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LAW/RWH

P.L.2015, CHAPTER 2, *approved January 29, 2015*

Senate, No. 1382

1 AN ACT concerning certain unsolicited telemarketing sales calls and
2 amending P.L.2003, c.76.

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

6
7 1. Section 12 of P.L.2003, c.76 (C.56:8-130) is amended to read
8 as follows:

9 12. a. **[No]** A telemarketer shall not make or cause to be made
10 any unsolicited telemarketing sales call to a commercial mobile
11 service device of any customer, except that a telemarketer that is a
12 commercial mobile services company may call its customer using
13 its commercial mobile services if its customer will not incur
14 telecommunication charges or a usage allocation deduction as a
15 result of **[such]** the call and the call is directly related to the
16 commercial mobile services of the commercial mobile services
17 company, unless the customer has stated to the commercial mobile
18 services company that the customer no longer desires to receive
19 these calls.

20 b. For the purposes of this section, "commercial mobile
21 service" means a type of mobile telecommunications service as
22 defined in subsection (d) of section 332 of the Communications Act
23 of 1934 (47 U.S.C. s.332(d)); and "commercial mobile service
24 device" means any equipment used for the purpose of providing
25 commercial mobile service.

26 c. The provisions of this section shall apply to those numbers
27 for commercial mobile service devices which the division is able to
28 distinguish from numbers for devices for telecommunications
29 service, as defined in section 2 of P.L.1991, c.428 (C.48:2-21.17),
30 on the 30th day following certification of such to the Governor and
31 the Legislature.

32 (cf: P.L.2003, c.76, s.12)

33
34 2. This act shall take effect immediately.

35

36

37

STATEMENT

38

39 This bill clarifies the State's "no call list" law to prohibit
40 unsolicited telemarketing sales calls from being made to
41 commercial mobile service devices. Currently, the "no call list"
42 law prohibits all telemarketing sales calls from being made to

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.

S1382

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1 commercial mobile service devices, except that a commercial
2 mobile service company may call its customers using its
3 commercial mobile services.

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8 Prohibits unsolicited telemarketing sales calls to commercial
9 mobile service devices.

SENATE, No. 1382

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED FEBRUARY 27, 2014

Sponsored by:

Senator PETER J. BARNES, III

District 18 (Middlesex)

Senator JEFF VAN DREW

District 1 (Atlantic, Cape May and Cumberland)

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Assemblyman TIMOTHY J. EUSTACE

District 38 (Bergen and Passaic)

Co-Sponsored by:

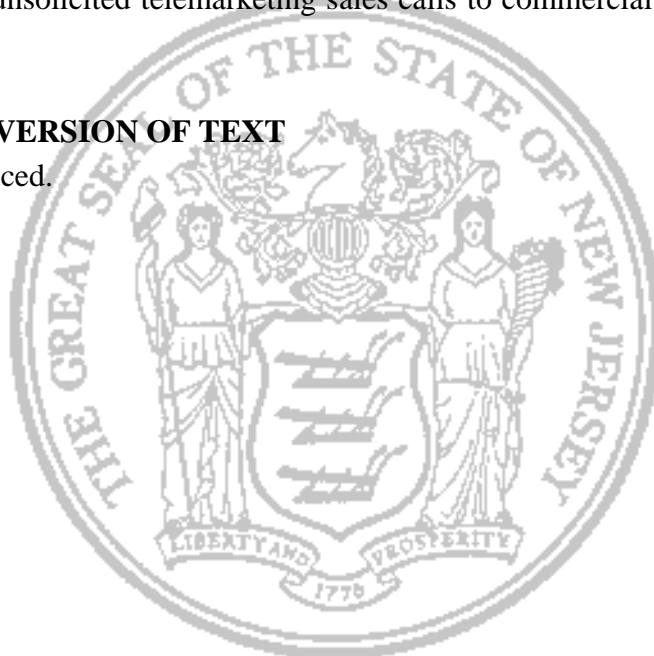
Senator Addiego, Assemblyman Coughlin and Assemblywoman Handlin

SYNOPSIS

Prohibits unsolicited telemarketing sales calls to commercial mobile service devices.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/16/2014)

1 AN ACT concerning certain unsolicited telemarketing sales calls and
2 amending P.L.2003, c.76.

3

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

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7 1. Section 12 of P.L.2003, c.76 (C.56:8-130) is amended to read
8 as follows:

9 12. a. **[No]** A telemarketer shall not make or cause to be made
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11 service device of any customer, except that a telemarketer that is a
12 commercial mobile services company may call its customer using
13 its commercial mobile services if its customer will not incur
14 telecommunication charges or a usage allocation deduction as a
15 result of **[such]** the call and the call is directly related to the
16 commercial mobile services of the commercial mobile services
17 company, unless the customer has stated to the commercial mobile
18 services company that the customer no longer desires to receive
19 these calls.

20 b. For the purposes of this section, "commercial mobile
21 service" means a type of mobile telecommunications service as
22 defined in subsection (d) of section 332 of the Communications Act
23 of 1934 (47 U.S.C. s.332(d)); and "commercial mobile service
24 device" means any equipment used for the purpose of providing
25 commercial mobile service.

26 c. The provisions of this section shall apply to those numbers
27 for commercial mobile service devices which the division is able to
28 distinguish from numbers for devices for telecommunications
29 service, as defined in section 2 of P.L.1991, c.428 (C.48:2-21.17),
30 on the 30th day following certification of such to the Governor and
31 the Legislature.

32 (cf: P.L.2003, c.76, s.12)

33

34 2. This act shall take effect immediately.

35

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37

STATEMENT

38

39 This bill clarifies the State's "no call list" law to prohibit
40 unsolicited telemarketing sales calls from being made to
41 commercial mobile service devices. Currently, the "no call list"
42 law prohibits all telemarketing sales calls from being made to
43 commercial mobile service devices, except that a commercial
44 mobile service company may call its customers using its
45 commercial mobile services.

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not enacted and is intended to be omitted in the law.

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SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 1382

STATE OF NEW JERSEY

DATED: OCTOBER 9, 2014

The Senate Commerce Committee reports favorably Senate Bill No. 1382.

This bill modifies the State's "no call list" law to allow certain telemarketing sales calls to be made to commercial mobile service devices. Currently, the "no call list" law prohibits all telemarketing sales calls from being made to commercial mobile service devices, except that a commercial mobile service company may call its customers using its commercial mobile services. This bill specifies that only unsolicited telemarketing sales calls are prohibited.

Under the current law, "unsolicited telemarketing sales call" is defined as any telemarketing sales call other than a call made:

(1) in response to an express written request of the customer called; or

(2) to an existing customer, which shall include the ability to collect on accounts and follow up on contractual obligations, unless the customer has stated to the telemarketer that the customer no longer desires to receive the telemarketing sales calls of the telemarketer.

These types of calls to customers would be permitted under the bill.

ASSEMBLY, No. 2933

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MARCH 20, 2014

Sponsored by:

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Assemblyman TIMOTHY J. EUSTACE

District 38 (Bergen and Passaic)

Co-Sponsored by:

Assemblyman Coughlin and Assemblywoman Handlin

SYNOPSIS

Prohibits unsolicited telemarketing sales calls to commercial mobile service devices.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/16/2014)

1 AN ACT concerning certain unsolicited telemarketing sales calls and
2 amending P.L.2003, c.76.

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

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7 1. Section 12 of P.L.2003, c.76 (C.56:8-130) is amended to
8 read as follows:

9 12. a. **[No]** A telemarketer shall not make or cause to be made
10 any unsolicited telemarketing sales call to a commercial mobile
11 service device of any customer, except that a telemarketer that is a
12 commercial mobile services company may call its customer using
13 its commercial mobile services if its customer will not incur
14 telecommunication charges or a usage allocation deduction as a
15 result of **[such]** the call and the call is directly related to the
16 commercial mobile services of the commercial mobile services
17 company, unless the customer has stated to the commercial mobile
18 services company that the customer no longer desires to receive
19 these calls.

20 b. For the purposes of this section, "commercial mobile
21 service" means a type of mobile telecommunications service as
22 defined in subsection (d) of section 332 of the Communications Act
23 of 1934 (47 U.S.C. s.332(d)); and "commercial mobile service
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28 distinguish from numbers for devices for telecommunications
29 service, as defined in section 2 of P.L.1991, c.428 (C.48:2-21.17),
30 on the 30th day following certification of such to the Governor and
31 the Legislature.

32 (cf: P.L.2003, c.76, s.12)

33

34 2. This act shall take effect immediately.

35

36

37

STATEMENT

38

39 This bill clarifies the State's "no call list" law to prohibit
40 unsolicited telemarketing sales calls from being made to cell
41 phones. Telemarketers would be allowed to contact customers who
42 have provided telemarketers their contact information. Currently,
43 the "no call list" law prohibits all telemarketing sales calls from
44 being made to cell phones, except that a cell phone service provider
45 may call its own customers.

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not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2933

STATE OF NEW JERSEY

DATED: OCTOBER 23, 2014

The Assembly Consumer Affairs Committee reports favorably on Assembly Bill No. 2933.

This bill amends the State's "no call list" law to prohibit telemarketers from making unsolicited telemarketing sales calls to cell phones.

Under current law, the "no call list" prohibits telemarketers from making any telemarketing sales calls to cell phones, whether they are solicited or unsolicited. The only exception is that a commercial mobile service company may call its own customers if no charges or usage allocation deductions will occur as a result of the call.

This bill amends current law to restrict only unsolicited calls to cell phones. Under the provisions of the bill, a telemarketer would be permitted to place a telemarketing sales call to a person who has provided a cell phone number as contact information.