

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: Yes

Committee meeting of Senate Law and Public Safety Committee: "The Committee will hear testimony from invited guests on cybersecurity issues affecting New Jersey, including current and future efforts to address those issues," March 21, 2022 (<https://hdl.handle.net/10929/83586>)

NEWSPAPER ARTICLES: No

CL/JA

P.L. 2023, CHAPTER 58, *approved May 15, 2023*
Senate, No. 921 (*First Reprint*)

1 AN ACT concerning telemarketers and amending P.L.2003, c.76.

2

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

5

6 1. Section 10 of P.L.2003, c.76 (C.56:8-128) is amended to read
7 as follows:

8 10. a. **[No]** A telemarketer shall not make or cause to be made
9 any unsolicited telemarketing sales call to any customer whose
10 telephone number is included on the no telemarketing call list
11 established pursuant to section 9 of **[this act]** P.L.2003, c.76 (C.56:8-
12 127), except for a call made within three months of the date the
13 customer's telephone number was first included on the no call list but
14 only if the telemarketer had at the time of the call not yet obtained a no
15 call list which included the customer's telephone number and the no
16 call list used by the telemarketer was issued less than three months
17 prior to the time the call was made.

18 b. A telemarketer making a telemarketing sales call shall, within
19 the first 30 seconds of the call, accurately identify the telemarketer's
20 name, the name and telephone number of the person on whose behalf
21 the call is being made, and the purpose of the call. ¹**[A]** In addition to
22 any other penalties provided by law, a¹ violation of this subsection
23 shall constitute a disorderly persons offense.

24 c. A telemarketer shall be required to disclose the mailing address
25 of the telemarketer, and any company on whose behalf the company is
26 telemarketing, on any website owned or operated by the telemarketer
27 and on any subsequent written communication to a customer.

28 d. A telemarketer shall not make or cause to be made any
29 unsolicited telemarketing sales call to any customer between the hours
30 of **[9 p.m. and 8 a.m.]** 9:00 p.m. and 8:00 a.m., local time, at the
31 customer's location.

32 **[d.] e.** A telemarketer shall not intentionally use any method
33 that blocks a caller identification service from displaying caller
34 identification information or otherwise circumvents a customer's use
35 of a telephone caller identification service, including, but not limited
36 to, the use of any technology or method which displays a telephone
37 number or name not associated with the telemarketer or intentionally
38 designed to misrepresent the telemarketer's identity.

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:

¹Senate SCM committee amendments adopted January 26, 2023.

1 f. The requirements of this section shall not apply to any
2 telemarketer who makes a residential marketing call in response to a
3 customer's phone call or contact with the telemarketer's website, in
4 which the customer affirmatively requests a follow-up telemarketing
5 sales call or other contact from the telemarketer.

6 (cf: P.L.2005, c.289, s.1)

7

8 2. This act shall take effect on the first day of the seventh
9 month following enactment.

10

11

12

13

14 _____
15 Requires telemarketers to provide name, mailing address, and
telephone number of person on whose behalf call is made.

SENATE, No. 921

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JANUARY 31, 2022

Sponsored by:

Senator JON M. BRAMNICK

District 21 (Morris, Somerset and Union)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Co-Sponsored by:

Senator Codey

SYNOPSIS

Requires telemarketers to provide name, mailing address, and telephone number of person on whose behalf call is made.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/26/2023)

1 AN ACT concerning telemarketers and amending P.L.2003, c.76.

2

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

5

6 1. Section 10 of P.L.2003, c.76 (C.56:8-128) is amended to read
7 as follows:

8 10. a. **[No]** A telemarketer shall not make or cause to be made
9 any unsolicited telemarketing sales call to any customer whose
10 telephone number is included on the no telemarketing call list
11 established pursuant to section 9 of **[this act]** P.L.2003, c.76 (C.56:8-
12 127), except for a call made within three months of the date the
13 customer's telephone number was first included on the no call list but
14 only if the telemarketer had at the time of the call not yet obtained a no
15 call list which included the customer's telephone number and the no
16 call list used by the telemarketer was issued less than three months
17 prior to the time the call was made.

18 b. A telemarketer making a telemarketing sales call shall, within
19 the first 30 seconds of the call, accurately identify the telemarketer's
20 name, the name and telephone number of the person on whose behalf
21 the call is being made, and the purpose of the call. A violation of this
22 subsection shall constitute a disorderly persons offense.

23 c. A telemarketer shall be required to disclose the mailing address
24 of the telemarketer, and any company on whose behalf the company is
25 telemarketing, on any website owned or operated by the telemarketer
26 and on any subsequent written communication to a customer.

27 d. A telemarketer shall not make or cause to be made any
28 unsolicited telemarketing sales call to any customer between the hours
29 of **[9 p.m. and 8 a.m.]** 9:00 p.m. and 8:00 a.m., local time, at the
30 customer's location.

31 **[d.]** e. A telemarketer shall not intentionally use any method
32 that blocks a caller identification service from displaying caller
33 identification information or otherwise circumvents a customer's use
34 of a telephone caller identification service, including, but not limited
35 to, the use of any technology or method which displays a telephone
36 number or name not associated with the telemarketer or intentionally
37 designed to misrepresent the telemarketer's identity.

38 f. The requirements of this section shall not apply to any
39 telemarketer who makes a residential marketing call in response to a
40 customer's phone call or contact with the telemarketer's website, in
41 which the customer affirmatively requests a follow-up telemarketing
42 sales call or other contact from the telemarketer.

43 (cf: P.L.2005, c.289, s.1)

44

45 2. This act shall take effect on the first day of the seventh
46 month following enactment.

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.

1 STATEMENT

2

3 This bill requires a telemarketer, within 30 seconds of making a
4 telemarketing sales call, to provide the customer the name and
5 telephone number of the person on whose behalf the call is being
6 made. A violation of the bill's provisions is to constitute a
7 disorderly persons offense.

8 The bill also requires the mailing address of a telemarketer and
9 any business on whose behalf the telemarketer is telemarketing to
10 be disclosed on any website owned or operated by the telemarketer
11 and on any subsequent written communication to customers.

12 The prohibition on unsolicited sales calls and the requirement to
13 disclose certain telemarketer information required in this bill do not
14 apply to telemarketing sales calls when a customer contacts the
15 telemarketer via phone call or website and affirmatively requests a
16 follow-up telemarketing sales call or other contact from the
17 telemarketer.

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 921

STATE OF NEW JERSEY

DATED: MARCH 20, 2023

The Assembly Consumer Affairs Committee reports favorably Senate Bill No. 921 (1R).

As reported by the committee, this bill requires a telemarketer, within 30 seconds of making a telemarketing sales call, to provide the customer the name and telephone number of the person on whose behalf the call is being made. A violation of the bill's provisions is to constitute a disorderly persons offense, in addition to other penalties as already prescribed by current law.

The bill also requires the mailing address of a telemarketer and any business on whose behalf the telemarketer is telemarketing to be disclosed on any website owned or operated by the telemarketer and on any subsequent written communication to customers.

The prohibition on unsolicited sales calls and the requirement to disclose certain telemarketer information required in this bill do not apply to telemarketing sales calls when a customer contacts the telemarketer via phone call or website and affirmatively requests a follow-up telemarketing sales call or other contact from the telemarketer.

As reported by the committee, Senate Bill No. 921 (1R) is identical to Assembly Bill No. 1545, which was amended and reported by the committee on this date.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 921

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 26, 2023

The Senate Commerce Committee reports favorably Senate Bill No. 921 with committee amendments.

As amended, this bill requires a telemarketer, within 30 seconds of making a telemarketing sales call, to provide the customer the name and telephone number of the person on whose behalf the call is being made. A violation of the bill's provisions is to constitute a disorderly persons offense, in addition to other penalties as already prescribed by current law.

The bill also requires the mailing address of a telemarketer and any business on whose behalf the telemarketer is telemarketing to be disclosed on any website owned or operated by the telemarketer and on any subsequent written communication to customers.

The prohibition on unsolicited sales calls and the requirement to disclose certain telemarketer information required in this bill do not apply to telemarketing sales calls when a customer contacts the telemarketer via phone call or website and affirmatively requests a follow-up telemarketing sales call or other contact from the telemarketer.

COMMITTEE AMENDMENTS

The committee amended the bill to clarify that in addition to a disorderly persons offense, a party in violation of the bill will incur other penalties as provided by law.

ASSEMBLY, No. 1545

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

Co-Sponsored by:

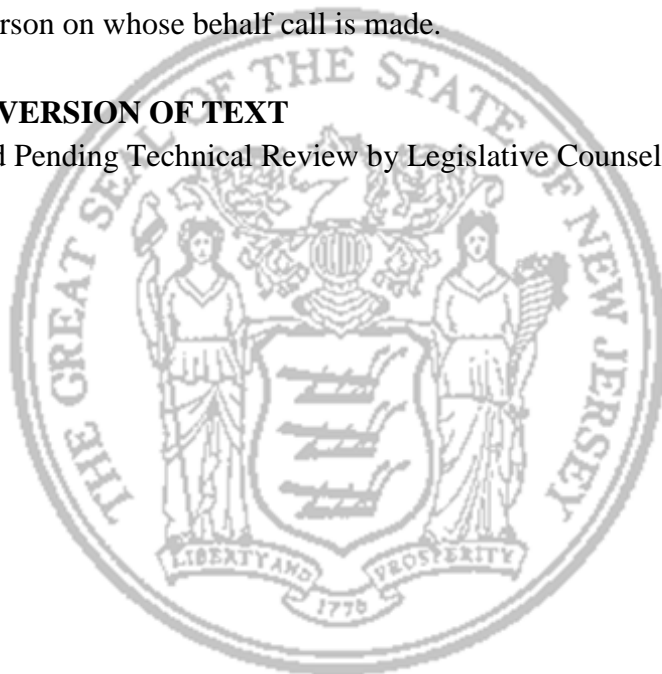
**Assemblywoman Murphy, Assemblymen Rooney, DePhillips,
Assemblywomen Mosquera, Jimenez, Swain, Assemblyman Thomson,
Assemblywoman Dunn, Assemblyman DiMaio and Assemblywoman
DeFuccio**

SYNOPSIS

Requires telemarketers to provide name, mailing address, and telephone number of person on whose behalf call is made.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/23/2023)

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2

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5

6 1. Section 10 of P.L.2003, c.76 (C.56:8-128) is amended to read
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12 127), except for a call made within three months of the date the
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14 only if the telemarketer had at the time of the call not yet obtained a no
15 call list which included the customer's telephone number and the no
16 call list used by the telemarketer was issued less than three months
17 prior to the time the call was made.

18 b. A telemarketer making a telemarketing sales call shall, within
19 the first 30 seconds of the call, accurately identify the telemarketer's
20 name, the name and telephone number of the person on whose behalf
21 the call is being made, and the purpose of the call. A violation of this
22 subsection shall constitute a disorderly persons offense.

23 c. A telemarketer shall be required to disclose the mailing address
24 of the telemarketer, and any company on whose behalf the company is
25 telemarketing, on any website owned or operated by the telemarketer
26 and on any subsequent written communication to a customer.

27 d. A telemarketer shall not make or cause to be made any
28 unsolicited telemarketing sales call to any customer between the hours
29 of **[9 p.m. and 8 a.m.]** 9:00 p.m. and 8:00 a.m., local time, at the
30 customer's location.

31 **[d.]** e. A telemarketer shall not intentionally use any method
32 that blocks a caller identification service from displaying caller
33 identification information or otherwise circumvents a customer's use
34 of a telephone caller identification service, including, but not limited
35 to, the use of any technology or method which displays a telephone
36 number or name not associated with the telemarketer or intentionally
37 designed to misrepresent the telemarketer's identity.

38 f. The requirements of this section shall not apply to any
39 telemarketer who makes a residential marketing call in response to a
40 customer's phone call or contact with the telemarketer's website, in
41 which the customer affirmatively requests a follow-up telemarketing
42 sales call or other contact from the telemarketer.

43 (cf: P.L.2005, c.289, s.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.

1 2. This act shall take effect on the first day of the seventh
2 month following enactment..

3

4

5

STATEMENT

6

7 This bill requires a telemarketer, within 30 seconds of making a
8 telemarketing sales call, to provide the customer the name and
9 telephone number of the person on whose behalf the call is being
10 made. A violation of the bill's provisions is to constitute a
11 disorderly persons offense.

12 The bill also requires the mailing address of a telemarketer and
13 any business on whose behalf the telemarketer is telemarketing to
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16 The prohibition on unsolicited sales calls and the requirement to
17 disclose certain telemarketer information required in this bill do not
18 apply to telemarketing sales calls when a customer contacts the
19 telemarketer via phone call or website and affirmatively requests a
20 follow-up telemarketing sales call or other contact from the
21 telemarketer.

Governor Murphy Signs "Seinfeld Bill" Increasing Telemarketing Transparency

05/15/2023

Legislation Requires Telemarketers to Disclose Their Contact Information

TRENTON – Governor Phil Murphy today signed S921/A1545, also known as the "Seinfeld Bill," which requires telemarketers to provide the name, mailing address, and telephone number of the person on whose behalf the call is made within 30 seconds of a call. In an effort to crack down on telemarketers, the bill takes inspiration from a [scene](#) in the hit NBC sitcom, *Seinfeld*.

"The famous *Seinfeld* scene where Jerry is irritated that telemarketers can call at any time, under any pretense, and without any kind of guidelines or consequences, makes light of situation many New Jerseyans face every day, sometimes multiple times a day," **said Governor Murphy**. "I am proud to sign the 'Seinfeld Bill' and to establish much-needed transparency in telemarketing."

Primary sponsors of S921/A1545 include Senators Jon Bramnick and Nellie Pou and Assemblymembers Paul Moriarty, Daniel Benson, and Clinton Calabrese.

"When you answer a telemarketer's call, you should know right up front who they are and who they work for," **said Senator Bramnick**. "If they're on the up and up, telemarketing firm should have no issue with this bill."

"There's an overwhelming number of scams targeting seniors by phone," **said Assemblyman Moriarty**. "This new law will clearly alert seniors that a telemarketer is seeking to sell them something and the law will provide them with a level of protection. It's important to do what we can to protect our seniors from falling victim to scams. This may also help cut down the overwhelming number of calls seniors receive at home."

The legislation states that a telemarketer making a telemarketing sales call must, within the first 30 seconds of the call, accurately identify the telemarketer's name, the name and telephone number of the person on whose behalf the call is being made, and the purpose of the call. A violation of the bill's provisions is to constitute a disorderly persons offense, in addition to other penalties as already prescribed by current law. A telemarketer will also be required to disclose the mailing address of the telemarketer, and any company on whose behalf the company is telemarketing, on any website owned or operated by the telemarketer, and on any subsequent written communication to a customer.

The bill also requires that a telemarketer cannot make any unsolicited telemarketing sales call to any customer between the hours of 9:00 p.m. and 8:00 a.m., local time, at the customer's location.

The prohibition on unsolicited sales calls and the requirement to disclose certain telemarketer information required in this bill do not apply to telemarketing sales calls when a customer contacts the telemarketer via phone call or website and affirmatively requests a follow-up telemarketing sales call or other contact from the telemarketer.