

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

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RWH 4/19/08

P.L. 2007, CHAPTER 85, *approved May 4, 2007*
Assembly, No. 2568

1 AN ACT concerning the transmission of certain unsolicited
2 advertisements over telephone lines and amending P.L.2005,
3 c.114 (C.56:8-157 et seq.).
4

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

8 1. Section 2 of P.L.2005, c.114 (C.56:8-158) is amended to
9 read as follows:

10 2. a. A person within this State shall not use any telephone
11 facsimile machine, computer or other device to send an unsolicited
12 advertisement to a telephone facsimile machine within this State.
13 This subsection shall not be construed to cover the actions of an
14 internet service provider or telecommunications service provider in
15 the transmission, routing, relaying, handling, or storing of the
16 facsimile through an automatic technical process.

17 b. Subsection a. of this section shall not apply where there is an
18 existing business relationship between the sender of the unsolicited
19 advertisement and the residential or business subscriber~~].~~ **Such**
20 or where a member of a nonprofit organization including, but not
21 limited to, professional or trade associations, sends an unsolicited
22 advertisement to a member of the same organization, directly and
23 not through a centralized facsimile database or facsimile number
24 list maintained by the organization, provided that such unsolicited
25 advertisement, whether sent pursuant to an existing business
26 relationship between the sender and the residential or business
27 subscriber or whether sent from one member of a nonprofit
28 organization to another member of the same organization, shall
29 provide clear and conspicuous notice on the first page of the
30 unsolicited advertisement. Such notice shall include:

31 (1) disclosure to the recipient that the recipient may request the
32 sender of the unsolicited advertisement not to send any future
33 unsolicited advertisements to the recipient's telephone facsimile
34 machine; and

35 (2) the domestic address and facsimile machine number for the
36 recipient to transmit such a request to the sender.

37 c. A request not to send future unsolicited advertisements to a
38 telephone facsimile machine shall:

39 (1) identify the telephone number of the telephone facsimile
40 machine to which the request relates;

41 (2) be made to the sender's domestic address or the facsimile
42 machine number of the sender provided in the notice to the
43 recipient; and

44 (3) be sent in written form to the sender's domestic address or
45 sent by return facsimile transmission to the sender's facsimile

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 machine number, in order to be effective.

2 Such request is effective unless subsequently the person making
3 the request provides express invitation or permission to the sender,
4 in written form or by facsimile transmission, to send future
5 unsolicited advertisements to such person at such telephone
6 facsimile machine.

7 d. Failure to honor a valid request, in written form or by
8 facsimile transmission, not to send future unsolicited
9 advertisements pursuant to subsections c. through g. of this section,
10 as applicable, shall constitute a violation of **[this act]** P.L.2005,
11 c.114 (C.56:8-157 et seq.).

12 e. Nonprofit organizations, including but not limited to,
13 professional or trade associations, shall be exempt from subsection
14 a. of this section and shall be allowed to send unsolicited
15 advertisements to their new and existing members in furtherance of
16 the organization's purpose, without penalty, provided that the
17 organization provides to each of its prospective new members at
18 the time of membership application or to each of its existing
19 members at the time of membership renewal, as the case may be,
20 clear and conspicuous notice of:

21 (1) the member's right to request the organization not to send
22 any future unsolicited advertisements to the member's telephone
23 facsimile machine;

24 (2) the organization's domestic address and facsimile machine
25 number to which its members may transmit such a request to the
26 organization; and

27 (3) the requirement that any such request to the organization
28 shall be sent in written form to the organization's domestic address
29 or sent by return facsimile transmission to the organization's
30 facsimile number, in order to be effective.

31 A request by a member to a nonprofit organization not to send
32 future unsolicited advertisements to a member's telephone
33 facsimile machine shall comply with the requirements of this
34 subsection and with the requirements of subsection c. of this
35 section, as applicable. Failure of a nonprofit organization to honor
36 a valid request, in written form or by facsimile transmission, from
37 a member not to send future unsolicited advertisements pursuant to
38 the requirements of this subsection and the requirements of
39 subsection c. of this section, as applicable, shall constitute a
40 violation of **[this act]** P.L.2005, c.114 (C.56:8-157 et seq.).

41 f. Members of nonprofit organizations, including but not
42 limited to, professional or trade associations, who send unsolicited
43 advertisements to the telephone facsimile machines of other
44 members of the same organization by initially sending such
45 advertisements to a centralized facsimile database or facsimile
46 number list maintained by the organization for the purpose of
47 distributing such advertisements to its membership shall be exempt
48 from subsection a. of this section and shall be allowed to send such

1 unsolicited advertisements through such centralized facsimile
2 database or facsimile number list to other members of the same
3 organization, without penalty, provided that the organization
4 provides to each of its prospective new members at the time of
5 membership application or to each of its existing members at the
6 time of membership renewal, as the case may be, clear and
7 conspicuous notice of:

8 (1) the member's right to request that **【other members of the**
9 **same】** the organization not send any future unsolicited
10 advertisements from one or more other members of the same
11 organization through such centralized facsimile database or
12 facsimile number list to the member's telephone facsimile machine;

13 (2) the organization's domestic address and facsimile machine
14 number to which its members may transmit such a request to the
15 organization; and

16 (3) the requirement that any such request to the organization
17 shall be sent in written form to the organization's domestic address
18 or sent by return facsimile transmission to the organization's
19 facsimile number, in order to be effective.

20 A request by a member to a nonprofit organization that the
21 organization not send any future unsolicited advertisements from
22 one or more other members of the same organization **【not send**
23 **future unsolicited advertisements】** through such centralized
24 facsimile database or facsimile number list to a member's
25 telephone facsimile machine shall comply with the requirements of
26 this subsection and with the requirements of subsection c. of this
27 section, as applicable. Failure of **【a member of a】** the nonprofit
28 organization to honor a valid request, in written form or by
29 facsimile transmission, from **【another】** a member of the same
30 organization not to send any future unsolicited advertisements
31 from one or more other members through such centralized
32 facsimile database or facsimile number list pursuant to the
33 requirements of this subsection and the requirements of subsection
34 c. of this section, as applicable, shall constitute a violation of **【this**
35 **act】** P.L.2005, c.114 (C.56:8-157 et seq.).

36 g. Nonprofit organizations, including but not limited to,
37 professional or trade associations, shall be exempt from subsection
38 a. of this section and shall be allowed to send unsolicited
39 advertisements to the telephone facsimile machine of any person,
40 other than a new or existing member of the sending organization,
41 within this State, without penalty, provided that such
42 advertisements are intended to give the person notice of an event
43 that is in furtherance of the organization's purpose, and further
44 provided that, any such unsolicited advertisements to the person's
45 telephone facsimile machine shall provide clear and conspicuous
46 notice on the first page of the unsolicited advertisement. Such
47 notice shall include:

1 (1) disclosure to the person that the person may request the
2 organization not to send any such future unsolicited advertisements
3 to the person's telephone facsimile machine; **[and]**

4 (2) the domestic address and facsimile machine number for the
5 person to transmit such a request to the organization; and

6 (3) the requirement that any such request to the organization
7 shall be sent in written form to the organization's domestic address
8 or sent by return facsimile transmission to the organization's
9 facsimile number, in order to be effective.

10 A request by a person to a nonprofit organization that the
11 organization not send future unsolicited advertisements to the
12 person's telephone facsimile machine shall comply with the
13 requirements of this subsection and with the requirements of
14 subsection c. of this section, as applicable. Failure of a nonprofit
15 organization to honor a valid request, in written form or by
16 facsimile transmission, from a person not to send future unsolicited
17 advertisements pursuant to the requirements of this subsection and
18 the requirements of subsection c. of this section, as applicable,
19 shall constitute a violation of **[this act]** P.L.2005, c.114 (C.56:8-
20 157 et seq.).

21 (cf: P.L.2005, c.114, s.2)

22
23 2. This act shall take effect immediately.

24 25 26 STATEMENT

27
28 This bill amends P.L.2005, c.114 (C.56:8-157 et seq.) (the
29 "act") to provide additional clarification concerning restrictions on
30 the sending of unsolicited fax advertisements over telephone lines.

31 The bill amends subsection b. of section 2 of the act to clarify
32 that a member of a nonprofit organization, including but not
33 limited to professional and trade associations, may send unsolicited
34 advertisements directly to another member of the same
35 organization, without penalty, provided that such advertisement
36 provides clear and conspicuous notice to the recipient of the right
37 to request the sender not to send any future unsolicited
38 advertisements.

39 The bill amends subsection f. of section 2 of the act to clarify
40 that a member of a nonprofit organization, including but not
41 limited to, a professional or trade association, may send an
42 unsolicited advertisement through a centralized fax database or fax
43 number list maintained by the organization for the purpose of
44 distributing such advertisements to the telephone facsimile
45 machines of other members of the same organization, without
46 penalty, provided the organization notifies current and new
47 members of the organization of their right to request that the
48 organization send no future unsolicited advertisements to them

A2568

5

1 through such centralized fax database or fax number list from one
2 or more members of the same organization. The amendment to
3 subsection f. further clarifies that the failure of the organization to
4 honor such a valid request is a violation of the act.

5

6

7

8

9 Clarifies certain restrictions on sending unsolicited fax
10 advertisements over telephone lines.

ASSEMBLY, No. 2568

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED FEBRUARY 23, 2006

Sponsored by:

Assemblyman JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman NELSON T. ALBANO

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

Assemblymen Chivukula, Conaway and Senator Sarlo

SYNOPSIS

Clarifies certain restrictions on sending unsolicited fax advertisements over telephone lines.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/16/2007)

1 AN ACT concerning the transmission of certain unsolicited
2 advertisements over telephone lines and amending P.L.2005,
3 c.114 (C.56:8-157 et seq.).
4

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

8 1. Section 2 of P.L.2005, c.114 (C.56:8-158) is amended to read
9 as follows:

10 2. a. A person within this State shall not use any telephone
11 facsimile machine, computer or other device to send an unsolicited
12 advertisement to a telephone facsimile machine within this State.
13 This subsection shall not be construed to cover the actions of an
14 internet service provider or telecommunications service provider in
15 the transmission, routing, relaying, handling, or storing of the
16 facsimile through an automatic technical process.

17 b. Subsection a. of this section shall not apply where there is an
18 existing business relationship between the sender of the unsolicited
19 advertisement and the residential or business subscriber~~]. Such~~ or
20 where a member of a nonprofit organization including, but not
21 limited to, professional or trade associations, sends an unsolicited
22 advertisement to a member of the same organization, directly and
23 not through a centralized facsimile database or facsimile number
24 list maintained by the organization, provided that such unsolicited
25 advertisement, whether sent pursuant to an existing business
26 relationship between the sender and the residential or business
27 subscriber or whether sent from one member of a nonprofit
28 organization to another member of the same organization, shall
29 provide clear and conspicuous notice on the first page of the
30 unsolicited advertisement. Such notice shall include:

31 (1) disclosure to the recipient that the recipient may request the
32 sender of the unsolicited advertisement not to send any future
33 unsolicited advertisements to the recipient's telephone facsimile
34 machine; and

35 (2) the domestic address and facsimile machine number for the
36 recipient to transmit such a request to the sender.

37 c. A request not to send future unsolicited advertisements to a
38 telephone facsimile machine shall:

39 (1) identify the telephone number of the telephone facsimile
40 machine to which the request relates;

41 (2) be made to the sender's domestic address or the facsimile
42 machine number of the sender provided in the notice to the
43 recipient; and

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 (3) be sent in written form to the sender's domestic address or
2 sent by return facsimile transmission to the sender's facsimile
3 machine number, in order to be effective.

4 Such request is effective unless subsequently the person making
5 the request provides express invitation or permission to the sender,
6 in written form or by facsimile transmission, to send future
7 unsolicited advertisements to such person at such telephone
8 facsimile machine.

9 d. Failure to honor a valid request, in written form or by
10 facsimile transmission, not to send future unsolicited
11 advertisements pursuant to subsections c. through g. of this section,
12 as applicable, shall constitute a violation of **[this act]** P.L.2005,
13 c.114 (C.56:8-157 et seq.).

14 e. Nonprofit organizations, including but not limited to,
15 professional or trade associations, shall be exempt from subsection
16 a. of this section and shall be allowed to send unsolicited
17 advertisements to their new and existing members in furtherance of
18 the organization's purpose, without penalty, provided that the
19 organization provides to each of its prospective new members at the
20 time of membership application or to each of its existing members
21 at the time of membership renewal, as the case may be, clear and
22 conspicuous notice of:

23 (1) the member's right to request the organization not to send
24 any future unsolicited advertisements to the member's telephone
25 facsimile machine;

26 (2) the organization's domestic address and facsimile machine
27 number to which its members may transmit such a request to the
28 organization; and

29 (3) the requirement that any such request to the organization
30 shall be sent in written form to the organization's domestic address
31 or sent by return facsimile transmission to the organization's
32 facsimile number, in order to be effective.

33 A request by a member to a nonprofit organization not to send
34 future unsolicited advertisements to a member's telephone facsimile
35 machine shall comply with the requirements of this subsection and
36 with the requirements of subsection c. of this section, as applicable.
37 Failure of a nonprofit organization to honor a valid request, in
38 written form or by facsimile transmission, from a member not to
39 send future unsolicited advertisements pursuant to the requirements
40 of this subsection and the requirements of subsection c. of this
41 section, as applicable, shall constitute a violation of **[this act]**
42 P.L.2005, c.114 (C.56:8-157 et seq.).

43 f. Members of nonprofit organizations, including but not limited
44 to, professional or trade associations, who send unsolicited
45 advertisements to the telephone facsimile machines of other
46 members of the same organization by initially sending such
47 advertisements to a centralized facsimile database or facsimile
48 number list maintained by the organization for the purpose of

1 distributing such advertisements to its membership shall be exempt
2 from subsection a. of this section and shall be allowed to send such
3 unsolicited advertisements through such centralized facsimile
4 database or facsimile number list to other members of the same
5 organization, without penalty, provided that the organization
6 provides to each of its prospective new members at the time of
7 membership application or to each of its existing members at the
8 time of membership renewal, as the case may be, clear and
9 conspicuous notice of:

10 (1) the member's right to request that **[other members of the**
11 **same]** the organization not send any future unsolicited
12 advertisements from one or more other members of the same
13 organization through such centralized facsimile database or
14 facsimile number list to the member's telephone facsimile machine;

15 (2) the organization's domestic address and facsimile machine
16 number to which its members may transmit such a request to the
17 organization; and

18 (3) the requirement that any such request to the organization
19 shall be sent in written form to the organization's domestic address
20 or sent by return facsimile transmission to the organization's
21 facsimile number, in order to be effective.

22 A request by a member to a nonprofit organization that the
23 organization not send any future unsolicited advertisements from
24 one or more other members of the same organization [not send
25 future unsolicited advertisements] through such centralized
26 facsimile database or facsimile number list to a member's telephone
27 facsimile machine shall comply with the requirements of this
28 subsection and with the requirements of subsection c. of this
29 section, as applicable. Failure of **[a member of a]** the nonprofit
30 organization to honor a valid request, in written form or by
31 facsimile transmission, from **[another]** a member of the same
32 organization not to send any future unsolicited advertisements from
33 one or more other members through such centralized facsimile
34 database or facsimile number list pursuant to the requirements of
35 this subsection and the requirements of subsection c. of this section,
36 as applicable, shall constitute a violation of **[this act]** P.L.2005,
37 c.114 (C.56:8-157 et seq.).

38 g. Nonprofit organizations, including but not limited to,
39 professional or trade associations, shall be exempt from subsection
40 a. of this section and shall be allowed to send unsolicited
41 advertisements to the telephone facsimile machine of any person,
42 other than a new or existing member of the sending organization,
43 within this State, without penalty, provided that such
44 advertisements are intended to give the person notice of an event
45 that is in furtherance of the organization's purpose, and further
46 provided that, any such unsolicited advertisements to the person's
47 telephone facsimile machine shall provide clear and conspicuous

1 notice on the first page of the unsolicited advertisement. Such
2 notice shall include:

3 (1) disclosure to the person that the person may request the
4 organization not to send any such future unsolicited advertisements
5 to the person's telephone facsimile machine; **[and]**

6 (2) the domestic address and facsimile machine number for the
7 person to transmit such a request to the organization; and

8 (3) the requirement that any such request to the organization
9 shall be sent in written form to the organization's domestic address
10 or sent by return facsimile transmission to the organization's
11 facsimile number, in order to be effective.

12 A request by a person to a nonprofit organization that the
13 organization not send future unsolicited advertisements to the
14 person's telephone facsimile machine shall comply with the
15 requirements of this subsection and with the requirements of
16 subsection c. of this section, as applicable. Failure of a nonprofit
17 organization to honor a valid request, in written form or by
18 facsimile transmission, from a person not to send future unsolicited
19 advertisements pursuant to the requirements of this subsection and
20 the requirements of subsection c. of this section, as applicable, shall
21 constitute a violation of **[this act]** P.L.2005, c.114 (C.56:8-157 et
22 seq.).

23 (cf: P.L.2005, c.114, s.2)

24
25 2. This act shall take effect immediately.

26

27

28

STATEMENT

29

30 This bill amends P.L.2005, c.114 (C.56:8-157 et seq.) (the "act")
31 to provide additional clarification concerning restrictions on the
32 sending of unsolicited fax advertisements over telephone lines.

33 The bill amends subsection b. of section 2 of the act to clarify
34 that a member of a nonprofit organization, including but not limited
35 to professional and trade associations, may send unsolicited
36 advertisements directly to another member of the same
37 organization, without penalty, provided that such advertisement
38 provides clear and conspicuous notice to the recipient of the right to
39 request the sender not to send any future unsolicited advertisements.

40 The bill amends subsection f. of section 2 of the act to clarify
41 that a member of a nonprofit organization, including but not limited
42 to, a professional or trade association, may send an unsolicited
43 advertisement through a centralized fax database or fax number list
44 maintained by the organization for the purpose of distributing such
45 advertisements to the telephone facsimile machines of other
46 members of the same organization, without penalty, provided the
47 organization notifies current and new members of the organization
48 of their right to request that the organization send no future

A2568 VAN DREW, ALBANO

6

1 unsolicited advertisements to them through such centralized fax
2 database or fax number list from one or more members of the same
3 organization. The amendment to subsection f. further clarifies that
4 the failure of the organization to honor such a valid request is a
5 violation of the act.

ASSEMBLY TELECOMMUNICATIONS AND UTILITIES
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2568

STATE OF NEW JERSEY

DATED: MAY 18, 2006

The Assembly Telecommunications and Utilities Committee reports favorably Assembly Bill No. 2568.

As reported, this bill amends P.L.2005, c.114 (C.56:8-157 et seq.) (the "act") to provide additional clarification concerning restrictions on the sending of unsolicited fax advertisements over telephone lines.

The bill amends subsection b. of section 2 of the act to clarify that a member of a nonprofit organization, including but not limited to professional and trade associations, may send unsolicited advertisements directly to another member of the same organization, without penalty, provided that such advertisement provides clear and conspicuous notice to the recipient of the right to request the sender not to send any future unsolicited advertisements.

The bill amends subsection f. of section 2 of the act to clarify that a member of a nonprofit organization, including but not limited to, a professional or trade association, may send an unsolicited advertisement through a centralized fax database or fax number list maintained by the organization for the purpose of distributing such advertisements to the telephone facsimile machines of other members of the same organization, without penalty, provided the organization notifies current and new members of the organization of their right to request that the organization send no future unsolicited advertisements to them through such centralized fax database or fax number list from one or more members of the same organization. The amendment to subsection f. further clarifies that the failure of the organization to honor such a valid request is a violation of the act.

SENATE COMMERCE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2568

STATE OF NEW JERSEY

DATED: MARCH 5, 2007

The Senate Commerce Committee reports favorably Assembly Bill No.2568.

This bill amends P.L.2005, c.114 (C.56:8-157 et seq.) to provide additional clarification concerning restrictions on the sending of unsolicited fax advertisements over telephone lines.

The bill clarifies that a member of a nonprofit organization, including but not limited to professional and trade associations, may send unsolicited advertisements directly to another member of the same organization, without penalty, provided that such advertisement provides clear and conspicuous notice to the recipient member of the right to request the sending member not to send any future unsolicited advertisements.

Additionally, the bill clarifies that a member of a nonprofit organization may send an unsolicited advertisement through a centralized fax database or fax number list maintained by the organization, for the purpose of distributing such advertisements to the telephone facsimile machines of other members of the same organization, without penalty, provided the organization notifies its current and new members of their right to request that the organization send no future unsolicited advertisements to them from other members utilizing such centralized fax database or fax number list. The bill further clarifies that the failure of the organization to honor such a valid request from a member is a violation of the act.

SENATE, No. 276

STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Senator PAUL A. SARLO

District 36 (Bergen, Essex and Passaic)

SYNOPSIS

Clarifies certain restrictions on sending unsolicited fax advertisements over telephone lines.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning the transmission of certain unsolicited
2 advertisements over telephone lines and amending P.L.2005,
3 c.114 (C.56:8-157 et seq.).
4

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

8 1. Section 2 of P.L.2005, c.114 (C.56:8-158) is amended to read
9 as follows:

10 2. a. A person within this State shall not use any telephone
11 facsimile machine, computer or other device to send an unsolicited
12 advertisement to a telephone facsimile machine within this State.
13 This subsection shall not be construed to cover the actions of an
14 internet service provider or telecommunications service provider in
15 the transmission, routing, relaying, handling, or storing of the
16 facsimile through an automatic technical process.

17 b. Subsection a. of this section shall not apply where there is an
18 existing business relationship between the sender of the unsolicited
19 advertisement and the residential or business subscriber[. Such] or
20 where a member of a nonprofit organization including, but not
21 limited to, professional or trade associations, sends an unsolicited
22 advertisement to a member of the same organization, directly and
23 not through a centralized facsimile database or facsimile number
24 list maintained by the organization, provided that such unsolicited
25 advertisement, whether sent pursuant to an existing business
26 relationship between the sender and the residential or business
27 subscriber or whether sent from one member of a nonprofit
28 organization to another member of the same organization, shall
29 provide clear and conspicuous notice on the first page of the
30 unsolicited advertisement. Such notice shall include:

31 (1) disclosure to the recipient that the recipient may request the
32 sender of the unsolicited advertisement not to send any future
33 unsolicited advertisements to the recipient's telephone facsimile
34 machine; and

35 (2) the domestic address and facsimile machine number for the
36 recipient to transmit such a request to the sender.

37 c. A request not to send future unsolicited advertisements to a
38 telephone facsimile machine shall:

39 (1) identify the telephone number of the telephone facsimile
40 machine to which the request relates;

41 (2) be made to the sender's domestic address or the facsimile
42 machine number of the sender provided in the notice to the
43 recipient; and

44 (3) be sent in written form to the sender's domestic address or
45 sent by return facsimile transmission to the sender's facsimile

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 machine number, in order to be effective.

2 Such request is effective unless subsequently the person making
3 the request provides express invitation or permission to the sender,
4 in written form or by facsimile transmission, to send future
5 unsolicited advertisements to such person at such telephone
6 facsimile machine.

7 d. Failure to honor a valid request, in written form or by
8 facsimile transmission, not to send future unsolicited
9 advertisements pursuant to subsections c. through g. of this section,
10 as applicable, shall constitute a violation of [this act] P.L.2005,
11 c.114 (C.56:8-157 et seq.).

12 e. Nonprofit organizations, including but not limited to,
13 professional or trade associations, shall be exempt from subsection
14 a. of this section and shall be allowed to send unsolicited
15 advertisements to their new and existing members in furtherance of
16 the organization's purpose, without penalty, provided that the
17 organization provides to each of its prospective new members at the
18 time of membership application or to each of its existing members
19 at the time of membership renewal, as the case may be, clear and
20 conspicuous notice of:

21 (1) the member's right to request the organization not to send
22 any future unsolicited advertisements to the member's telephone
23 facsimile machine;

24 (2) the organization's domestic address and facsimile machine
25 number to which its members may transmit such a request to the
26 organization; and

27 (3) the requirement that any such request to the organization
28 shall be sent in written form to the organization's domestic address
29 or sent by return facsimile transmission to the organization's
30 facsimile number, in order to be effective.

31 A request by a member to a nonprofit organization not to send
32 future unsolicited advertisements to a member's telephone facsimile
33 machine shall comply with the requirements of this subsection and
34 with the requirements of subsection c. of this section, as applicable.
35 Failure of a nonprofit organization to honor a valid request, in
36 written form or by facsimile transmission, from a member not to
37 send future unsolicited advertisements pursuant to the requirements
38 of this subsection and the requirements of subsection c. of this
39 section, as applicable, shall constitute a violation of [this act]
40 P.L.2005, c.114 (C.56:8-157 et seq.).

41 f. Members of nonprofit organizations, including but not limited
42 to, professional or trade associations, who send unsolicited
43 advertisements to the telephone facsimile machines of other
44 members of the same organization by initially sending such
45 advertisements to a centralized facsimile database or facsimile
46 number list maintained by the organization for the purpose of
47 distributing such advertisements to its membership shall be exempt

1 from subsection a. of this section and shall be allowed to send such
2 unsolicited advertisements through such centralized facsimile
3 database or facsimile number list to other members of the same
4 organization, without penalty, provided that the organization
5 provides to each of its prospective new members at the time of
6 membership application or to each of its existing members at the
7 time of membership renewal, as the case may be, clear and
8 conspicuous notice of:

9 (1) the member's right to request that [other members of the
10 same] the organization not send any future unsolicited
11 advertisements from one or more other members of the same
12 organization through such centralized facsimile database or
13 facsimile number list to the member's telephone facsimile machine;

14 (2) the organization's domestic address and facsimile machine
15 number to which its members may transmit such a request to the
16 organization; and

17 (3) the requirement that any such request to the organization
18 shall be sent in written form to the organization's domestic address
19 or sent by return facsimile transmission to the organization's
20 facsimile number, in order to be effective.

21 A request by a member to a nonprofit organization that the
22 organization not send any future unsolicited advertisements from
23 one or more other members of the same organization [not send
24 future unsolicited advertisements] through such centralized
25 facsimile database or facsimile number list to a member's telephone
26 facsimile machine shall comply with the requirements of this
27 subsection and with the requirements of subsection c. of this
28 section, as applicable. Failure of [a member of a] the nonprofit
29 organization to honor a valid request, in written form or by
30 facsimile transmission, from [another] a member of the same
31 organization not to send any future unsolicited advertisements from
32 one or more other members through such centralized facsimile
33 database or facsimile number list pursuant to the requirements of
34 this subsection and the requirements of subsection c. of this section,
35 as applicable, shall constitute a violation of [this act] P.L.2005,
36 c.114 (C.56:8-157 et seq.).

37 g. Nonprofit organizations, including but not limited to,
38 professional or trade associations, shall be exempt from subsection
39 a. of this section and shall be allowed to send unsolicited
40 advertisements to the telephone facsimile machine of any person,
41 other than a new or existing member of the sending organization,
42 within this State, without penalty, provided that such
43 advertisements are intended to give the person notice of an event
44 that is in furtherance of the organization's purpose, and further
45 provided that, any such unsolicited advertisements to the person's

1 telephone facsimile machine shall provide clear and conspicuous
2 notice on the first page of the unsolicited advertisement. Such
3 notice shall include:

4 (1) disclosure to the person that the person may request the
5 organization not to send any such future unsolicited advertisements
6 to the person's telephone facsimile machine; [and]

7 (2) the domestic address and facsimile machine number for the
8 person to transmit such a request to the organization; and

9 (3) the requirement that any such request to the organization
10 shall be sent in written form to the organization's domestic address
11 or sent by return facsimile transmission to the organization's
12 facsimile number, in order to be effective.

13 A request by a person to a nonprofit organization that the
14 organization not send future unsolicited advertisements to the
15 person's telephone facsimile machine shall comply with the
16 requirements of this subsection and with the requirements of
17 subsection c. of this section, as applicable. Failure of a nonprofit
18 organization to honor a valid request, in written form or by
19 facsimile transmission, from a person not to send future unsolicited
20 advertisements pursuant to the requirements of this subsection and
21 the requirements of subsection c. of this section, as applicable, shall
22 constitute a violation of [this act] P.L.2005, c.114 (C.56:8-157 et
23 seq.).

24 (cf: P.L.2005, c.114, s.2)

25

26 2. This act shall take effect immediately.

27

28

29

STATEMENT

30

31 This bill amends P.L.2005, c.114 (C.56:8-157 et seq.) (the "act")
32 to provide additional clarification concerning restrictions on the
33 sending of unsolicited fax advertisements over telephone lines.

34 The bill amends subsection b. of section 2 of the act to clarify
35 that a member of a nonprofit organization, including but not limited
36 to professional and trade associations, may send unsolicited
37 advertisements directly to another member of the same
38 organization, without penalty, provided that such advertisement
39 provides clear and conspicuous notice to the recipient of the right to
40 request the sender not to send any future unsolicited advertisements.

41 The bill amends subsection f. of section 2 of the act to clarify
42 that a member of a nonprofit organization, including but not limited
43 to, a professional or trade association, may send an unsolicited
44 advertisement through a centralized fax database or fax number list
45 maintained by the organization for the purpose of distributing such
46 advertisements to the telephone facsimile machines of other
47 members of the same organization, without penalty, provided the

S276 SARLO

6

1 organization notifies current and new members of the organization
2 of their right to request that the organization send no future
3 unsolicited advertisements to them through such centralized fax
4 database or fax number list from one or more other members of the
5 same organization. The amendment to subsection f. further clarifies
6 that the failure of the organization to honor such a valid request is a
7 violation of the act.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 276

STATE OF NEW JERSEY

DATED: MARCH 5, 2007

The Senate Commerce Committee reports favorably Senate Bill No.276.

This bill amends P.L.2005, c.114 (C.56:8-157 et seq.) to provide additional clarification concerning restrictions on the sending of unsolicited fax advertisements over telephone lines.

The bill clarifies that a member of a nonprofit organization, including but not limited to professional and trade associations, may send unsolicited advertisements directly to another member of the same organization, without penalty, provided that such advertisement provides clear and conspicuous notice to the recipient member of the right to request the sending member not to send any future unsolicited advertisements.

Additionally, the bill clarifies that a member of a nonprofit organization may send an unsolicited advertisement through a centralized fax database or fax number list maintained by the organization, for the purpose of distributing such advertisements to the telephone facsimile machines of other members of the same organization, without penalty, provided the organization notifies its current and new members of their right to request that the organization send no future unsolicited advertisements to them from other members utilizing such centralized fax database or fax number list. The bill further clarifies that the failure of the organization to honor such a valid request from a member is a violation of the act.

This bill was pre-filed for introduction in the 2006-2007 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.