

CHAPTER 2

GENERAL POLICIES AND PROCEDURES

Authority

N.J.S.A. 54:49-12.5 and 54:50-1.

Source and Effective Date

R.2015 d.207, effective November 24, 2015.
See: 47 N.J.R. 1921(a), 47 N.J.R. 3150(a).

Chapter Expiration Date

Chapter 2, General Policies and Procedures, expires on November 24, 2022.

Chapter Historical Note

Chapter 2, General Policies and Procedures, was adopted as R.1974 d.182, effective July 3, 1974. See: 6 N.J.R. 250(c), 6 N.J.R. 328(a).

Subchapter 2, Penalties and Interest, was adopted as R.1975 d.284, effective September 25, 1975. See: 7 N.J.R. 439(d), 7 N.J.R. 490(b).

Pursuant to Executive Order No. 66(1978), Chapter 2, General Policies and Procedures, expired on September 6, 1993, and was subsequently adopted as new rules by R.1993 d.542, effective November 1, 1993. See: 25 N.J.R. 3107(a), 25 N.J.R. 4927(b).

Subchapter 3, Requirements for Payment of Taxes by Electronic Funds Transfer, was adopted as R.1994 d.63, effective February 7, 1994. See: 25 N.J.R. 1078(a), 26 N.J.R. 824(a).

Subchapter 4, Postmark Rule, was adopted as R.1995 d.609, effective December 4, 1995. See: 27 N.J.R. 3589(a), 27 N.J.R. 4906(b).

Subchapter 5, Refunds, was adopted as R.1996 d.54, effective February 5, 1996. See: 27 N.J.R. 4163(a), 28 N.J.R. 892(a).

Subchapter 6, Confidentiality and Disclosure, was adopted as R.1995 d.610, effective December 4, 1995. See: 27 N.J.R. 3591(a), 27 N.J.R. 4907(a).

Subchapter 7, Recordkeeping and Retention Requirements, was adopted as R.1997 d.256, effective June 16, 1997. See: 28 N.J.R. 5156(a), 29 N.J.R. 2706(a).

Pursuant to Executive Order No. 66(1978), Chapter 2, General Policies and Procedures, was readopted as R.1998 d.420, effective July 21, 1998. See: 30 N.J.R. 1919(b), 30 N.J.R. 3066(a).

Subchapter 8, Set-off of State Vendor Tax Debt, was adopted as R.1998 d.439, effective September 8, 1998. See: 30 N.J.R. 1920(a), 30 N.J.R. 3258(a).

Subchapter 9, Sale of Tax Indebtedness, was adopted as R.1999 d.147, effective May 3, 1999. See: 31 N.J.R. 593(a), 31 N.J.R. 1205(b).

Chapter 2, General Policies and Procedures, was readopted as R.2003 d.347, effective July 28, 2003. See: 35 N.J.R. 2164(a), 35 N.J.R. 3847(a).

Chapter 2, General Policies and Procedures, was readopted as R.2008 d.223, effective July 2, 2008. See: 40 N.J.R. 2101(a), 40 N.J.R. 4604(a).

Subchapter 10, Tax Clearance for Business Assistance and Incentives, was adopted as new rules by R.2009 d.284, effective September 21, 2009. See: 41 N.J.R. 2450(a), 41 N.J.R. 3461(b).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 2, General Policies and Procedures, was scheduled to expire on July 2, 2015. See: 43 N.J.R. 1203(a).

Chapter 2, General Policies and Procedures, was readopted as R.2015 d.207, effective November 24, 2015. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. FORMS

18:2-1.1 Reproduction of forms

(a) Subject to conditions and requirements in (b) and (c) below and electronic filing requirements, the Director will accept, for filing purposes, reproductions of printed return forms, privately designed and printed, and/or computer-generated and computer-prepared forms, in lieu of the official forms printed and furnished by the Director.

(b) By letter to the Director, Division of Taxation, privately designed and printed and/or computer-generated and computer-prepared forms must be submitted for approval prior to use. Approval of such a form is at the Director's sole discretion, so long as the form does not interfere with either the Division of Revenue and Enterprise Services' or Division of Taxation's procedures in any way. If a reproduction is not

approved, an explanation of the areas in which the form is deficient will be enclosed with the letter rejecting the reproduction. Approval of a reproduction of a tax form is valid for one tax year. If the official tax form has not changed since the year of approval, other than date changes and minor editorial changes, in which case, approval is valid until the official tax form changed in any other way. The submission of an unapproved reproduction does not satisfy statutory return filing requirements.

(c) Reproductions of printed official return forms must meet the following conditions and requirements to be acceptable for filing purposes:

1. Reproductions must be facsimiles of the complete official forms, for the proper tax period, produced by photocopying, computer, or other similar reproduction process.

2. Reproductions must be on paper of substantially the same weight and texture, of a quality at least as good as that used in the official form and of any color.

3. Reproductions must be the same size as the official form, both as to the overall dimensions of the paper and the image reproduced.

4. Format of pages must adhere to the following:

- i. Both sides of the paper should be used in making reproductions. However, reproduction on one side will be acceptable;

- ii. All reproductions must result in the same page arrangement as that of the official form and the spacing of the printed matter on each page and the fold must be the same as on the official form;

- iii. Separate pages must be fastened together in numerical order; and

- iv. Each separate page must be clearly identified by listing at the top of the page the taxpayer's name, the Federal identification number and the appropriate New Jersey serial number.

5. The quality of the reproduction of the printed matter must be substantially the same as that of the official form, and the filled-in information must be entirely legible.

6. The taxpayer's full and correct name and address and the identifying number as it appears on the form furnished by the Director must be typed or legibly printed on the reproduction.

7. Reproduction of forms may be made after insertion of the tax computations and the other required information. However, all signatures on forms to be filed must be original signatures, affixed subsequent to the reproduction process.

4. Any fees paid in conjunction with this application process are nonrefundable.

18:2-10.5 Interim Tax Clearance Certificate

(a) If the Director determines that the person or business entity has not filed all of the required tax and information returns or has not paid all tax, penalties, interest, or fees due, the Director shall issue a notice of delinquency or deficiency listing unfiled returns or balances due. The Director may require a person to resolve all delinquencies and deficiencies before a Tax Clearance Certificate is issued, or upon review of the total circumstances, the Director may issue an Interim Tax Clearance Certificate if it has been established to the satisfaction of the Director that the person or entity will resolve all such delinquencies or deficiencies within a specified time period.

1. The issuance of an Interim Tax Clearance Certificate is solely at the discretion of the Director based upon the receipt and confirmation of information that will allow the Director to determine that it is in the best economic interest of the State to issue the Interim Tax Clearance Certificate prior to full payment of all tax delinquencies and deficiencies.

2. Prior to an Interim Tax Clearance Certificate being issued to an applicant who may have outstanding tax issues

to resolve, the Director shall determine and demand a prepayment of those tax liabilities to be held in escrow.

Amended by R.2015 d.207, effective December 21, 2015.

See: 47 N.J.R. 1921(a), 47 N.J.R. 3150(a).

Rewrote (a)1; and in (a)2, substituted "Interim Tax Clearance Certificate" for "interim certificate", and inserted "outstanding" and "those".

18:2-10.6 No waiver of authority to resolve tax matters

The issuance of a regular or an Interim Tax Clearance Certificate does not constitute a waiver of authority to demand resolution of all deficiencies and delinquencies and will not prevent further audit or the assessment of additional taxes, penalties, interest, fees, or costs as may be provided by law.

Amended by R.2015 d.207, effective December 21, 2015.

See: 47 N.J.R. 1921(a), 47 N.J.R. 3150(a).

Substituted "Interim" for "interim"; "does" for first occurrence of "shall", and "will" for the second occurrence of "shall".

18:2-10.7 No additional appeal rights

There is no additional right to protest or appeal the State tax indebtedness, filing deficiency, or penalties created for any person or business entity that applies for tax clearance pursuant to the provisions within this subchapter.