

Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

IS 1/4/08

P.L. 2005, CHAPTER 289, *approved January 9, 2006*
Assembly, No. 773 (*First Reprint*)

1 AN ACT concerning ¹[certain telephone solicitations and
2 supplementing chapter 17 of Title 48 of the Revised Statutes]
3 telemarketers and amending P.L.2003, c.76¹.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 ¹[1. a. No telephone seller shall use any method, including per-call
9 blocking or per-line blocking, that prevents caller identification
10 information for the telephone lines used by the telephone seller from
11 being shown by a device capable of displaying caller identification
12 information.

13 b. As used in this section, "telephone seller" means a person who
14 engages in the business of offering or selling goods or services or
15 soliciting contributions through an unsolicited telephone call.]¹
16

17 ¹[2. A person who violates the provisions of this act shall be
18 subject to a civil penalty of not more than \$500 for a first violation and
19 not more than \$1,000 for each subsequent violation. Every day upon
20 which a violation occurs shall be considered to be a separate violation.
21 The penalty shall be collected and enforced in a summary proceeding
22 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274
23 (C.2A:58-10 et seq.)]¹
24

25 ¹1. Section 10 of P.L.2003, c.76 (C56:8-128) is amended to read
26 as follows:

27 10. a. No telemarketer shall make or cause to be made any
28 unsolicited telemarketing sales call to any customer whose telephone
29 number is included on the no telemarketing call list established
30 pursuant to section 9 of this act, except for a call made within three
31 months of the date the customer's telephone number was first included
32 on the no call list but only if the telemarketer had at the time of the
33 call not yet obtained a no call list which included the customer's
34 telephone number and the no call list used by the telemarketer was
35 issued less than three months prior to the time the call was made.

36 b. A telemarketer making a telemarketing sales call shall, within the
37 first 30 seconds of the call, accurately identify the telemarketer's name,
38 the person on whose behalf the call is being made, and the purpose of
39 the call.

40 c. A telemarketer shall not make or cause to be made any

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ACO committee amendments adopted October 4, 2004.

1 unsolicited telemarketing sales call to any customer between the hours
2 of 9 p.m. and 8 a.m., local time, at the customer's location.

3 d. A telemarketer shall not intentionally use any method that blocks
4 a caller identification service from displaying caller identification
5 information or otherwise circumvents a customer's use of a telephone
6 caller identification service, including, but not limited to, the use of
7 any technology or method which displays a telephone number or name
8 not associated with the telemarketer or intentionally designed to
9 misrepresent the telemarketer's identity.¹

10 (cf: P.L.2003, c.208, s.3)

11

12 ¹[3.] 2.¹ This act shall take effect on the first day of the seventh
13 month following enactment.

14

15

16

17

18 Prohibits telemarketers from using technology designed to
19 misrepresent their identity.

ASSEMBLY, No. 773

STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Assemblyman REED GUSCIORA

District 15 (Mercer)

Assemblyman JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

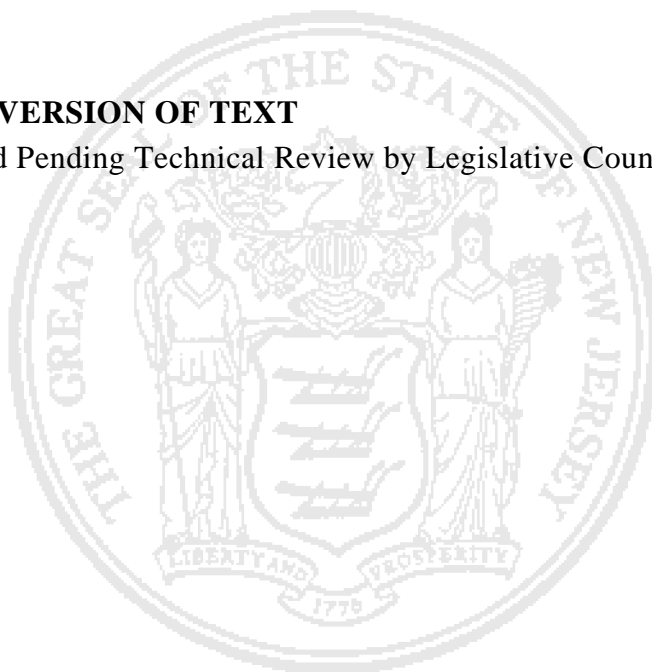
**Assemblywoman Watson Coleman, Assemblymen McKeon, Wisniewski,
Conaway, Conners, Assemblywoman Greenstein and Assemblyman
Thompson**

SYNOPSIS

Prohibits certain telephone solicitors from blocking caller identification equipment.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning certain telephone solicitations and supplementing
2 chapter 17 of Title 48 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. a. No telephone seller shall use any method, including per-call
8 blocking or per-line blocking, that prevents caller identification
9 information for the telephone lines used by the telephone seller from
10 being shown by a device capable of displaying caller identification
11 information.

12 b. As used in this section, "telephone seller" means a person who
13 engages in the business of offering or selling goods or services or
14 soliciting contributions through an unsolicited telephone call.

15
16 2. A person who violates the provisions of this act shall be subject
17 to a civil penalty of not more than \$500 for a first violation and not
18 more than \$1,000 for each subsequent violation. Every day upon
19 which a violation occurs shall be considered to be a separate violation.
20 The penalty shall be collected and enforced in a summary proceeding
21 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274
22 (C.2A:58-10 et seq.

23
24 3. This act shall take effect on the first day of the seventh month
25 following enactment.

26
27
28 STATEMENT

29
30 This bill supplements chapter 17 of Title 48 of the Revised Statutes
31 to prohibit telephone sellers from using any method, including per-call
32 blocking or per-line blocking, that prevents or blocks caller
33 identification information for the telephone lines they use from being
34 shown or displayed on caller identification devices.

35 Under the provisions of the bill, any telephone seller who uses any
36 method, including per-call blocking or per-line blocking, that prevent
37 caller identification information from being shown or displayed on
38 caller identification devices is subject to a civil penalty of not more
39 than \$500 for a first violation and not more than \$1,000 for a second
40 or subsequent violation.

41 "Telephone seller" is defined in the bill as "a person who engages
42 in the business of offering or selling goods or services or soliciting
43 contributions through an unsolicited telephone call.

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 773

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 4, 2004

The Assembly Consumer Affairs Committee reports favorably and with committee amendments Assembly Bill No. 773.

As amended, Assembly Bill No 773 revises the New Jersey "Do Not Call List" law to prohibit telemarketers from using any technology or method which displays a telephone number or name not associated with the telemarketer or intentionally designed to misrepresent the telemarketer's identity.

Violations of the "Do Not Call List" law are considered unlawful practices under the Consumer Fraud Act, punishable by a monetary penalty of not more than \$10,000 for a first offense and not more than \$20,000 for any subsequent offense. In addition, a violation can result in cease and desist orders issued by the Attorney General, the assessment of punitive damages and the awarding of treble damages and costs to the injured party.

This bill was pre-filed for introduction in the 2004 legislative session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE COMMERCE COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 773

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2005

The Senate Commerce Committee reports favorably Assembly Bill No. 773 (1R).

This bill revises the New Jersey "Do Not Call List" law to prohibit telemarketers from using any technology or method which displays a telephone number or name not associated with the telemarketer or intentionally designed to misrepresent the telemarketer's identity.

Violations of the "Do Not Call List" law are considered unlawful practices under the Consumer Fraud Act, punishable by a monetary penalty of not more than \$10,000 for a first offense and not more than \$20,000 for any subsequent offense. In addition, a violation can result in cease and desist orders issued by the Attorney General, the assessment of punitive damages and the awarding of treble damages and costs to the injured party.

SENATE, No. 1999

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED NOVEMBER 8, 2004

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Mercer)

Senator PAUL SARLO

District 36 (Bergen, Essex and Passaic)

SYNOPSIS

Prohibits telemarketers from using technology designed to misrepresent their identity.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/10/2006)

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 (C56:8-128) is amended to read as
7 follows:

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

17 b. A telemarketer making a telemarketing sales call shall, within the
18 first 30 seconds of the call, accurately identify the telemarketer's name,
19 the person on whose behalf the call is being made, and the purpose of
20 the call.

21 c. A telemarketer shall not make or cause to be made any
22 unsolicited telemarketing sales call to any customer between the hours
23 of 9 p.m. and 8 a.m., local time, at the customer's location.

24 d. A telemarketer shall not intentionally use any method that blocks
25 a caller identification service from displaying caller identification
26 information or otherwise circumvents a customer's use of a telephone
27 caller identification service, including, but not limited to, the use of
28 any technology or method which displays a telephone number or name
29 not associated with the telemarketer or intentionally designed to
30 misrepresent the telemarketer's identity.

31 (cf: P.L.2003, c.208, s.3)

32

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

35

36

37

STATEMENT

38

39 This bill revises the New Jersey "Do Not Call List" law to prohibit
40 telemarketers from using any technology or method which displays a
41 telephone number or name not associated with the telemarketer or
42 intentionally designed to misrepresent the telemarketer's identity.

43 Violations of the "Do Not Call List" law are considered unlawful

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.

S1999 TURNER, SARLO

3

1 practices under the Consumer Fraud Act, punishable by a monetary
2 penalty of not more than \$10,000 for a first offense and not more than
3 \$20,000 for any subsequent offense. In addition, a violation can
4 result in cease and desist orders issued by the Attorney General, the
5 assessment of punitive damages and the awarding of treble damages
6 and costs to the injured party.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 1999

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2005

The Senate Commerce Committee reports favorably Senate Bill No. 1999.

This bill revises the New Jersey "Do Not Call List" law to prohibit telemarketers from using any technology or method which displays a telephone number or name not associated with the telemarketer or intentionally designed to misrepresent the telemarketer's identity.

Violations of the "Do Not Call List" law are considered unlawful practices under the Consumer Fraud Act, punishable by a monetary penalty of not more than \$10,000 for a first offense and not more than \$20,000 for any subsequent offense. In addition, a violation can result in cease and desist orders issued by the Attorney General, the assessment of punitive damages and the awarding of treble damages and costs to the injured party.