

56:12-99 to 56:12-101
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2019 **CHAPTER:** 188

NJSA: 56:12-99 to 56:12-101 (Allows for cancellation of certain service contracts without paying early termination fee if customer becomes deceased prior to end of service contract.)

BILL NO: A1369 (Substituted for S2801)

SPONSOR(S) James J. Kennedy and others

DATE INTRODUCED: 1/9/2018

COMMITTEE: **ASSEMBLY:** Consumer Affairs
 SENATE: Economic Growth

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** 3/26/2018
 SENATE: 5/30/2019

DATE OF APPROVAL: 7/19/2019

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced version of bill enacted) Yes

A1369

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S2801

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RWH/CL

P.L. 2019, CHAPTER 188, *approved July 19, 2019*
Assembly, No. 1369

1 **AN ACT** concerning certain service contracts and supplementing
2 Title 56 of the Revised Statutes.

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

6
7 1. As used in P.L. , c. (C.) (pending before the
8 Legislature as this bill):

9 “Cable television service” shall have the same meaning as
10 provided in section 3 of P.L.1972, c.186 (C.48:5A-3).

11 “Commercial mobile service” shall have the same meaning as
12 provided in 47 U.S.C. s.332.

13 “Direct broadcast satellite service” means a satellite system with
14 programming offered as a service by a provider of direct broadcast
15 satellite service as defined in 47 U.S.C. s.335.

16 “Electric generation service” and “gas supply service” shall have
17 the same meaning as provided in section 3 of P.L.1999, c.23
18 (C.48:3-51).

19 “Executor” means the executor or administrator of the estate of a
20 customer who is subject to the provisions of P.L. , c. (C.)
21 (pending before the Legislature as this bill) upon the death of that
22 customer.

23 “Heating oil” means number 2 heating oil, number 4 heating oil,
24 number 6 heating oil, and kerosene used exclusively for residential
25 use.

26 “Heating oil service” means the delivery of heating oil to a
27 customer but shall not include delivery pursuant to a contract for a
28 term of less than 275 days where the customer had committed to
29 purchase a specified volume of heating oil at a specified price.

30 “Internet access service” shall have the same meaning as
31 provided in 47 U.S.C. s.231.

32 “Propane service” shall have the same meaning as “propane
33 services” as defined in section 2 of P.L.2007, c.150 (C.52:27D-
34 510).

35 “Telecommunications service” shall have the same meaning as
36 provided in section 2 of P.L.1991, c.428 (C.48:2-21.17).

37 “Voice over Internet Protocol service” shall have the same
38 meaning as provided in section 3 of P.L.2007, c.195 (C.48:17-34).

39
40 2. Subject to federal law and regulation, a provider of cable
41 television service, commercial mobile service, direct broadcast

1 satellite service, electric generation service, gas supply service,
2 heating oil service, Internet access service, propane service,
3 telecommunications service, and Voice over Internet Protocol
4 service, shall allow the executor for a deceased customer who is
5 under contract with the provider, including but not limited to, a
6 bundle contract or multi-year contract, to opt-out of the contract
7 without paying an early termination fee or other similar charge
8 when the executor requests to opt-out of the contract in writing.
9 The executor shall provide to the provider, within 180 days of the
10 executor's request, a copy of the deceased customer's certificate of
11 death. A request for opting-out of the contract without charge shall
12 be made in good faith. The provider shall waive the otherwise
13 applicable charges for the executor requesting to opt-out of the
14 contract as of the date the provider receives the request.

15

16 3. a. A person who violates P.L. , c. (C.) (pending
17 before the Legislature as this bill) shall be liable to a civil penalty
18 of up to \$1,000 for each offense.

19 b. A penalty imposed pursuant to subsection a. of this section
20 shall be collected in a civil action by a summary proceeding under
21 the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-
22 10 et seq.) or in any case before a court of competent jurisdiction
23 wherein injunctive relief has been requested. The Superior Court
24 and municipal court shall have jurisdiction to enforce the "Penalty
25 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in
26 connection with P.L. , c. (C.) (pending before the
27 Legislature as this bill). If the violation is of a continuing nature,
28 each day during which the violation continues shall constitute an
29 additional, separate, and distinct offense.

30

31 4. This act shall take effect immediately and apply to contracts
32 entered into or renewed on or after the effective date of this act.

33

34

35

36

37 _____
38 Allows for cancellation of certain service contracts without
39 paying early termination fee if customer becomes deceased prior to
end of service contract.

ASSEMBLY, No. 1369

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblyman JAMES J. KENNEDY

District 22 (Middlesex, Somerset and Union)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Co-Sponsored by:

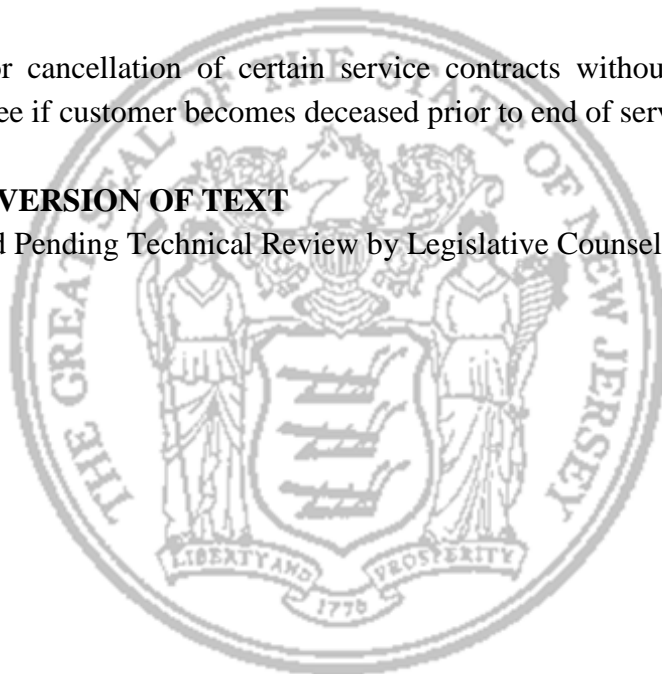
**Assemblywomen McKnight, Lampitt, Assemblymen Coughlin, McKeon,
Rooney, Conaway and Danielsen**

SYNOPSIS

Allows for cancellation of certain service contracts without paying early termination fee if customer becomes deceased prior to end of service contract.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/6/2018)

1 AN ACT concerning certain service contracts and supplementing
2 Title 56 of the Revised Statutes.

3

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

6

7 1. As used in P.L. , c. (C.) (pending before the
8 Legislature as this bill):

9 “Cable television service” shall have the same meaning as
10 provided in section 3 of P.L.1972, c.186 (C.48:5A-3).

11 “Commercial mobile service” shall have the same meaning as
12 provided in 47 U.S.C. s.332.

13 “Direct broadcast satellite service” means a satellite system with
14 programming offered as a service by a provider of direct broadcast
15 satellite service as defined in 47 U.S.C. s.335.

16 “Electric generation service” and “gas supply service” shall have
17 the same meaning as provided in section 3 of P.L.1999, c.23
18 (C.48:3-51).

19 “Executor” means the executor or administrator of the estate of a
20 customer who is subject to the provisions of P.L. , c. (C.)
21 (pending before the Legislature as this bill) upon the death of that
22 customer.

23 “Heating oil” means number 2 heating oil, number 4 heating oil,
24 number 6 heating oil, and kerosene used exclusively for residential
25 use.

26 “Heating oil service” means the delivery of heating oil to a
27 customer but shall not include delivery pursuant to a contract for a
28 term of less than 275 days where the customer had committed to
29 purchase a specified volume of heating oil at a specified price.

30 “Internet access service” shall have the same meaning as
31 provided in 47 U.S.C. s.231.

32 “Propane service” shall have the same meaning as “propane
33 services” as defined in section 2 of P.L.2007, c.150 (C.52:27D-
34 510).

35 “Telecommunications service” shall have the same meaning as
36 provided in section 2 of P.L.1991, c.428 (C.48:2-21.17).

37 “Voice over Internet Protocol service” shall have the same
38 meaning as provided in section 3 of P.L.2007, c.195 (C.48:17-34).

39

40 2. Subject to federal law and regulation, a provider of cable
41 television service, commercial mobile service, direct broadcast
42 satellite service, electric generation service, heating oil service, gas
43 supply service, Internet access service, propane service,
44 telecommunications service, and Voice over Internet Protocol
45 service, shall allow the executor for a deceased customer who is
46 under contract with the provider, including but not limited to, a
47 bundle contract or multi-year contract, to opt-out of the contract
48 without paying an early termination fee or other similar charge

1 when the executor requests to opt-out of the contract in writing.
2 The executor shall provide to the provider, within 180 days of the
3 executor's request, a copy of the deceased customer's certificate of
4 death. A request for opting-out of the contract without charge shall
5 be made in good faith. The provider shall waive the otherwise
6 applicable charges for the executor requesting to opt-out of the
7 contract as of the date the provider receives the request.

8
9 3. a. A person who violates P.L. , c. (C.) (pending
10 before the Legislature as this bill) shall be liable to a civil penalty
11 of up to \$1,000 for each offense.

12 b. A penalty imposed pursuant to subsection a. of this section
13 shall be collected in a civil action by a summary proceeding under
14 the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-
15 10 et seq.) or in any case before a court of competent jurisdiction
16 wherein injunctive relief has been requested. The Superior Court
17 and municipal court shall have jurisdiction to enforce the "Penalty
18 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in
19 connection with P.L. , c. (C.) (pending before the
20 Legislature as this bill). If the violation is of a continuing nature,
21 each day during which the violation continues shall constitute an
22 additional, separate, and distinct offense.

23
24 4. This act shall take effect immediately and apply to contracts
25 entered into or renewed on or after the effective date of this act.

26

27

28

STATEMENT

29

30 This bill requires a service provider of cable television, cellular
31 telephone, direct broadcast satellite, electric generation, heating oil,
32 gas supply, Internet access, propane, telecommunications, and
33 Voice over Internet Protocol to allow the executor of a deceased
34 customer who is under contract with the provider to opt-out of the
35 contract without paying an early termination fee or other similar
36 charge when the executor requests to opt-out of the contract in
37 writing.

38 The bill requires an executor to request the contract cancellation
39 in writing and submit, within 180 days of the request,
40 documentation proving that the customer is deceased. The required
41 documentation is to include a copy of the deceased customer's
42 death certificate. A request for opting-out of the contract, which
43 may include a bundle or multi-year contract, without charge is to be
44 made in good faith. These service providers are to waive the
45 otherwise applicable charges for the deceased customer requesting
46 to opt-out of the contract as of the date these service providers
47 receive the request.

A1369 KENNEDY, DEANGELO

4

1 A person who violates the provisions of the bill is to be liable to
2 a civil penalty of up to \$1,000 for each offense. The Superior Court
3 and municipal court have jurisdiction to enforce the civil penalty in
4 connection with the bill. If the violation is of a continuing nature,
5 each day during which the violation continues is to constitute an
6 additional, separate, and distinct offense.

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1369

STATE OF NEW JERSEY

DATED: MARCH 5, 2018

The Assembly Consumer Affairs Committee reports favorably Assembly Bill No. 1369.

As reported by the committee, Assembly Bill No. 1369 requires a service provider of cable television, cellular telephone, direct broadcast satellite, electric generation, gas supply, heating oil, Internet access, propane, telecommunications, and Voice over Internet Protocol (VOIP) to allow the executor of a deceased customer who is under contract with the provider to opt-out of the contract without paying an early termination fee or other similar charge when the executor requests to opt-out of the contract in writing.

The bill requires an executor to request the contract cancellation in writing and submit, within 180 days of the request, documentation proving that the customer is deceased. The required documentation is to include a copy of the deceased customer's death certificate. A request for opting-out of the contract, which may include a bundle or multi-year contract, without charge is to be made in good faith. Service providers are to waive the otherwise applicable charges for the deceased customer as of the date they receive the request from the executor.

A person who violates the provisions of the bill is subject to a civil penalty of up to \$1,000 for each offense. The Superior Court and municipal court have jurisdiction to enforce this civil penalty. If the violation is of a continuing nature, each day during which the violation continues is to constitute an additional, separate, and distinct offense.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1369

STATE OF NEW JERSEY

DATED: DECEMBER 6, 2018

The Senate Economic Growth Committee reports favorably Assembly Bill No. 1369.

As reported, this bill requires a service provider of cable television, cellular telephone, direct broadcast satellite, electric generation, gas supply, heating oil, Internet access, propane, telecommunications, and Voice over Internet Protocol (VOIP) to allow the executor of a deceased customer who is under contract with the provider to opt-out of the contract without paying an early termination fee or other similar charge when the executor requests to opt-out of the contract in writing.

The bill requires an executor to request the contract cancellation in writing and submit, within 180 days of the request, documentation proving that the customer is deceased. The required documentation is to include a copy of the deceased customer's death certificate. A request for opting-out of the contract, which may include a bundle or multi-year contract, without charge is to be made in good faith. Service providers are to waive the otherwise applicable charges for the deceased customer as of the date they receive the request from the executor.

A person who violates the provisions of the bill is subject to a civil penalty of up to \$1,000 for each offense. The Superior Court and municipal court have jurisdiction to enforce this civil penalty. If the violation is of a continuing nature, each day during which the violation continues is to constitute an additional, separate, and distinct offense.

As reported, Assembly Bill No. 1369 is identical to Senate Bill No. 2801, which was also reported by the committee on this date.

SENATE, No. 2801

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 27, 2018

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator DAWN MARIE ADDIEGO

District 8 (Atlantic, Burlington and Camden)

SYNOPSIS

Allows for cancellation of certain service contracts without paying early termination fee if customer becomes deceased prior to end of service contract.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/18/2018)

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2 Title 56 of the Revised Statutes.

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21 (pending before the Legislature as this bill) upon the death of that
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12 b. A penalty imposed pursuant to subsection a. of this section
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17 and municipal court shall have jurisdiction to enforce the "Penalty
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21 each day during which the violation continues shall constitute an
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23
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STATEMENT

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32 heating oil, Internet access, propane, telecommunications, and
33 Voice over Internet Protocol to allow the executor of a deceased
34 customer who is under contract with the provider to opt-out of the
35 contract without paying an early termination fee or other similar
36 charge when the executor requests to opt-out of the contract in
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39 in writing and submit, within 180 days of the request,
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41 documentation is to include a copy of the deceased customer's
42 death certificate. A request for opting-out of the contract, which
43 may include a bundle or multi-year contract, without charge is to be
44 made in good faith. These service providers are to waive the
45 otherwise applicable charges for the deceased customer requesting
46 to opt-out of the contract as of the date these service providers
47 receive the request.

S2801 GREENSTEIN, ADDIEGO

4

1 A person who violates the provisions of the bill is to be liable to
2 a civil penalty of up to \$1,000 for each offense. The Superior Court
3 and municipal court have jurisdiction to enforce the civil penalty in
4 connection with the bill. If the violation is of a continuing nature,
5 each day during which the violation continues is to constitute an
6 additional, separate, and distinct offense.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE, No. 2801

STATE OF NEW JERSEY

DATED: DECEMBER 6, 2018

The Senate Economic Growth Committee reports favorably Senate Bill No. 2801.

As reported, this bill requires a service provider of cable television, cellular telephone, direct broadcast satellite, electric generation, gas supply, heating oil, Internet access, propane, telecommunications, and Voice over Internet Protocol to allow the executor of a deceased customer who is under contract with the provider to opt-out of the contract without paying an early termination fee or other similar charge when the executor requests to opt-out of the contract in writing.

The bill requires an executor to request the contract cancellation in writing and submit, within 180 days of the request, documentation proving that the customer is deceased. The required documentation is to include a copy of the deceased customer's death certificate. A request for opting-out of the contract, which may include a bundle or multi-year contract, without charge is to be made in good faith. Service providers are to waive the otherwise applicable charges for the deceased customer as of the date they receive the request from the executor.

A person who violates the provisions of the bill is subject to a civil penalty of up to \$1,000 for each offense. The Superior Court and municipal court have jurisdiction to enforce this civil penalty. If the violation is of a continuing nature, each day during which the violation continues is to constitute an additional, separate, and distinct offense.

As reported, Senate Bill No. 2801 is identical to Assembly Bill No. 1369, which was also reported by the committee on this date.

Governor Murphy Takes Action on Legislation

07/19/2019

TRENTON – Today, Governor Phil Murphy signed the following bills and resolutions into law:

AJR26 (Downey, Houghtaling, Quijano, Mosquera, Vainieri Huttle, Benson, Jasey, McKnight/Pou, Codey) - Designates September of each year as "Youth Suicide Prevention Awareness Month" in New Jersey.

AJR87 (Murphy, Mosquera, Pinkin/Singleton, Addiego) - Designates January 11 of each year as "Alice Paul Day" in New Jersey.

A769 (Caputo, Giblin, Vainieri Huttle/A.R. Bucco, Ruiz) - Requires school districts to incorporate age-appropriate sexual abuse and assault awareness and prevention education in grades preschool through 12 as part of New Jersey Student Learning Standards in Comprehensive Health and Physical Education.

A1048 (Houghtaling, Downey, Mukherji, Holley/Turner, Stack) - Requires property tax bills to contain eligibility information on State tax relief programs.

A1190 (Jones, Giblin, Mukherji/Beach, Cruz-Perez) - Concerns appointment of person to control funeral and disposition of human remains.

A1369 (Kennedy, DeAngelo, Vainieri Huttle, Benson, Quijano/Greenstein, Addiego) - Allows for cancellation of certain service contracts without paying early termination fee if customer becomes deceased prior to end of service contract.

A1428 (McKnight, Chaparro, Chiaravalloti, Vainieri Huttle/Ruiz, Cunningham) - Requires Department of Education to develop guidelines for school districts concerning child trafficking awareness and prevention.

A3766 (Armato, Houghtaling, Murphy, Jones/Corrado) - Requires public officer or employee to forfeit pension upon conviction for corruption of public resources, sexual contact, lewdness, or sexual assault when offense involves or touches upon public office or employment.

A5162 (Speight, Reynolds-Jackson/Beach) - Permits county board of chosen freeholders to increase membership of county board of elections.

A5456 (Armato, Kennedy, Speight/Greenstein, Bateman) - Authorizes NJ Infrastructure Bank to expend certain sums to make loans for environmental infrastructure projects for FY2020.

A5457 (Danielsen, Swain, Milam/Codey) - Appropriates funds to DEP for environmental infrastructure projects for FY2020.

A5462 (Milam, Speight, Murphy/Smith) - Modifies powers and duties of New Jersey Infrastructure Bank.

S692 (Ruiz, Sarlo/Jasey, Caputo, Holley) - Prohibits the DOE from regulating maximum salary amount school district may pay its superintendent of schools and codifies standards for contract review.

S756 (Diegnan, Turner/Calabrese, Sumter, Pinkin) - Updates notice of elections requirements to include information for voter to obtain polling place locations.

S858 (Turner, Diegnan/Jasey, Caputo) - Requires teachers of health and physical education in grades kindergarten through six in public schools to possess appropriate endorsement to instructional certificate.

S954 (Vitale, Singleton, Madden/Conaway, Moriarty, Sumter, McKnight, Mukherji, Downey) - Enters New Jersey in enhanced multistate Nurse Licensure Compact.

S1373 (Andrzejczak/Land, Milam) - Expands option of governmental home health care agency to partner with non-governmental providers to deliver health care services.

S1707 (Oroho, Bateman, Andrzejczak/Space, Wirths) - Exempts governmental entities acquiring lands for open space located in a deed-authorized common interest community from paying community fees if, at time of acquisition, community has never been formed or has been dissolved or discontinued.

S1761 (Weinberg, Singleton/Pintor Marin, Lampitt, Pinkin, Munoz, McKeon) - Expands the Address Confidentiality Program to include victims of sexual assault and stalking; and reproductive health service patients and providers.

S1799 (A.R. Bucco/A.M. Bucco, Murphy, Caputo) - Increases membership of fire safety commission in DCA.

S2472 (Singleton, Murphy/Conaway, Timberlake) - Requires certain real estate licensees to complete courses of study concerning fair housing and housing discrimination.

S2489 (Cruz-Perez, Turner/Mosquera, Jones, Holley, McKnight, Downey) - Requires board of education to post information about child abuse hotline in each school.

S2575 (Diegnan, Greenstein/Karabinchak, Reynolds-Jackson) - Establishes task force to examine and make recommendations regarding implementation of "Anti-Bullying Bill of Rights Act."

S2944 (Ruiz, Cunningham/Pintor Marin, McKnight, Chiaravalloti) - Permits certain council members to appoint up to four fulltime equivalent aides; allows these aide positions to be divided into part-time positions.

S2994 (Ruiz/Freiman, McKeon, Schaer) – Concerns refunds following terminations or cancellations of guaranteed asset protection waivers.

S3043 (Madden, Oroho/Mosquera, Pintor Marin) - Clarifies that family day care providers or other persons who are subjects of criminal history record back checks have access to disqualifying information.

S3452 (Ruiz, Pou/Lopez, Holley, Schaer) - Requires certain consumer reporting agencies to make consumer reports available to consumers in Spanish and certain other languages.

S3899 (Ruiz/Burzichelli) - Allows TPAF retiree to be employed, without TPAF reenrollment, by school district as certificated superintendent or administrator for more than two years when in best interests of school district.