisition and the equalized assessed value of the real property transferred is less than 20% of the total value of all assets exchanged in the merger or acquisition. A grantee claiming an exemption from the 1% fee in such instances, when the deed is offered for recording, is now required to file a merger document in addition to an Affidavit of Consideration for Use by Buyer.

**Reliability:** 3 Based on data files of incomplete or unverified information from actual tax returns

**2 Partial Realty Transfer Fee Exemption (sales prices known)**

**Citation:** N.J.S.A. 46:15-10.1 (P.L.2004, c.66, s.6)

**Effective Date:** 6/30/2004

**2014 Estimate:** \$14,700,000

**Objective:** To generate revenue through the "general purpose fee" to be used for general State purposes. The bill also makes a number of editorial revisions in the text of the realty transfer fee statute for purposes of clarifying its provisions.

**Description:** Under the partial Realty Transfer Fee exemption, the state portion of the fee is not charged on sale of a one- or two-family residential premises owned and occupied by a senior citizen, blind person or disabled seller or the sale of low and moderate income housing. Transfers of title to real property upon which there is new construction shall be 80% exempt from payment based on the first \$150,000 of consideration.

**Reliability:** 3 Based on data files of incomplete or unverified information from actual tax returns



**3 Total Realty Transfer Fee Exemption for Sales Price Less than \$100 (Sales Price Known)**

**Citation:** N.J.S.A. 46:15-10(a) (P.L. 1968, c. 49, § 6; amended 1974, c. 184, § 4; 1979, c. 293; 1985, c. 17; 1999, c. 357, § 1)

**Effective Date:** 1/14/2000

**2014 Estimate:** \$214,000,000

**Objective:** To exempt the realty transfer fee to a deed imposed if the consideration is less than \$100.

**Description:** The law does not impose a realty transfer fee to a deed where the consideration, as defined in section 1(c) of the law, is less than \$100.00.

**Reliability:** 3 Based on data files of incomplete or unverified information from actual tax returns

**4 Total Realty Transfer Fee Exemption Where Such Sales Price Would Have Exceeded \$100 (Sales Price Known)**

**Citation:** N.J.S.A.46:15-10 (P.L. 1968, c. 49, § 6; amended 1974, c. 184, § 4; 1979, c. 293; 1985, c. 17; 1999, c. 357)

**Effective Date:** 1/14/2000

**2014 Estimate:** \$11,500,000

**Objective:** To clarify that the conversion of real property from a cooperative form of ownership to a condominium form of ownership is not subject to the realty transfer fee, which applies to sales and transfers of interests in real property, by specifying an exemption for such conversions in the statute.

**Description:** Statutory exemptions to the Realty Transfer Fee include: sales by or to the United States of America, this State, or any instrumentality, agency, or subdivision thereof; sales made solely in order to provide or release security for a debt or obligation; a transaction which confirms or corrects a deed previously recorded; on a sale for delinquent taxes or assessments; on partition; by a receiver, trustee in bankruptcy or liquidation, or assignee for the benefit of creditors; deeds eligible to be recorded as an "ancient deed" pursuant to R.S. 46:16-7; sales acknowledged or proved on or before July 3, 1968; sales between husband and wife, or parent and child; sales conveying a cemetery lot or plot; in specific performance of a final judgment; releasing a right of reversion; previously recorded in another county and full Realty Transfer Fee paid; sales by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State; sales recorded within 90 days following the entry of a divorce decree which dissolves the marriage between grantor and grantee; q) issued by a cooperative corporation, as part of a conversion of all of the assets of the cooperative corporation into a condominium, to a shareholder upon the surrender by the shareholder of all of the shareholder's stock in the cooperative corporation and the proprietary lease entitling the shareholder to exclusive occupancy of a portion of the property owned by the corporation.

**Reliability:** 3 Based on data files of incomplete or unverified information from actual tax returns

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## Transfer Inheritance and Estate Taxes

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### 1 Increasing Class A Beneficiary to Highest Rate – Filed Returns

**Citation:** N.J.S.A. 54:34-1 et seq. (Amended 1951, c. 250; 1953, c. 51, § 139; 1979, c. 413; 1991, c. 91, § 510; 2003, c. 246, § 36, eff. July 10, 2004).

**Effective Date:** 1/12/2004

**2014 Estimate:** \$600,000,000

**Applied Date:** 7/10/2004

**Objective:** To define the terms "estate", "property", and "transfer" for use throughout the subsequent chapters.

**Description:** Transfers to a spouse or domestic partner are totally exempt where the decedent dies on or after January 1, 1985. Domestic partners dying on or after July 10, 2004 and civil union partners dying after February 19, 2007 also afforded the same treatment.

**Reliability:** 2 Based on a sample of verified tax returns

### 2 Increasing Class C Beneficiary Taxes to Highest Rate

**Citation:** N.J.S.A. 54:34-3a.(2)

**Effective Date:** 7/1/2002

**2014 Estimate:** \$44,000,000

**Objective:** To recognize domestic partnerships and provide certain rights and benefits for those participating in them. To grant both Class C beneficiaries and domestic partners a 25,000 tax exemption.

**Description:** For decedent who die on or after July 1, 1988 certain transfers of \$25,000 or less are exempt, for civil union partners the same rules apply for those dying after February 19, 2007.

**Reliability:** 2 Based on a sample of verified tax returns

## Appendix I

The following statutory provisions, segregated by tax, have been deemed tax expenditures. This agency cannot make estimates of their value at this time.

### Gross Income Tax

#### *Credit*

19 Employer 401(k) Contributions N.J.S.A. 54A:6-21 (P.L. 1983, c. 571)

#### *Deduction/Exemption*

12 Deductions for Medical Savings Account Contributions N.J.S.A. 54A:3-4 (P.L. 1997, c.414)

25 Gambling Losses N.J.S.A. 54A:5-1(g) (P.L. 1976, c.47; amended 1977, c.40, 1977, c.273, 1981, c.423, 1983, c.571, 1987, c.76, 1987, c.310, 1990, c.79, 1993, c.173, 1997, c.414, 1998, c.57)

#### *Exclusion*

3 Cafeteria Plan, Qualified Option N.J.S.A. 54A:6-24 (P.L. 1995, c.111)

5 Cash or Assistance from a Charitable Organization N.J.S.A. 54A:6-5, N.J.S.A. 54A:6-22

6 Certain Exclusions from Military Pay N.J.S.A. 54A:6-7 (P.L. 1976, c. 47)

7 Charitable Trust or Pension/Profit Sharing Plan Trust N.J.S.A. 54A:2-1 (P.L. 1976, c.47)

8 Child Support N.J.S.A. 54A:5-1(n) (P.L. 1976, c. 47)

9 Commuter Transportation Benefits N.J.S.A.54A:6-23 (P.L. 1993, c.108; amended 1996, c.121; 2001, c.162)

11 Damages for Personal Injury or Illness N.J.S.A. 54A:6-6 (P.L. 1976, c. 47)

16 Education IRA or State Tuition Plan Earnings N.J.S.A. 54A:6-25 (P.L. 1997, c. 237; amended P.L. 1999, c.46, c.116, P.L. 2001, c.262)

17 Employee 401(k) Contributions N.J.S.A. 54A:6-21 (P.L. 1983, c. 571)

18 Employee's Death Benefits N.J.S.A. 54A:6-4 (P.L. 1976, c. 47)

20 Employer Contributions to Retirement Plans P.L. 1976, c.47

23 Family Leave Benefits

26 Gifts and Inheritances N.J.S.A. 54A:6-5 (P.L. 1976, c. 47)

29 Holocaust Reparations and Restitution N.J.S.A. 54A:6-29 (P.L. 1998, c.113)

30 Homeless Persons' Assistance Programs N.J.S.A. 54A:6-22 (P.L. 1988, c.29; amended P.L. 2008, c.127)

31	Life Insurance Payments	N.J.S.A. 54A:6-4 (P.L. 1976, c. 47)
32	Loan Redemption	N.J.S.A. 54A:6-25.1 (P.L. 2005, c.157)
35	Medical Savings Account Contributions	N.J.S.A. 54A:6-27 (P.L. 1997, c.414)
36	Military Pension and Survivor's Benefit Payments	N.J.S.A. 54A:6-26 (P.L. 1997, c.409; amended 2001, c.84)
40	Permanent Disability Exclusion	N.J.S.A. 54A:6-10 (P.L. 1976, c. 47)
45	Railroad Retirement Exclusion	N.J.S.A. 54A:6-3 (P.L. 1976, c. 47)
46	Roth IRA Distributions	N.J.S.A. 54A:6-28 (P.L. 1998, c.57)
47	Scholarships and Fellowship Grants	N.J.S.A. 54A:6-8 (P. L. 1976, c. 47)
51	Temporary Disability Exclusion	N.J.S.A. 54A:6-6 (P.L. 1976, c. 47)
53	Victims of September 11, 2001 Terrorist Attacks	(N.J.S.A. 54A:6-30) P.L. 2003, c.9
54	Welfare Assistance Payments	N.J.S.A. 54A:6-13
55	Worker's Compensation Exclusion	N.J.S.A. 54A:6-6 (P.L. 1976, c. 47)

## Sales and Use Tax

### *Exclusion*

1	Admission to Athletic Games: Elementary or Secondary Schools	N.J.S.A. 54:32B-9(f)(2)(A) (P.L.1997, c.162, s.27)
2	Admissions Charges from an Exempt Organization	N.J.S.A. 54:32B-9(f) (P.L. 1997, c.162)
9	Capital Improvements to Real Property	N.J.S.A. 54:32B-3(b)(4) (P.L. 1966, c.30)
13	Certain Casino Parking Charges Authority and a Casino Operator	N.J.S.A. 54:32B-3(i)
16	Certain Direct Mail Advertising and Processing Services	N.J.S.A. 54:32B-3(b)(5) (L. 2008, c.123)
22	Certain Garbage Removal and Sewer Services	N.J.S.A. 54:32B-3(b)(4) (L. 1967, c. 25)
24	Certain Partnership Distributions	N.J.S.A. 54:32B-(2)(e)(4)(D)
42	Distribution of Certain Corporate Property	N.J.S.A. 54:32B-(2)(e)(4)(c)
46	Employer Provided Parking	N.J.S.A. 54:32B-3(i) (L. 2007, c.105)
60	Food and Drink for Airline Passengers	N.J.S.A. 54:32B-3
63	Food Sold by a Manufacturer	N.J.S.A. 54:32B-3(c)(3)(ii)(A)
64	Food Sold in an Unheated State	N.J.S.A. 54:32B-3(c)(3)(ii)(B)
65	Food that is Cut, Repacked or Pasteurized by the Seller	N.J.S.A. 54:32B-3(c)(3)(i)(B)
66	Garment Services	N.J.S.A. 54:32B-3(b)(2)(iii)
70	Hotel Occupancy by a Permanent Resident	N.J.S.A. 54:32B-2(m)
73	Inconsequential Tangible Personal Property	N.J.S.A. 54:32B-(2)(e)(4)(A)

74	Initiation Fees and Membership Dues: Exempt Entity Operated	N.J.S.A. 54:32B-3(h)(2)
75	Initiation Fees and Membership Dues: Youth Membership	N.J.S.A.54:32B-3(h)(1)
76	Interest, Financing, and Carrying Charges	N.J.S.A. 54:32B-2(oo)(2)(B)
78	Laundry and Dry Cleaning Services for Clothing	N.J.S.A. 54:32B-3(b)(2)(iii)
79	Limousine Services - Funerals	N.J.S.A.54:32B-3(b)(13)
85	Milk Sales by Coin-Operated Vending Machine	N.J.S.A. 54:32B-3(c)(2)
90	Non-Reimbursed Discounts	N.J.S.A. 54:32B-2(oo)(2)(A)
91	Other Taxes Imposed on the Consumer	N.J.S.A. 54:32B-2(oo)(2)(c)
94	Parking Charges Subject to Other Taxes	N.J.S.A. 54:32B-3(i)
95	Parking Charges Subject to the Atlantic City Parking Fee	N.J.S.A. 54:32B-3(i)
97	Prepared Food Delivered to Homebound	N.J.S.A. 54:32B-3(c)(1)
100	Private Services to a Homeowner	N.J.S.A. 54:32B-3(b)(2)(i)
102	Property Contributed Towards Partnership Interest	N.J.S.A. 54:32B-(2)(e)(4)(F)
109	Radio and Television Programming Services	N.J.S.A. 54:32B-2(cc)(13)
113	Residential Parking	N.J.S.A. 54:32B-3(i)
118	Sales of Property held for Security	N.J.S.A. 54:32B-(2)(e)(4)(G)
120	Services Performed as an Employee	N.J.S.A. 54:32B-3
121	Services Rendered by Certain Individuals	N.J.S.A. 54:32B-3(b)(2)(v)
122	Services to Exempt Medical Equipment	N.J.S.A. 54:32B-3(b)(2)
123	Services to Residential Home Heating Systems	N.J.S.A. 54:32B-3(b)(4)
125	Shoe Repairs	N.J.S.A. 54:32B-3(b)(2)(iv)
127	Storage of Property Held for Sale	N.J.S.A. 54:32B-3
131	Transfer of Property for Corporate Stock	N.J.S.A. 54:32B-(2)(e)(4)(E)
132	Transfer of Property to a Corporation	N.J.S.A. 54:32B-(2)(e)(4)(B)

**Exemption**

4	American and New Jersey State Flags	N.J.S.A. 54:32B-8.26 (P.L. 1980, c.105)
6	Barges	N.J.S.A. 54:32B-8.12 (P.L. 1988, c.53)
7	Building Materials and Supplies Purchased for an Exempt Organization	N.J.S.A.54:32B-8.22 (P.L. 1980, c. 105, amended 1983, c. 303, § 31; P.L. 1988, c. 83, § 1; P.L. 1988, c. 93, § 5; P.L. 2006, c. 34, § 2)

10	Cargo Containers	N.J.S.A. 54:32B-8.12 (P.L. 1980, c. 105, § 24; amended P.L. 1981, c. 218, § 1; P.L. 1988, c. 53; P.L. 1999, c. 273)
11	Casual Sales	N.J.S.A. 54:32B-8.6 (P.L. 1980, c. 105, § 18; amended P.L. 1983, c. 400, § 7; P.L. 1989, c. 123, § 4; P.L. 2005, c. 126, § 10.)
14	Certain Chemicals and Catalysts	N.J.S.A. 54:32B-8.20 (L. 1980, c. 105, 32, eff. Sept. 11, 1980)
15	Certain Commercial Trucks and Truck Repairs	N.J.S.A. 54:32B-8.43 (L. 1990, c. 115, § 3)
18	Certain Equipment for Use at a Marine Terminal Facility	N.J.S.A. 54:32B-8.12 (L. 1980, c. 105, § 24; amended 1981, c. 218, § 1; 1988, c. 53; 1999, c. 273, eff. Nov. 24, 1999).
19	Certain Equipment Sold to a Regulated Service Provider	N.J.S.A. 54:32B-8.13© (L. 1980, c. 105, § 25; amended 1985, c. 266; 1989, c. 2, § 1; 1995, c. 317; 1996, c. 26, § 18; 1997, c. 162, § 23).
20	Certain Farmer Purchases	N.J.S.A. 54:32B-8.16 (L. 1980, c. 105, § 28; amended 1997, c. 162, § 25; 1997, c. 293, § 1; 1999, c. 314, § 2, eff. Jan. 6, 2000).
21	Certain Ferryboats	N.J.S.A. 54:32B-8.12 (L. 1980, c. 105, § 24; amended 1981, c. 218, § 1; 1988, c. 53; 1999, c. 273, eff. Nov. 24, 1999)
25	Certain Purchases made by a Cogeneration Facility	N.J.S.A. 54:32B-8.13(d)
26	Certain Recycling Equipment	N.J.S.A. 54:32B-8.36
27	Certain Services related to Exempt Vessels	N.J.S.A. 54:32B-8.12
28	Certain Utility Equipment Purchases	N.J.S.A. 54:32B-8.13(b)
31	Coin-Operated Telephone Service	N.J.S.A. 54:32B-8.58 (P.L. 2008, c. 123, § 16)
32	Coin-Operated Vending Machine Sales under \$.25	N.J.S.A. 54:32B-8.9
33	Commercial Fishing Boats and Boat Repairs	N.J.S.A. 54:32B-8.12
34	Commercial Fishing Vessels	N.J.S.A. 54:32B-8.12
35	Commercial Trucks Used for Interstate Travel	N.J.S.A.54:32B-8.43
36	Concession Stand Sales: State-Owned Veterans Facilities	N.J.S.A. 54:32B-8.54
38	Diabetic Supplies	N.J.S.A. 54:32B-8.1
40	Diplomats, Consulates and Foreign Embassies	N.J.S.A. 54:32B-9(a)(3)

43	Durable Medical Equipment	N.J.S.A. 54:32B-8.1 (P.L. 1980, c. 105, § 13; amended 1982, c. 227, § 5; 1987, c. 383, § 1; 2005, c. 126, § 7; 2008, c. 123, § 6).
45	Electronically Delivered Software for Business Use	N.J.S.A. 54:32B-8.56 (P.L. 2005, c. 126, §15; amended 2006, c. 44, §12; 2008, c. 123, §11).
47	Energy and Utility Service	N.J.S.A. 54:32B-8.47 (P.L. 1997, c. 162, § 33; amended 2007, c. 94, § 1)
48	Equipment for Printing and Publishing	N.J.S.A. 54:32B-8.29 (P.L. 1980, c. 105, 41. Amended by L. 1985, c. 440, 1)
49	Equipment Used on Boats or Ships	N.J.S.A. 54:32B-8.12 (PL. 1980, c. 105, § 24; amended 1981, c. 218, § 1; 1988, c. 53; 1999, c. 273).
51	Exempt Organizations: Parent-Teachers Associations	N.J.S.A. 54:32B-9(b) (P.L. 1997, c.162)
52	Exempt Organizations: United Nations	N.J.S.A. 54:32B-9(a)(3)
54	Exemption for Certain Vessels	N.J.S.A. 54:32B-8.12 (P.L. 1980, c. 105, § 24; amended 1981, c. 218, § 1; 1988, c. 53; 1999, c. 273)
55	Exemption for Volunteer Fire and Similar Emergency Companies	N.J.S.A. 54:32B-9(b)
56	Farm Vehicles and Vehicle Repairs	N.J.S.A. 54:32B-8.43
57	Films, Records and Tapes Used in Radio and Television	N.J.S.A. 54:32B-8.18
58	Firearm Safety Locks	N.J.S.A. 54:32B-8.50
59	Firearm Storage Vaults	N.J.S.A. 54:32B-8.51
67	Gas, Water, Steam and Fuel in Containers and Bulk	N.J.S.A. 54:32B-8.7
68	Gold and Silver	N.J.S.A. 54:32B-8.32
69	Government-owned Ships and Other Vessels	N.J.S.A. 54:32B-8.12
71	Human Blood and its Derivatives	N.J.S.A. 54:32B-8.1
72	Imprinting Services	N.J.S.A. 54:32B-8.48
80	Limousines and Limousine Repairs	N.J.S.A. 54:32B-8.52
81	Locomotives, Railroad Cars and Other Railroad Rolling Stock	N.J.S.A. 54:32B-8.27
82	Magazines and Periodicals	N.J.S.A. 54:32B-8.5
83	Medical Oxygen	N.J.S.A. 54:32B-8.1
84	Membership Periodicals	N.J.S.A. 54:32B-8.5



86	Mobility Enhancing Equipment	N.J.S.A. 54:32B-8.1
87	Motor, Airplane and Railroad Fuels	N.J.S.A. 54:32B-8.8
89	Newspapers	N.J.S.A. 54:32B-8.5
92	Out-of-State Sales	N.J.S.A. 54:32B-8.10
99	Printed Advertising Material Delivered Out-of-State	N.J.S.A. 54:32B-8.39
101	Production Machinery	N.J.S.A. 54:32B-8.13(a)
104	Property Used in Research and Development or Laboratory Sense	N.J.S.A. 54:32B-8.14
106	Protective Work Equipment	N.J.S.A. 54:32B-8.4
107	Public Passenger Buses	N.J.S.A. 54:32B-8.28 (P.L. 1991, c.497)
110	Rental of Tangible Personal Property to Related Parties	N.J.S.A. 54:32B-8.53
111	Repairs to Certain Aircraft	N.J.S.A. 54:32B-8.35(b)
114	Sale-Leaseback Transactions	N.J.S.A. 54:32B-8.57
116	Sales by a Mortician, Undertaker or Funeral Director	N.J.S.A. 54:32B-8.17
117	Sales of Certain Aircraft	N.J.S.A. 54:32B-8.35(a)
126	Solar Energy Devices and System Components	N.J.S.A. 54:32B-8.33
129	Tax Exempt Organizations: National Guard and War Veteran Posts	N.J.S.A. 54:32B-9(b)(4)
130	Tax Exemption for Certain Fishing Vessels and Equipment	N.J.S.A. 54:32B-8.12 (P.L. 1980, c. 105, § 24; amended 1981, c. 218, § 1; 1988, c. 53; 1999, c. 273)
133	Transportation Charges Exemption	N.J.S.A. 54:32B-8.11 (P.L. 1980, c. 105, § 23; amended 1997, c. 162, § 22; 2006, c. 44, § 8)
135	Wrapping Supplies	N.J.S.A. 54:32B-8.15

## **Corporation Business Tax**

### ***Credit***

9	Digital Media Production Credit	N.J.S.A. 54:10A-5.39
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### ***Exemption***

6	Business Income of Non-Profits	N.J.S.A. 54:10A-3(e)
8	Cemetery Corporations not conducted for profit	N.J.S.A. 54:10A-3(d)
22	Non-Profit Corporations	N.J.S.A. 54:10A-3(e) (P.L. 1945, c. 162)
23	Non-Profit Retirement Communities	N.J.S.A. 54:10A-3(h) (P.L. 1973, c. 275)
24	Non-Stock Residential Housing	N.J.S.A. 54:10A-3(g) (P.L. 1963. Ch 59)

## Cigarette Tax

### *Exemption*

- 3 U.S. Constitution Federal laws N.J.S.A. 54:40A-8 through N.J.S.A. 54:40A-10, N.J.A.C. 18:5-2.4
- 4 U.S. V.A. for Free Distribution to Hospitalized Veterans. N.J.S.A. 54:40A-10 (P.L. 1948, c. 65, p. 159, §303, amended P.L. 1955, c. 18)

## **Taxes of the State of New Jersey**

*The following outline provides basic information regarding taxes imposed by the State of New Jersey and administered by the Division of Taxation and the Division of Revenue which a new business may be responsible for collecting and paying.*

### **NEW JERSEY GROSS INCOME TAX**

(N.J.S.A. 54:A:1-1 *et seq.*)

Personal income tax is imposed on the New Jersey taxable income of resident and nonresident individuals, estates and trusts for taxable years ending on or after July 1, 1976. Residents are subject to tax on all income, regardless of where it was earned, while nonresidents are only subject to tax on income derived from sources within New Jersey.

The withholding requirements apply to *every* New Jersey employer making payment of taxable wages. For New Jersey Gross Income Tax purposes, the term "employer" includes organizations that may be exempt from Federal income tax or New Jersey Corporation Business Tax, such as religious organizations and governmental agencies.

Generally, anything regarded as "wages" for Federal withholding purposes is subject to withholding for the New Jersey Income Tax. Every employer is required to file a quarterly return of tax withheld (NJ-927) for each calendar quarter. Some employers are also required to file a monthly remittance (NJ-500). Employers classified as "weekly payers" must remit payment of withholdings by means of Electronic Funds Transfer (EFT) on the Wednesday of the week following the week in which the taxes were withheld. Employers not classified as weekly payers must remit the tax withheld with their withholding return either monthly or quarterly, depending on the amount of withholding liability.

### **RECIPROCAL AGREEMENT**

(New Jersey & Pennsylvania Residents Only)

Under the Reciprocal Tax Agreement, the compensation derived by residents of either state (New Jersey or Pennsylvania) will be subject to income tax only in the state of residence including compensation income derived from sources within the other state.

Compensation that is limited to the provisions of the Reciprocal Agreement means salaries, wages, tips, fees, commissions, bonuses and other remuneration received for services rendered. Businesses or professional income earned by a resident of either state is not *covered* by the Reciprocal Agreement and is subject to the income tax of the state in which it is earned.

### **WITHHOLDING REQUIREMENT FOR CONTRACTOR SERVICES**

(N.J.S.A. 54A:7-1)

Effective January 1, 2007, the law requires persons, other than a governmental entity, homeowner, or tenant, who maintains an office or transact business in New Jersey and make payments for services to certain unincorporated construction contractors and unregistered individuals to withhold New Jersey

gross income tax at the rate of 7% from those payments. For more information regarding the withholding requirement for contractor services, go to the Division's Web site at: [www.state.nj.us/treasury/taxation/noticegit.shtml](http://www.state.nj.us/treasury/taxation/noticegit.shtml).

## **UNEMPLOYMENT & DISABILITY TAXES**

If you are employing, or expect to employ, one or more persons, you should notify the Division of Revenue so that a determination can be made as to whether or not you are subject to the law. Under the law (N.J.S.A 43:21-19(h1) et seq.) it is your responsibility to make the fact known.

**Determination of Liability** - If you start a business and employ one or more individuals and pay wages of \$1,000 or more in a calendar year, you may be subject to the law.

If you acquire the organization, trade or business, or substantially all the assets of an employing unit which is already subject to the law, you immediately become a subject employer.

If you are subject to the provisions of the Federal Unemployment Tax Act (FUTA) you automatically become subject under the law, unless the services performed are specifically excluded under the New Jersey law. An employing unit is generally subject to FUTA if it had covered employment during some portion of a day in 20 different calendar weeks within the calendar year or had a quarterly payroll of \$1,500 or more.

**Note:** Agricultural Employers - You are liable for contributions on wages paid to agricultural employees if:

1. You were already a registered employer, or
2. Not registered, you were or became subject to the Law, having paid wages of \$1,000 or more in a calendar year to one or more workers for services performed in a non-agricultural business operation, or
3. You acquired the organization, trade or business, or substantially all the assets of an employing unit already subject to the law, or
4. You are subject to the Federal Unemployment Tax Act, or
5. Not subject under the above provisions, you:
  1. Paid gross cash remuneration of \$20,000 or more to individuals employed in agricultural labor during any calendar quarter, or
  2. Employed ten or more individuals in agricultural labor, regardless of whether they were employed at the same moment of time, for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive.

**Special Employers** - Under certain circumstances, a crew leader who provides a crew to an agricultural employer, can be considered the employer of the crew for unemployment tax purposes. The agreement between the crew leader and entity must comply with all Federal and State regulations and the crew leader must be registered under the New Jersey Crew Leader Registration Act. For further information contact any Regional Office.

**Domestic Employers** - In order for you to become subject to the law, you must have paid gross cash

wages of at least \$1,000 to domestic labor in a calendar quarter.

The State of New Jersey and its political subdivisions are subject to the law.

### **SET OFF OF INDIVIDUAL LIABILITY**

(N.J.S.A. 54A:9-7 *et seq.*)

Public Laws of 1981, Chapter 239, provides the authority for the New Jersey Department of Treasury to apply or cause to be applied any monies due a taxpayer as a Gross Income Tax refund or Homestead Property Tax rebate, or both, if necessary, toward satisfaction of any indebtedness that the taxpayer may have outstanding to any agency or institution of the New Jersey State *Government* or the Federal Internal Revenue Service.

### **CORPORATION BUSINESS TAX**

(N.J.S.A. 54:10A-1 *et seq.*)

The Corporation Business Tax Act imposes a franchise tax for the privilege of having or exercising a corporate charter, deriving income or doing business, employing or owning capital or property or maintaining an office in New Jersey. The tax also applies to foreign corporations falling into one of the following categories:

- Holds a general Certificate of Authority issued by the Division of Revenue to do business in New Jersey, or
- Holds a certificate, license, or other authorization issued by another New Jersey department or agency authorizing it to engage in business within New Jersey, or
- Employs or owns capital in New Jersey, or
- Employs or owns property in New Jersey, or
- Maintains an office in New Jersey, or
- Derives receipts from sources in New Jersey, or
- Engages in contacts in New Jersey, or
- Does business in New Jersey.

Returns are required to be filed on or before the 15th day of the fourth month following the close of the taxpayer's accounting period.

Every corporation must, before commencing to do business in this State, obtain a Corporate Charter from the Division of Revenue.

### **NEW JERSEY S CORPORATIONS**

Chapter 173, P.L. 1993, provides that a corporation may elect to be treated as a New Jersey S Corporation. A corporation may make the election to be treated as a New Jersey S Corporation only if the corporation is or will be an S Corporation pursuant to Section 1361 of the Federal Internal Revenue Code, and each initial shareholder of the corporation consents to the election and the jurisdiction requirements by submitting the S Corporation election form (CBT-2553).

### **NOTICE OF BUSINESS ACTIVITIES REPORTING ACT**

(N.J.S.A. 14A:13-14 to 14A:13-23)

Foreign corporations which carry on any activity or own or maintain any property in this state, unless specifically exempted, must file an annual Notice of Business Activities Report. No report is necessary if the foreign corporation has received a Certificate of Authority to do business in New Jersey or has filed a timely return as required under the Corporation Business Tax or the Corporation Income Tax Acts.

The failure of a foreign corporation to file a timely report may prevent the use of the courts in New Jersey for all contracts executed and all causes of action that arose at any time prior to the end of the last accounting period for which the corporation failed to file a required timely report.

### **CORPORATION BANKING AND FINANCIAL BUSINESS TAX**

(N.J.S.A. 54:10A-1 *et seq.*)

Banking and financial businesses that operate as corporate entities are subject to the provisions of the New Jersey Corporation Business Tax Act. For a calendar year operation, a Banking and Financial Corporation Return (BFC-1) is due on the 15th day of April or the 15th day of the fourth month after the close of the fiscal year.

### **SALES AND USE TAX**

(N.J.S.A. 54:32B-1 *et seq.*)

A tax is imposed on the receipts from every retail sale or rental of tangible personal property, food and beverage sold by restaurants or caterers, and charges for admissions and occupancies of hotel rooms except as otherwise provided in the Act. The tax is also imposed on the receipts from every sale except for resale of certain services as enumerated in the Act including, for example, installing, repairing or maintaining tangible or real property, storage services, telecommunications, direct mail processing, investigation and security services.

A use tax is imposed on items acquired for use in this State on which a sales tax would be due but has not been paid.

The law exempts many items such as food ingredients for human consumption, prescription drugs, ordinary clothing and footwear, and utilities such as water, steam, and fuel.

The Act further provides tax exemptions for certain items and services when used or consumed under specifically defined conditions or circumstances.

The sales tax is imposed on the consumer; however, every person required to collect any tax imposed by this Act shall be personally liable for collecting and remitting such tax.

Persons required to collect the tax and persons accepting exemption certificates must complete the Registration Application (NJ-REG).

Sales and use tax returns (Forms ST-50/ST-51) must be filed electronically, either online or by phone. All vendors are required to file quarterly returns (Form ST-50), and some vendors may also have to file monthly returns (ST-51).

## **SALEM COUNTY**

(N.J.S.A. 54:32B-8.45 *et seq.*)

Certain sales made by businesses located in Salem County are taxable at a reduced sales tax rate. To qualify for the rate, the sale must be made from a place of business regularly operated by the vendor for the purpose of making retail sales at which items are regularly exhibited and offered for retail sale and which is not utilized primarily for the purpose of catalogue or mail order sales. Also, merchandise must be ordered or picked up in person by the purchaser at the place of business in Salem County. Salem County vendors file the ST-450 return.

## **ATLANTIC CITY LUXURY SALES TAX**

(N.J.S.A. 40:48-8.15 *et seq.*)

Atlantic City imposes a tax on specified retail sales or sales at retail occurring within the city limits. "Retail sale" or "sale at retail" is defined to include:

- Any sale in the ordinary course of business for consumption of whiskey, beer or other alcoholic beverages by the drink in restaurants, cafes, bars, hotels, and similar establishments;
- Any cover, minimum, entertainment or other similar charge made to any patron of any restaurant, cafe, bar, hotel or other similar establishment;
- The hiring (with or without service) of any room in any hotel, inn, rooming or boarding house;
- The hiring of any rolling chair, beach chair or cabana; and
- Admissions to any theater, moving picture, pier, exhibition or place of amusement.

Vendors are required to be licensed. Sales to or by the State of New Jersey or its political subdivisions, sales exempt under Federal law, and sales by a church or bona fide nonprofit charitable association are exempt.

The ST-250 return is required to be filed by vendors on or before the 20th day of each month covering receipts for the preceding calendar month. Taxes are paid by the purchaser to the vendor who remits the tax to the State. Payment accompanies the return.

## **CAPE MAY COUNTY TOURISM SALES TAX**

(N.J.S.A. 40:54D-1 *et seq.*)

The Tourism Improvement and Development District Act authorizes qualified municipalities to levy an additional sales tax on predominantly tourism-related retail sales. The retail sales to be taxed include admissions, hotel occupancies, food and drink sold in restaurants, or similar establishments.

To qualify for the additional sales tax, all such retail sales must be taxable under the Sales and Use Tax Act (P.L. 1966, c. 30; N.J.S.A. 54:32B-1 *et seq.*). The local sales tax would "piggyback" onto the State sales tax which would be collected by the Division of Revenue and placed in a special reserve fund to pay principal and interest on bonds and notes issued by the tourism authority for financing tourism promotion activities and projects within the district. Businesses that make sales of tourism-related

items will file the ST-350 return on a monthly basis.

### **URBAN ENTERPRISE ZONE**

(N.J.S.A. 52:27H-60 *et seq.*)

The Urban Enterprise Zone Act authorizes certain tax benefits for businesses designated as "qualified" by the Department of Commerce and Economic Development. These tax benefits are covered under the Sales and Use Tax Act and the Corporation Business Tax Act.

Application can be made with the Division of Revenue for these benefits only after the business has been designated as "qualified" by the Department of Commerce and Economic Development.

### **STATE OCCUPANCY FEE AND MUNICIPAL OCCUPANCY TAX**

(N.J.S.A. 40:48E-1 *et seq.*)

As of August 1, 2003, there is a State Occupancy Fee imposed on the rental of a room in a hotel, motel or similar facility, other than for assembly purposes. The rate in all municipalities other than Newark, Jersey City, Atlantic City, Wildwood, Wildwood Crest and North Wildwood was 7% as of August 1, 2003, and is reduced to 5% as of July 1, 2004. The State Occupancy Fee in those specific municipalities remains constant at 1%, except for the Wildwoods, where it is 3.15%. In addition, each municipality may adopt an ordinance imposing a Municipal Occupancy Tax which can be imposed at a rate of up to 1% as of August 1, 2003, and up to 3% as of July 1, 2004.

There is an exemption from the State Occupancy Fee and Municipal Occupancy Tax for rentals by agencies and instrumentalities of the Federal government, agencies, instrumentalities and political subdivisions of the State of New Jersey and the United Nations and similar organizations. Holders of an Exempt Organization Certificate (ST-5) are not exempt from the Occupancy Fee or Tax.

All businesses engaged in renting rooms in a hotel or similar facility must file the HM-100 Return by the 20th of each month and report and remit the State Occupancy Tax and the Municipal Occupancy Fee, if applicable. The HM-100 is also available on the Division's Web site.

### **ALCOHOLIC BEVERAGE TAX**

(N.J.S.A. 54:43-1 *et seq.*)

The Alcoholic Beverage Tax Act imposes taxes on alcoholic beverages.

The Alcoholic Beverage Tax is to be paid by manufacturers, wholesalers and other persons licensed by the Division of Alcoholic Beverage Control.

Retail licenses are authorized and issued by municipalities of New Jersey.

### **CIGARETTE TAX**

(N.J.S.A. 54:40A-1 *et seq.*)

A tax is imposed on the sale, use or possession for sale or use within New Jersey of all cigarettes. License fees are payable by distributors, wholesalers, manufacturers, retailers and vending machine



retailers.

### **MOTOR FUELS TAX**

(N.J.S.A. 54:39-101 *et seq.*)

The motor fuels tax applies to sales of gasoline, diesel fuel or liquefied petroleum gas used in motor vehicles on public highways.

**NOTE:** Motor Fuels Use Tax (N.J.S.A. 54:39A-1 *et seq.*) is administered by the New Jersey Division of Motor Vehicles and imposes a fuel use tax on certain commercial and omnibus vehicles. This tax is based on the amount of motor fuels used in their operations within New Jersey. For further information, contact the New Jersey Division of Motor Vehicles, 20 S. Montgomery Street, Trenton, New Jersey 08660 or at [www.state.nj.us/mvs/](http://www.state.nj.us/mvs/)

### **INSURANCE PREMIUMS TAX**

(N.J.S.A. 54:16-1 *et seq.*, 16A-1 *et seq.*, 54:18A-1 *et seq.*, 54:17-4 *et seq.*)

Insurance Premiums Tax applies to premiums collected on insurance risks in this State during the preceding calendar year. The tax applies to every stock, mutual and assessment insurance company organized or existing under any general or special law of this State or any other state or foreign country transacting business in this State.

Taxable premiums of life insurance companies include all gross contract premiums except premiums for reinsurance and annuity considerations, less certain specified deductions. Non-life companies generally are taxed upon gross premiums and assessments except reinsurance premiums less certain deductions.

An annual premium tax return, reporting the tax liability for the preceding calendar year, must be filed and the tax paid by March 1 of each year. The March 1 return must also include a prepayment of the current year's tax liability equivalent to 50% of the prior year's tax liability. An additional prepayment of the current year's liability, also equivalent to 50% of the prior year's tax liability, is due June 1 of each year.

A tax on the premiums for fire insurance written by a company not organized under the laws of New Jersey must be reported and paid to the treasurer of a duly incorporated firemen's relief association in which the fire insurance risk is located by March 1 of each year, covering the preceding calendar year. The company must also report these premiums on the annual premium tax return. A deduction for the amount of tax paid directly to a firemen's relief association(s) applicable to the calendar year covered by the annual premium tax return is allowed.

A tax on the three-year average underwriting profits on ocean marine insurance is reported to the Commissioner of Insurance by April 1 of each year.

A tax on premiums charged for surplus lines coverage is collected from the insured by the surplus lines agent.

Insurance companies may also be subject to retaliatory tax under certain provisions in the law (N.J.S.A. 17:32-15. 17B:23-5).

### **REALTY TRANSFER FEE**

(N.J.S.A. 46:15-5)

Recording of deeds which transfer title to real property in New Jersey is subject to the Realty Transfer Fee. The fee is collected by the County Clerk or County Registrar of Deeds when the deed is presented for recording in the county in which the transfer of title occurred.

### **PUBLIC UTILITY FRANCHISE TAX**

(N.J.S.A. 54:30A-49 *et seq.*)

The Public Utility Franchise and Gross Receipts Taxes apply to persons, co-partnerships, associations, and corporations, other than those specifically exempted, operating as sewerage or water companies or providing sewerage and water service in the State of New Jersey.

Inquiries concerning this tax should be directed to the Public Utility Tax Section of the Division of Taxation at (609) 633-2576.

### **LOCAL PROPERTY TAX**

(N.J.S.A. 54:4-1 *et seq.*)

The Local Property Tax is measured by property values and is apportioned among taxpayers according to the assessed value of taxable property owned by each taxpayer. The tax applies to real estate and tangible personal property of telephone and telegraph companies and messenger systems.

The property tax is a local tax assessed and collected by municipalities for the support of municipal and county governments and local school districts. No part of it is used for support of State government.

### **SPILL COMPENSATION AND CONTROL TAX**

(N.J.S.A. 58: 10-23.11 *et seq.*)

The Spill Compensation and Control Tax is imposed upon the transfer of petroleum products and other hazardous substances, as determined by the New Jersey Department of Environmental Protection, within New Jersey.

The tax is payable by:

1. the operator or owner of the receiving major facility or vessel on a transfer of a hazardous substance from a major facility or vessel; or
2. the operator or owner of the transferring New Jersey major facility on a transfer of a previously untaxed non petroleum hazardous substance to a non-major facility; or
3. the owner of a hazardous substance transferred to a public storage terminal from a major facility or vessel.

A major facility is a facility with a storage capacity of 200,000 gallons or more for all hazardous substances, including petroleum products, or a storage capacity of 20,000 gallons or more of non petroleum hazardous substances.

The SCC-5 return is required to be filed on or before the 20th day of each month for the preceding month's hazardous substance transfers.

#### **LITTER CONTROL FEE**

(N.J.S.A. 13:1 E-213 through 13:1 E-223)

The Clean Communities and Recycling Grant Act imposes an annual Litter Control Fee on all gross receipts from wholesale sales and on all gross receipts from retail sales of litter-generating products sold within or into New Jersey by each person engaged in business in the State as a manufacturer, wholesaler, distributor, or retailer of such products. Any retailer with less than \$500,000 in annual retail sales of litter-generating products is excluded from this fee for that calendar year. Annual returns (LF-5) are required to be filed on or before March 15 of each year.

Litter-generating products are: beer and other malt beverages, cigarette and tobacco products, cleaning agents and toiletries, distilled spirits, food for human or pet consumption, glass containers sold as such, groceries, metal containers sold as such, motor vehicle tires, newsprint and magazine paper stock, nondrug drugstore sundry products, paper products and household paper other than roll stock and wood pulp, plastic or fiber containers made of synthetic material and sold as such, soft drinks and carbonated waters, and wine.

#### **SANITARY LANDFILL TAXES**

All sanitary landfill taxes are reportable on one consolidated Sanitary Landfill Tax Return (Form SLT-5).

The Consolidated Sanitary Landfill Tax Return (Form SLT-5) must be filed by the 20th day of the month following that in which tax liability was first incurred and monthly thereafter.

#### **LANDFILL CLOSURE AND CONTINGENCY TAX**

(N.J.S.A. 13:1 E-100 *et seq.*)

The Landfill Closure and Contingency Tax is levied upon the owner or operator of every sanitary landfill facility located in New Jersey on all solid waste accepted for disposal.

The Act also requires the sanitary landfill facility owner or operator to establish an escrow account, administered by the New Jersey Department of Environmental Protection, and to deposit into the account \$1.00 per ton of all solid waste accepted for disposal.

#### **SOLID WASTE SERVICES TAX**

(N.J.S.A. 13:1 E-138a)

The Solid Waste Services Tax is levied on the owner or operator of every sanitary landfill facility in New Jersey on all solid waste accepted for disposal.

The revenue collected from the Solid Waste Services Tax will be deposited in the Solid Waste Services Tax fund to be administered by the New Jersey Department of Environmental Protection.

#### **PETROLEUM PRODUCTS GROSS RECEIPTS TAX**

(N.J.S.A. 54:15b-1 *et seq.*)

The Petroleum Products Gross Receipts Tax imposes a tax on (a) the gross receipts derived or gallons sold from the first sale of petroleum products made to points in New Jersey, and (b) the dollar consideration given or contracted to be given for petroleum products imported or caused to be imported for use or consumption within New Jersey.

Receipts from (a) the sale of home heating oil and propane gas used exclusively for residential use, and (b) the sale of petroleum products to governmental entities and exempt organizations are exempt. This exemption does not extend to home heating oil and propane gas for commercial use.

Monthly remittances (PPT-41) and Quarterly reconciliation returns (PPT-40) are required to be filed no later than the 25th day of the month following the end of the month the tax was collected.

#### **TOBACCO PRODUCTS WHOLESALE SALES AND USE TAX**

(N.J.S.A. 54:40B-1 *et seq.*)

The Tobacco Products Wholesale Sales and Use Tax is imposed on sales of all tobacco products (excluding cigarettes as defined in N.J.S.A 54:40A-2) by a wholesaler or distributor.

Distributors and wholesalers who also sell tobacco products at retail or otherwise use the tobacco products must pay a compensating use tax on the wholesale sales price of the products.

Monthly returns (TP-20) are required to be filed no later than the 20th day of the month following the month the tax was collected.

#### **DOMESTIC SECURITY FEE**

(N.J.S.A. App. A:9-78 as amended by P.L. 2006, c.42 § 1 )

The Domestic Security Fee Act imposes a \$5 per day fee on motor vehicle rental companies for each day or part thereof that a motor vehicle is rented for the transportation of persons and noncommercial freight, for a period of not more than 28 days. The fee, which must be designated as the "Domestic Security Fee" in the rental agreement, is separate from and in addition to any sales tax imposed on the rental transaction and is not to be included in the receipts subject to sales tax liability assessed pursuant to the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 *et seq.*).

The fee must *be* reported on Form DSF-100, which is filed telephonically or by using an Internet based application on the Division of Taxation's Web site. The quarterly return must be filed whether or not there are any fees due for the quarter.

See the Technical Bulletins on this fee at: <http://www.state.nj.us/treasury/taxation/publtb.shtml>

### **NEW JERSEY MOTOR VEHICLE TIRE FEE**

(N.J.S.A. 54:32F-1)

As of August 1, 2004, a fee of \$1.50 per tire is imposed on the retail sale of new motor vehicle tires, including tires that are a component part of a motor vehicle that is sold or leased. The Motor Vehicle Tire Fee is imposed on those transactions that are subject to the New Jersey Sales Tax Act. Thus, it is not imposed on sales made to Federal or State governmental agencies and entities, qualified exempt organizations; sales for an exempt use; sales to nonresidents. See the Division's July 1, 2004, Notice for additional information about the Motor Vehicle Tire Fee and valid exemptions at:

[www.state.nj.us/treasury/taxation](http://www.state.nj.us/treasury/taxation)

### **COSMETIC MEDICAL PROCEDURES GROSS RECEIPTS TAX**

(N.J.S.A. 54:32E-1)

Effective September 1, 2004, the law imposes a 6% cosmetic medical procedures gross receipts tax (CMPGRT) on the purchase of certain "cosmetic medical procedures," which are medical procedures performed primarily in order to improve a person's appearance.

P.L. 2011, c. 189, which was signed into law on January 17, 2012, phases out the Cosmetic Medical Procedures Gross Receipts Tax over the next two years. A reduction in the tax is applicable for periods beginning in calendar year 2012.

Beginning July 1, 2012, the current 6% tax rate imposed on the gross receipts from cosmetic medical procedures as defined by the Act (N.J.S.A. 54:32E-1) will be reduced. The schedule for the tax phase out is as follows:

For procedures performed on or after July 1, 2012 but before July 1, 2013 the tax rate will be 4%.

For procedures performed on or after July 1, 2013 but before July 1, 2014, the tax rate will be 2%

For procedures performed on or after July 1, 2014 the tax rate will be 0% (the tax is entirely eliminated).

Note: The first returns reflecting the collection of tax at the 4% rate will be due on October 20, 2012. The tax does not apply to procedures that significantly serve to prevent or treat illness or disease or to correct abnormalities caused by birth defects, developmental abnormalities, trauma, tumors, infection or disease, or to promote proper functioning of the body. The tax also applies to the sale of goods and of facility occupancies (e.g., hospital or clinic stays) that are required for or directly associated with the taxable cosmetic medical procedure.

Providers of the taxable cosmetic medical procedures, or related goods or occupancies, must collect

the CMPGRT from the person on whom the taxable procedure is performed. The 6% tax is calculated on the amount charged to the subject of the taxable procedure for the procedure, or for the associated goods or occupancies. Providers of taxable cosmetic medical procedures, goods, and occupancies may include, but are not limited to, surgeons, dermatologists, electrologists, spas, hair replacement facilities, salons, hospitals, and clinics that may at some time perform cosmetic medical procedures or provide the subject with medical facility occupancies or goods required for or directly associated with such procedures.

Every quarter, on the 20th of the month following the end of the quarter, providers must file a quarterly cosmetic medical procedures gross receipts tax return, CMPT-100, via either Internet or telephone, and at that time must remit any CMPGRT tax collected during the quarter.

**EMERGENCY PREPAREDNESS AND 9-1-1 SYSTEM ASSESSMENT**  
(N.J.S.A. 52:17C-17 et seq.)

The "Emergency Preparedness and 9-1-1 System Assessment" fee of \$.90 is to be charged by:

- Mobile telecommunications companies for each *voice* grade access service number as part of mobile telecommunications service provided to a customer billed by or for the customer's home service provider and provided to a customer with a place of primary use in this State, and
- Telephone exchange companies for each telephone *voice* grade access service line provided as part of that telephone exchange service.

The law became *effective* July 1, 2004, for mobile telecommunications and August 1, 2004, for PBX Systems.

The fee must be reported on Form ERF-100, which is required to be filed on or before the 20th day of the month following the close of the calendar quarter and must be filed by phone. Payments must be made by electronic check, electronic funds transfer, or credit card.

For more information on the "Emergency Preparedness and 9-1-1 System Assessment" fee, please see "Notice to Telecommunications Providers" available on the Division's Web site found at:

<http://www.state.nj.us/treasury/taxation/pdf/911fee.pdf>