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STATE OF NEW JERSEY

221st LEGISLATURE

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Sponsored by:
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District 32 (Hudson)

SYNOPSIS

Imposes sales and use tax and additional tax on non-essential flights on certain helicopters and seaplanes in State; dedicates revenues derived from taxation of non-essential flights to support NJT operating expenses.

CURRENT VERSION OF TEXT

As reported by the Senate Transportation Committee on November 10, 2025, with amendments.

AN ACT imposing taxes [1]**[**and fees related to tourist flights**]** on certain non-essential flights in the State, amending P.L.1980, c.105,[1] and supplementing Title 54 of the Revised Statutes.

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

1. [1](New section)[1] As used in [1]sections 1 through 3 and section 5 of[1] P.L. , c. (C. [1]through C. and C. [1]) (pending before the Legislature as this bill):

"Airport" means a designated area of land, water, or both, which is licensed by the Department of Transportation for the landing and takeoff of airplanes, helicopters, seaplanes [1],[1] and other aircraft, and which may provide facilities for shelter, security, and service of aircraft.

"Emergency medical transportation" shall have the same meaning as provided in section 1 of P.L.1986, c.106 (C.26:2K-35).

"Helicopter" means a rotary wing aircraft that depends principally upon the lift generated by engine-driven rotors rotating on a substantially vertical axis for its primary means of propulsion.

"Heliport" means a dedicated area of defined dimensions, either at ground level or elevated on a structure, designated for the landing or takeoff of helicopters and used solely for that purpose.

"Helistop" means an area of defined dimensions, either at ground level or elevated on a structure [1],[1] designated for the landing or take off of helicopters, but not limited in use to that sole purpose.

"News agency" means a commercial organization that collects and supplies news to subscribing newspapers, magazines, periodicals, and news broadcasters.

[1]"Non-essential flight" means any flight on a non-essential helicopter or seaplane, other than flights:

(1) providing emergency medical transportation;

(2) providing heavy-lift operations in support of construction or infrastructure maintenance;

(3) operating for research, experimental, or educational purposes; or

(4) operated or chartered by an organization that is exempt from federal taxation pursuant to paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.501(c)(3), or by a wholly-owned subsidiary of an exempt organization, in furtherance of the exempt organization's mission.[1]

"Non-essential helicopter or seaplane" means any helicopter or seaplane, other than those [1]**[**:

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
[1]Senate STR committee amendments adopted November 10, 2025.

(1)]1 owned or operated by 1, or on behalf of,1 a federal or military authority, the State or a political subdivision thereof, a news agency, or a licensed hospital or healthcare provider1[;

(2) providing emergency medical transportation;

(3) providing heavy-lift operations in support of construction or infrastructure maintenance; or

(4) operating a flight for research, experimental, or educational purposes]1.

"Seaplane" means any aircraft defined or classified as such by federal law, rule, or regulation.

1["Tourist flight" means a flight on a non-essential helicopter or seaplane that operates for the purpose of providing sightseeing tours to patrons in areas including, but not limited to, the Hudson River between New Jersey and New York City, the Statue of Liberty, and Ellis Island.]1

2. 1(New section)1 a. There is imposed on the patron of a 1[tourist] non-essential1 flight a tax in an amount equal to 1[$50] $100]1 per seat or 1[$200] $400]1 per flight, whichever is greater, on a 1[tourist] non-essential1 flight departing from, or arriving at, any aviation facility licensed by the State1,1 including, but not limited to, airports, heliports, and helistops.

b. The tax imposed under this section shall be collected by the owner or operator of a non-essential helicopter or seaplane that operates a 1[tourist] non-essential1 flight, and shall be separately stated on the retail sales receipt provided to the patron of the 1[tourist] non-essential1 flight pursuant to section 3 of P.L. , c. (C.) (pending before the Legislature as this bill).

c. Each owner or operator of a non-essential helicopter or seaplane that operates a 1[tourist] non-essential1 flight shall be personally liable for the tax imposed, collected, or required to be collected under this section. Any such person shall have the same rights with respect to collecting the tax from a patron as if the tax were a part of the sales price and payable at the same time.

d. In carrying out the provisions of this section, the Director of the Division of Taxation in the Department of the Treasury shall have all the powers and authority granted in P.L.1966, c.30 (C.54:32B-1 et seq.). The tax shall be filed and paid by the owner or operator of the non-essential helicopter or seaplane that operates a 1[tourist] non-essential1 flight on a quarterly basis in a manner prescribed by the director. The director shall promulgate such rules and regulations as the director determines are necessary to effectuate the provisions of this section.

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

3. [1](New section)[1] Within 48 hours following the completion of a [1][[tourist]] non-essential[1] flight, the owner or operator of the non-essential helicopter or seaplane shall provide the patron of the [1][[tourist]] non-essential[1] flight with an electronic receipt, which shall include:

a. the points of origin and destination of the [1][[tourist]] non-essential[1] flight;

b. the total time and distance of the [1][[tourist]] non-essential[1] flight;

c. an itemization of the total number of seats purchased for the [1][[tourist]] non-essential[1] flight; and

d. the amount of the tax imposed pursuant to section 2 of P.L. , c. (C.) (pending before the Legislature as this bill).

[1][[4. a. Beginning on the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), the Director of the Division of Taxation in the Department of the Treasury shall impose an assessment in an amount equal to three percent of the gross receipts received by:

(1) the owner or operator of a non-essential helicopter or seaplane for tourist flight service operations; and

(2) the owner or operator of a heliport or helistop licensed by the State for tourist flights departing or arriving from such heliport or helistop.

b. Each owner or operator of a non-essential helicopter or seaplane that operates a tourist flight, and each owner or operator of a heliport or helistop that is required to pay the assessment imposed by this section shall be personally liable for the assessment due to the director.

c. In carrying out the provisions of this section, the Director of the Division of Taxation in the Department of the Treasury shall have all the powers and authority granted in P.L.1966, c.30 (C.54:32B-1 et seq.). The assessment shall be filed and paid by the owner or operator of the non-essential helicopter or seaplane that operates a tourist flight that is subject to the assessment pursuant to this section, or the owner or operator of a heliport or helistop from which a tourist flight departs from, or arrives at, on a quarterly basis in a manner prescribed by the director. The director shall promulgate such rules and regulations as the director determines are necessary to effectuate the provisions of this section.

d. The tax imposed by this section shall be governed by the provisions of the "State Uniform Tax Procedure Law," R.S.54:48-1 et seq.]][1]

[1]4. Section 23 of P.L.1980, c.105 (C.54:32B-8.11) is amended to read as follows:

23. a. As used in this section:

"Airport" means a designated area of land, water, or both, which is licensed by the Department of Transportation for the landing and takeoff of airplanes, helicopters, seaplanes, and other aircraft, and which may provide facilities for shelter, security, and service of aircraft. "Emergency medical transportation" shall have the same meaning as provided in section 1 of P.L.1986, c.106 (C.26:2K-35).

"Helicopter" means a rotary wing aircraft that depends principally upon the lift generated by engine-driven rotors rotating on a substantially vertical axis for its primary means of propulsion.

"Heliport" means a dedicated area of defined dimensions, either at ground level or elevated on a structure, designated for the landing or takeoff of helicopters and used solely for that purpose.

"Helistop" means an area of defined dimensions, either at ground level or elevated on a structure, designated for the landing or take off of helicopters, but not limited in use to that sole purpose.

"News agency" means a commercial organization that collects and supplies news to subscribing newspapers, magazines, periodicals, and news broadcasters.

"Non-essential flight" means any flight on a non-essential helicopter or seaplane, other than flights:

(1) providing emergency medical transportation;

(2) providing heavy-lift operations in support of construction or infrastructure maintenance;

(3) operating for research, experimental, or educational purposes; or

(4) operated or chartered by an organization that is exempt from federal taxation pursuant to paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.501(c)(3), or by a wholly-owned subsidiary of an exempt organization, in furtherance of the exempt organization's mission.

"Non-essential helicopter or seaplane" means any helicopter or seaplane, other than those owned or operated by, or on behalf of, a federal or military authority, the State or a political subdivision thereof, a news agency, or a licensed hospital or healthcare provider.

"Seaplane" means any aircraft defined or classified as such by federal law, rule, or regulation.

b. 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; **[**and**]** the transportation of energy; and charges for non-essential flights departing from, or arriving at, any aviation facility licensed by the State, including, but not limited to, airports, heliports, and helistops.[1]

(cf: P.L.2017, c.27, s.3)

[1]5. (New section) a. There is established in the Department of the Treasury a special nonlapsing fund to be known as the "Non-Essential Flight Tax Fund."

b. The State Treasurer shall annually deposit into the "Non-Essential Flight Tax Fund:"

(1) all revenue derived from the tax imposed on the patrons of non-essential flights pursuant to section 2 of P.L. , c. (C.) (pending before the Legislature as this bill); and

(2) an amount equivalent to all revenue derived from the tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.) on charges for non-essential flights, as provided in section 23 of P.L.1980, c.105 (C.54:32B-8.11).

c. Notwithstanding any provision of law to the contrary, the Legislature shall annually appropriate all funds deposited into the "Non-Essential Flight Tax Fund" to the New Jersey Transit Corporation for the support of its annual operating expenses.[1]

[1][5.] 6.[1] [1](New section)[1] Notwithstanding the provisions of the [1]"[1]Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary, the Director of the Division of Taxation [1]in the Department of the Treasury[1] may adopt, immediately upon filing with the Office of Administrative Law, such rules and regulations as the director determines to be necessary to effectuate the purposes of P.L. , c. (C.) (pending before the Legislature as this bill), which rules and regulations shall be effective for a period not to exceed 360 days following the effective date of P.L. , c. (C.) (pending before the Legislature as this bill) and may thereafter be amended, adopted, or readopted by the director in accordance with the requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

[1][6.] 7.[1] This act shall take effect immediately but shall remain inoperative until the adoption of the rules and regulations pursuant to section [1][5] 6[1] of this act.