

**CHAPTER 22**

**PUBLIC UTILITY TAX—WATER AND SEWERAGE**

**Authority**

N.J.S.A. 54:30A-15 et seq. and 54:50-1.

**Source and Effective Date**

R.1999 d.88, effective February 19, 1999.  
See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 22, Public Utility Tax—Water And Sewerage, expires on August 17, 2004. See: 36 N.J.R. 1346(a).

**Chapter Historical Note**

Chapter 22, Public Utility Corporations, was filed and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 22, Public Utility Corporations, was readopted as R.1984 d.99, effective April 2, 1984. See: 16 N.J.R. 233(a), 16 N.J.R. 747(b).

Pursuant to Executive Order No. 66(1978), Chapter 22, Public Utility Corporations, was readopted as R.1989 d.148, effective February 24, 1989. See: 21 N.J.R. 17(a), 21 N.J.R. 779(b).

Pursuant to Executive Order No. 66(1978), Chapter 22, Public Utility Corporations, was readopted as R.1994 d.145, effective February 24, 1994. See: 26 N.J.R. 335(a), 26 N.J.R. 1370(b).

Subchapter 14, Municipal Purposes Tax Assistance Fund, was adopted as R.1995 d.195, effective April 3, 1995. See: 27 N.J.R. 473(a), 27 N.J.R. 1441(a).

Pursuant to Executive Order No. 66(1978), Chapter 22, Public Utility Corporations, was readopted as Chapter 22, Public Utility Tax—Water and Sewerage, by R.1999 d.88, effective February 19, 1999, and Subchapter 2, Returns by Telephone, Telegraph, Messenger Systems and Certain Interstate Transmission Systems, Subchapter 3, Excise Tax Payable to the State by Telephone, Telegraph and Messenger Systems, Subchapter 4, Franchise Tax Payable to Municipalities by Telephone, Telegraph and Messenger Systems, Subchapter 5, Tax Revenues From Telephone, Telegraph and Messenger Systems Apportioned to Municipalities, Subchapter 6, Payment and Collection of Taxes Payable to Municipalities by Telephone, Telegraph and Messenger Systems, Subchapter 13, Water Corporations, Subchapter 14, Municipal Purposes Tax Assistance Fund, Appendix I and Appendix II were repealed and Subchapter 13, Energy Tax Receipts Property Tax Relief Fund, was adopted as new rules by R.1999 d.88, effective March 15, 1999. See: Source and Effective Date. See, also, section annotations.

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**SUBCHAPTER 1. DEFINITIONS AND GENERAL PROVISIONS**

**18:22-1.1 Imposition of excise tax under Act**

The Act imposes an excise tax upon persons, co-partnerships, associations or corporations, other than street railway,

traction, sewerage, water, gas and electric light, heat and power corporations, municipal corporations and corporations taxable under P.L. 1941, c.291, using or occupying public streets, highways, roads or other public places by virtue of a franchise or authority or permission from the State or any of its municipalities except for the operation of autobuses or autocabs commonly called taxicabs.

#### Statutory References

As to Imposition of the Excise Tax, see N.J.S.A. 54:30A-18.

#### 18:22-1.2 Purpose of Act

The purpose of the Act is to provide for the taxation of certain franchises held by certain persons, co-partnerships, associations and corporations; the reimbursement to the State of certain costs and expenses incurred in the imposition and apportionment of taxes and apportionment of certain taxes among the municipalities in which franchises are exercised upon the fixed standard set forth in this Chapter; and to supersede Section 54:31-1 to 54:31-28 of the Revised Statutes, (N.J.S.A. 54:31-1 to 28) inclusive, and P.L. 1938, c.7.

#### Statutory References

As to the purpose of the Act, see N.J.S.A. 54:30A-16.

#### 18:22-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

“Apportionment value” or “apportionment valuation” means the result obtained by multiplying the quantities of each class or type of scheduled property of a taxpayer by the applicable unit value, and the addition of results.

“Class” means any segment, grouping or other division of an electric company’s or gas company’s customers which is established for the purpose of charging rates for electric or gas service. Any such class shall be designated to be in the residential class category or nonresidential class category. The Board of Regulatory Commissioners may permit gas and electric light, heat and power corporations to establish new tariffs, contracts or schedules as necessary. Whenever a corporation shall establish in its tariffs, contracts or schedules a new class, the Board of Regulatory Commissioners shall designate it in the residential class category or nonresidential class category.

1. With respect to electric companies, “residential class category” means any class established by an electric company which generally includes customers taking electric service under rate schedules that are primarily residential in nature; and “nonresidential class category” means any class established by an electric company which generally includes customers taking electric service under rate schedules that are primarily nonresidential in nature.

2. With respect to gas companies, “residential class category” means any class established by a gas company which generally includes customers taking natural gas service under rate schedules that are primarily residential in nature; and “nonresidential class category” means any class established by a gas company which generally includes customers taking gas service under rate schedules that are primarily nonresidential in nature.

“Cogenerator” means a person or business entity which owns or operates a cogeneration facility in the State of New Jersey, which facility is a plant, installation or other structure whose primary purpose is the sequential production of electricity and steam or other forms of useful energy which are used for industrial, commercial, heating or cooling purposes; and which is designated by the Federal Energy Regulatory Commission, or its successor, as a “qualifying facility” pursuant to the provisions of the “Public Utility Regulatory Policies Act of 1978”, Pub.L. 95-617.

“Corresponding therms of gas” or “corresponding kilowatthours of electricity” means all therms of gas or kilowatthours of electricity from the taxpayer’s business over, on, in, through or from the whole of its lines or mains, excluding therefrom, however:

1. Any therms of gas or kilowatthours of electricity as may have been sold and furnished to another public utility which is also subject to either the payment of a tax based upon gross receipts or the payment of a unit-based tax applied to therms of gas or kilowatthours of electricity;

2. Any kilowatthours of cogenerated electrical energy resold by the taxpayer to a producing cogenerator where produced; and

3. Any therms of natural gas sold by the taxpayer to a cogenerator and separately metered for use in a cogeneration facility.

“Director” means the Director of the Division of Taxation, Department of the Treasury.

“Gross receipts” means all receipts from the taxpayer’s business over, on, in, through or from the whole of its lines or mains, excluding only the following:

1. Any sum or sums of money received by any taxpayer in payment for the portion of its products as may have been sold and furnished to another public utility which is also subject to the payment of a tax based upon gross receipts;

2. Receipts from the sale of waste heat produced as a by-product;

3. Receipts derived from interstate commerce;

4. Any sum or sums of money received by the taxpayer from a cogenerator in payment for cogenerated electrical energy resold by the taxpayer to the producing cogenerator where produced or any sum or sums of money received by the taxpayer from a cogenerator in payment for natural gas sold by the taxpayer to the cogenerator and separately metered for use at the cogeneration facility.

5. In the case of a sewerage corporation an amount equal to any sum or sums of money payable by such sewerage corporation to any board, commission, department, branch, agency or authority of the State or of any county or municipality, for the treatment, purification or disposal of sewerage or other wastes.

6. In the case of a water purveyor, the amount equal to any sum or sums of money paid in accordance with the water tax imposed by section 11 of P.L. 1983, c.443 (N.J.S.A. 58:12A-21) and which is included in the tariff altered pursuant to section 6 of P.L. 1983, c.443 (N.J.S.A. 58:12A-17).

"Pre-tax year" means the calendar year immediately preceding the tax year.

"Public street, highway, road or other public place" means any street, highway, road or other public place which is open and used by the public, even though the same has not been formally accepted as a public street, highway, road or other public place. For purposes of computing the tax in connection with lines or mains installed after February 19, 1991, the term includes without limitation dead end streets, cul-de-sacs, alleys, water or riparian ways, and non-restricted roadways, such as extended residential, commercial or recreational facility driveways, or dead end streets, cul-de-sacs or alleys which are connected to public roadways and are for access to or the use of supermarkets, shopping malls, planned communities (such as apartment complexes and condominium developments), commercial enterprises, and recreation facilities (such as marinas, golf clubs, drag strips, etc.) and the connecting roads within or around the above facilities whether these roadways shall be located on public or on private property. The term "public street, highway road or other public place" shall not include restricted residential communities that control, by way of a permanently manned gate, access to or through said community.

"Real estate" means lands and buildings, but does not include railways, tracks, ties, lines, wires, cables, poles, pipes, conduits, bridges, viaducts, dams and reservoirs (except that the lands upon which dams and reservoirs are situated are real estate), machinery, apparatus and equipment, notwithstanding any attachment to lands or buildings.

"Scheduled Property" means only those classes or types of property of a taxpayer set forth in N.J.A.C. 18:22-5.6 (Unit value of scheduled property) of these regulations and which are to be used in computing the apportionment valuation.

"Service connections":

1. In the case of telephone, telegraph or other wire communication facilities, means the wires connecting the instrument or instruments in the building or at the place where the service supplied by the taxpayer is used or delivered or is made available for use or delivery with a pole line, conduit line or cable line in the street, highway, road or other public place, or with a pole line, conduit line or cable line on private property; and

2. In the case of facilities of taxpayers subject to the Act, other than service connections as defined in paragraph 1 of this subsection, means the wires or pipes connecting the building or place where the service or commodity supplied by the taxpayer is used or delivered, or is made available for use or delivery, with a supply line or supply main.

"Taxpayer" means any person, co-partnership, association or corporation subject to taxation under the provisions of the Act.

"Tax year" means the calendar year in which the tax is payable under the Act.

Amended by R.1989 d.148, effective March 20, 1989.

See: 21 N.J.R. 17(a), 21 N.J.R. 779(b).

"Cogenerator" added. Under "Gross receipts," exclusions defined as "only" the following; new 4 added and existing 4 renumbered 5; 6 added.

Amended by R.1991 d.70, effective February 19, 1991.

See: 22 N.J.R. 2249(a), 23 N.J.R. 419(a).

Definition of public street specified in detail.

Amended by R.1992 d.505, effective December 21, 1992.

See: 24 N.J.R. 2531(b), 24 N.J.R. 4559(a).

Added definitions "Class" and "Corresponding therms of gas"; revised "Public street, highway, road or other public place".

Amended by R.1999 d.88, effective March 15, 1999.

See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).

Deleted "Unit value".

#### Statutory References

As to definition, see N.J.S.A. 54:30A-17, 50.

#### 18:22-1.4 Persons subject to tax

Every person, co-partnership, association or corporation conducting a water and/or sewerage business using or occupying public streets, highways, roads or other public places by virtue of a franchise or authority or permission from the State or any municipality thereof, shall annually pay, for the franchise to use such public streets, highways or roads or other public places in the State, an excise tax which except as otherwise provided in the Act, shall be in lieu of any and all other tax or taxes upon the franchise or franchises of such taxpayer.

Amended by R.1999 d.88, effective March 15, 1999.

See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).

Rewrote the section.

**Statutory References**

As to persons subject to tax, see N.J.S.A. 54:30A-18.

**18:22-1.5 (Reserved)**

New Rule, R.1985 d.146, effective April 1, 1985.  
See: 16 N.J.R. 3423(a), 17 N.J.R. 841(b).  
Repealed by R.1999 d.88, effective March 15, 1999.  
See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).  
Section was "Accounting methods".

**18:22-1.6 (Reserved)****SUBCHAPTERS 2 THROUGH 6. (RESERVED)****SUBCHAPTER 7. SEWERAGE AND WATER CORPORATIONS****18:22-7.1 Imposition of tax and exemption under Act**

The Act imposes a tax, measured by gross receipts, on sewerage and water companies and corporations using or occupying the public streets, highways, roads or other public places; and, for the exemption from taxation of the franchises, stock, and certain property of such corporations; and, for the taxation of certain of the property of the corporations not so exempted from taxation.

Amended by R.1994 d.145, effective March 21, 1994.  
See: 26 N.J.R. 335(a), 26 N.J.R. 1370(b).  
Amended by R.1999 d.88, effective March 15, 1999.  
See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).

Deleted "measured by units for energy on gas and electric light, heat and power" following "companies".

**Statutory References**

As to imposition of tax, see N.J.S.A. 54:30A-49.

**18:22-7.2 Purpose of Act**

(a) The purpose of the Act is to:

1. Provide a complete regime and method for the taxation of sewerage and water corporations and companies using or occupying the public streets, highways, roads or other public places;
2. Exempt from taxation, other than the tax imposed by the Act, the franchise, stock, and certain property of such corporations;
3. Provide for the taxation of the property of such corporations not so exempt from taxation;
4. Provide for the reimbursement to the State of certain costs and expenses incurred in the imposition and apportionment of the taxes;

5. Supersede R.S. 54:31-1 to 31-7 (N.J.S.A. 54:31-1 to 7) and P.L. 1938, c.8 (N.J.S.A. 54:31-29 to 44).

Amended by R.1999 d.88, effective March 15, 1999.  
See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).

In (a), rewrote 1, deleted a former 5, and recodified former 6 as 5.

**Statutory References**

As to purpose of Act, see N.J.S.A. 54:30A-49.

**18:22-7.3 Tax in lieu of all other taxation**

(a) Sewerage and water corporations using public streets, highways, roads or other public places, and their property and franchises, are subject to taxation only as provided by the Act.

(b) The corporations enumerated in (a) above are not subject to any other taxes upon their property, franchises, stock or gross receipts, and the shares of stock of any such corporation are not taxed in the hands of shareholders.

Amended by R.1999 d.88, effective March 15, 1999.  
See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).

In (a), deleted a reference to gas and electric light, heat and power corporations.

**Statutory References**

As to taxation of property franchise, stock or gross receipts, see N.J.S.A. 54:30A-51.

**18:22-7.4 (Reserved)**

Repealed by R.1999 d.88, effective March 15, 1999.  
See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).

Section was "Local taxation of real estate and enumerated personal property held for resale; appeal, review and collection".

**18:22-7.5 (Reserved)****18:22-7.6 (Reserved)**

R.1975 d.45, effective March 6, 1975.

See: 7 N.J.R. 74(b), 7 N.J.R. 180(a).

Repealed by R.1999 d.88, effective March 15, 1999.

See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).

Section was "Gross receipts derived from transactions with municipal electric supply operations".

**SUBCHAPTER 8. RETURNS REQUIRED FROM SEWERAGE AND WATER CORPORATIONS****18:22-8.1 Information required on returns; due dates**

(a) Every taxpayer shall, on or before February 1 of the tax year, return to the Director a statement showing:

1. The gross receipts for the preceding calendar year (pre-tax year) from the business over, on, in, through or from the taxpayer's lines and mains in this State, stated separately for each class of business; and

2. The gross receipts for the preceding calendar year (pre-tax year) business over, on, in, through or from the whole of the taxpayer's lines and mains.

(b) The information required in (a) above must be submitted on the form available from the Division of Taxation, Audit Services Branch, PO Box 246, Trenton, NJ 08646-0246.

Amended by R.1992 d.505, effective December 21, 1992.  
See: 24 N.J.R. 2531(b), 24 N.J.R. 4559(a).  
Revised (b) and (b)3; added (b)4.  
Amended by R.1999 d.88, effective March 15, 1999.  
See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).  
Rewrote the section.

#### Statutory References

As to information required on tax return, see N.J.S.A. 54:30A-55.

### 18:22-8.2 Certification of returns

(a) The returns required in Section 8.1 (Information required) of this Chapter must be subscribed and sworn to by the taxpayer or the president, vice-president or chief officer of the corporation making the return.

(b) Returns not properly signed are deemed to be improperly filed and delinquent.

#### Statutory References

As to certification of returns, see N.J.S.A. 54:30A-55.

### 18:22-8.3 Audit and verification of returns; additional information

(a) The Director may audit and verify the statements filed by a taxpayer whenever and in whatever respects he deems necessary or advisable.

(b) The Director may require any taxpayer to supply additional data and information in whatever form and detail he requests, whenever he may deem it necessary or helpful for the proper performance of his duties under the Act.

#### Statutory References

As to audit and verification of returns, see N.J.S.A. 54:30A-55.

### 18:22-8.4 Failure to make returns; penalties and perjury

(a) Any taxpayer refusing or neglecting to make the statements provided for in N.J.A.C. 18:22-8.1 shall forfeit and pay to the State of New Jersey the sum of \$100.00 per day for each day of refusal or neglect, to be recovered in an action at law in the name of the State and which, when recovered, will be paid into the State treasury and in addition thereto may be liable for the penalties provided for in the State Tax Uniform Procedure Law.

(b) The Director shall certify any default to the Attorney General of the State who shall then prosecute an action at law for the penalty.

Amended by R.1988 d.407, effective September 6, 1988.  
See: 19 N.J.R. 2255(b), 20 N.J.R. 2310(c).  
Added text in (a) "and in addition . . ."; deleted (c).

#### Statutory References

As to failure to make return and penalties, see N.J.S.A. 54:30A-55.

### 18:22-8.5 Additional statements regarding property acquired from other taxpayers

When any corporation subject to taxation under the Act acquires the rights, property and franchises of using and occupying public streets, highways, roads or other public places in this State (other than the right and franchise to operate autobuses or vehicles of the character described in N.J.S.A. 48:15-41 et seq.) of persons, copartnerships, associations or corporations then subject to an excise tax based upon its gross receipts; and retains these rights, property and franchises at the end of the calendar year in which the acquisition occurs; then, on or before February 1 of the succeeding year, the acquiring corporation must file a statement with the Director. The statement is in addition to the return filed pursuant to Section 8.1 (Information required on returns) of this chapter and must include:

1. The gross receipts from the business over, on, in, through or from the lines or mains of the persons, copartnerships, associations or corporations whose rights, property and franchises were acquired pursuant to conditions set forth in, from January 1 of the year in which the property was acquired to the date of the acquisition; and

2. A statement showing the scheduled property and length of lines or mains as of July 1 of the year in which the acquisition took place; and

3. The total of the gross receipts as shown in both of said statements to the Director, or as otherwise ascertained by him. This total will be used in ascertaining, fixing and apportioning the excise tax imposed by the Act upon the acquiring corporation. If the rights, property and franchises were acquired from a corporation subject to taxation under the Act, then the total of the gross receipts as shown in both of said statements to the Director, or as otherwise ascertained by him, will be used in ascertaining, fixing and apportioning the excise tax imposed by the Act upon such acquiring corporation.

#### Statutory References

As to additional statements regarding property acquired from the taxpayers, see N.J.S.A. 54:30A-63.

### 18:22-8.6 through 18:22-8.8 (Reserved)

## SUBCHAPTER 9. TAX PAYABLE TO THE STATE BY SEWERAGE AND WATER CORPORATIONS

### 18:22-9.1 Corporations subject to tax

Every sewerage and water corporation using or occupying the public streets, highways, roads or other public places in

this State must annually pay excise taxes for the privilege of exercising its franchises and using those public streets, highways, roads or other public places in this State.

Amended by R.1999 d.88, effective March 15, 1999.  
See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).

Deleted a reference to gas and electric light, heat and power corporations.

#### Statutory References

As to imposition of tax, see N.J.S.A. 54:30A-54.

### 18:22-9.2 Excise tax payable; rates

(a) In addition to the excise taxes payable under N.J.A.C. 18:22-10.1 (Computation of tax) every sewerage and water corporation shall pay excise taxes for the franchise to operate and conduct business within the State and to use the public streets, highways, roads or other public places in the State, at the following rates:

1. *Tax rate on proportion of lines or mains adjacent to public ways:*

i. A tax computed at the rate of 0.625 percent of proportion of the gross receipts of the taxpayer for the pre-tax year as the length of the lines or mains in this State, located along, in or over any public street, highway, road or other public place, exclusive of service connections, bears to the whole length of its lines or mains, exclusive of service connections;

ii. Where the gross receipts of any taxpayer for any calendar year do not exceed \$50,000.00 the tax on that taxpayer for that calendar year is computed at the rate of 0.25 percent instead of at the rate of 0.625 percent.

2. *Tax rate on total lines or mains in State.* A tax at the rate of 0.9375 percent upon the gross receipts of the taxpayer for the pre-tax year from its business over, on, in, through or from its lines or mains in the State of New Jersey.

Amended by R.1992 d.505, effective December 21, 1992.  
See: 24 N.J.R. 3531(a), 24 N.J.R. 4559(a).

Revised and added "(a)" to first paragraph; redesignated existing (a)-(b) as 1-2; added new 3.

Amended by R.1999 d.88, effective March 15, 1999.  
See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).

In (a), substituted "under N.J.A.C. 18:22-10.1 (Computation of tax) every sewerage" for "to municipalities (N.J.A.C. 18:22-10.1 (Computation of tax)) every street railway, traction, sewerage," following "payable", and deleted "to the State" preceding "for the franchise" in the introductory paragraph; and deleted a former (b).

#### Statutory References

As to imposition and rate of tax, see N.J.S.A. 54:30A-54.

### 18:22-9.3 Computation of tax payable to the State

On or before April 1 of each Tax Year the Director computes the excise taxes payable to the State as provided in Section 9.2 (Excise tax payable to State; rates) of this chapter and certifies, within five days thereof, to each taxpayer the amount of taxes payable to the State.

#### Statutory References

As to computation of tax, see N.J.S.A. 54:30A-54.1 and 54:30A-54.1a.

### 18:22-9.4 Deductions from or addition to tax

The Director, in computing the excise taxes due the State from any taxpayer for any year, shall deduct from or add to the amounts determined for the year the amount of any deduction or addition, to the extent and in the manner, which may be ordered or decreed by any judgment of the Division of Tax Appeals or any court of the State by reason of any error or omission in computing any prior year's taxes.

#### Statutory References

As to deductions or addition to tax, see N.J.S.A. 54:30A-54.2.

### 18:22-9.5 Certification of taxes payable to the State

The Director, within five days after computing the tax due to the State, shall forward to each taxpayer a certified copy thereof showing the amount of taxes payable and the manner in which those taxes were computed.

#### Statutory References

As to certification of taxes payable to the State, see N.J.S.A. 54:30A-54.1.

### 18:22-9.6 Payment due; date

The taxes due under the Act prior to 1993 are payable on or before May 1 of the tax year.

Amended by R.1992 d.505, effective December 21, 1992.  
See: 24 N.J.R. 2531(b), 24 N.J.R. 4559(a).

Revised (a); added new (b).  
Amended by R.1999 d.88, effective March 15, 1999.  
See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).

Deleted a former (a) designation; and deleted former (b).

#### Statutory References

As to payment due date, see N.J.S.A. 54:30A-54.1.

### 18:22-9.7 Payment due; to whom mailed

Payments due are to be made payable to "The State of New Jersey" and, sent or otherwise transmitted to the Utility Branch, Division of Revenue, PO Box 247, Trenton, NJ 08646-0247.

Amended by R.1999 d.88, effective March 15, 1999.  
See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).

Rewrote the section.

#### Statutory References

As to Payments Due, see N.J.S.A. 54:30A-54.

**18:22-9.8 Administration, collection and enforcement of tax**

The administration, collection and enforcement of the tax payable to the State (Section 9.2 (Excise tax payable) of this chapter) is subject to the provision of the State Tax Uniform Procedure Law (N.J.S.A. 54:48 to 54:52 et seq.) to the extent that the provisions of that law are not inconsistent with any provision of the Act.

**Statutory References**

As to administration, collection and enforcement of tax, see N.J.S.A. 54:30A-54.3.

**18:22-9.9 through 18:22-9.11 (Reserved)****SUBCHAPTER 10. TAXES PAYABLE BY SEWERAGE AND WATER CORPORATIONS****18:22-10.1 Computation of tax**

(a) In addition to the excise taxes payable under N.J.A.C. 18:22-9.2 (Excise tax payable; rates) every sewerage and water corporation must pay excise taxes for the privilege of exercising its franchises and for the use of the public streets, highways, roads or other public places at the following rates:

1. Tax rate on proportion of lines or mains adjacent to public highways:

i. A tax computed at the rate of five percent of whatever proportion of the gross receipts of the taxpayer for the preceding calendar year as the length of the lines or mains in this State, located along, in or over any public street, highway, road or other public place, exclusive of service connections, bears to the whole length of its lines or mains exclusive of service connections;

ii. Where the gross receipts of any taxpayer for any calendar year do not exceed \$50,000.00 the tax on that taxpayer for the calendar year is computed at the rate of two percent instead of at the rate of five percent.

2. A tax at the rate of  $7\frac{1}{2}$  percent upon the gross receipts of the taxpayer for the pre-tax year from its business over, on, in, through or from its lines or mains in the State of New Jersey.

Amended by R.1992 d.505, effective December 21, 1992.

See: 24 N.J.R. 2531(b), 24 N.J.R. 4559(a).

Revised and added "(a)" to first paragraph; redesignated existing (a)-(b) as 1-2.

Amended by R.1999 d.88, effective March 15, 1999.

See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).

In (a), deleted "to the State" throughout, deleted a reference to railway and traction corporations, and substituted "excise" for "to the municipalities in which it operates" following "pay" in the introductory paragraph.

**Statutory References**

As to computation of tax, see N.J.S.A. 54:30A-54.

**18:22-10.2 (Reserved)****SUBCHAPTER 11. DISTRIBUTION TO MUNICIPALITIES OF TAX REVENUES FROM SEWERAGE AND WATER CORPORATIONS****18:22-11.1 (Reserved)**

Repealed by R.1999 d.88, effective March 15, 1999.

See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).

Section was "Establishment of valuations".

**18:22-11.2 (Reserved)**

Repealed by R.1999 d.88, effective March 15, 1999.

See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).

Section was "Certification".

**18:22-11.3 (Reserved)**

Repealed by R.1999 d.88, effective March 15, 1999.

See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).

Section was "Deduction of expenses".

**18:22-11.4 (Reserved)**

Repealed by R.1999 d.88, effective March 15, 1999.

See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).

Section was "Certification of expenses to taxpayers".

**18:22-11.5 (Reserved)**

Repealed by R.1999 d.88, effective March 15, 1999.

See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).

Section was "Apportionment of taxes to municipalities".

**18:22-11.6 (Reserved)**

Repealed by R.1999 d.88, effective March 15, 1999.

See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).

Section was "Unit value of scheduled property".

**18:22-11.7 Certification of tax collector; statement to taxpayer**

(a) Within five days after making the computation of the excise tax imposed by N.J.S.A. 54:30A-54(a) and (b), the Director of the Division of Taxation shall certify to the State Treasurer the amount of such taxes.

(b) At the same time the Director shall issue to each taxpayer a statement of the tax due.

Amended by R.1999 d.88, effective March 15, 1999.

See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).

Rewrote the section.

**Statutory References**

As to certification of taxes to collectors, see N.J.S.A. 54:30A-62.

**18:22-11.8 (Reserved)**

Repealed by R.1999 d.88, effective March 15, 1999.  
See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).  
Section was "Appeals by municipalities; procedure for filing".

**18:22-11.9 (Reserved)**

Repealed by R.1999 d.88, effective March 15, 1999.  
See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).  
Section was "Appeals by municipalities; deadlines for filing".

**18:22-11.10 (Reserved)**

Repealed by R.1999 d.88, effective March 15, 1999.  
See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).  
Section was "Deductions or additions to apportionment".

**18:22-11.11 (Reserved)**

Repealed by R.1999 d.88, effective March 15, 1999.  
See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).  
Section was "Corrections of errors in apportionment".

**18:22-11.12 (Reserved)**

Amended by R.1995 d.195, effective April 3, 1995.  
See: 27 N.J.R. 473(a), 27 N.J.R. 1441(a).  
Repealed by R.1999 d.88, effective March 15, 1999.  
See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).  
Section was "Apportionment of gross receipts tax".

## SUBCHAPTER 12. PAYMENT AND COLLECTION OF TAXES PAYABLE BY SEWERAGE AND WATER CORPORATIONS

**18:22-12.1 Payment of tax; place and time**

(a) Each taxpayer, upon receipt of the tax statement prescribed in N.J.A.C. 18:22-11.7 (Statement to taxpayer) shall be liable for the amount of taxes therein specified and shall pay such taxes in accordance with the schedule listed in (b) below.

(b) These taxes are payable in three installments as follows:

1. Thirty-five percent of the tax payable, or the total tax payable if the taxpayer so desires, 15 days after the date of certification of the computation by the Director.
2. Thirty-five percent of the tax payable on or before August 15 of the tax year; and
3. Thirty percent of the tax payable on or before November 15 of the tax year.

Amended by R.1999 d.88, effective March 15, 1999.  
See: 31 N.J.R. 118(a), 31 N.J.R. 777(d).

Rewrote the section.

**Statutory References**

As to payment of taxes, see N.J.S.A. 54:30A-62.

**18:22-12.2 Penalties and interest; collection procedures**

(a) Any delinquent taxes will be collected in the same manner and subject to the same discounts, interest and penalties as other taxes.

(b) The same proceedings now available for the collection of personal taxes against other corporations or individuals are applicable to the collection of the excise taxes imposed under the Act and payable to any municipality.

**Statutory References**

As to penalty and interest, see N.J.S.A. 54:30A-62.

**18:22-12.3 Lien**

The taxes payable by each taxpayer under the Act become and remain a first lien on the property and assets of the taxpayer on and after the date the same become payable.

**Statutory References**

As to liens, see N.J.S.A. 54:30A-62.

**18:22-12.4 Effect of appeal or review on payment**

In case of an appeal from any apportionment valuation or apportionment or any review thereof in any court, the portion of any tax not paid prior to the commencement of the appeal or review will not become payable until 30 days after final determination of the appeal or review and certification or recertification thereof.

**Statutory References**

As to effect of appeal or review on payment, see N.J.S.A. 54:30A-62.

**18:22-12.5 through 18:22-12.7 (Reserved)**

## SUBCHAPTER 13. ENERGY TAX RECEIPTS PROPERTY TAX RELIEF FUND

**18:22-13.1 Receipts credited**

Taxes paid under this chapter by water and sewerage companies shall be credited to the Energy Tax Receipts Property Tax Relief Fund. See N.J.S.A. 52:27D-438 et seq.