

48:17-27 to 48:17-32

LEGISLATIVE HISTORY CHECKLIST
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(Automated dialing--recorded messages)

NJSA: 48:17-27 to 48:17-32

LAWS OF: 1993 **CHAPTER:** 252

BILL NO: S511

SPONSOR(S) Lipman

DATE INTRODUCED: March 5, 1992

COMMITTEE: **ASSEMBLY:** Transportation and Communications

SENATE: Transportation

AMENDED DURING PASSAGE: Yes Amendments during passage
First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** January 12, 1993

SENATE: October 29, 1993

DATE OF APPROVAL August 13, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings--attached:

"Curbs on phone ads are enacted into law," 8-14-93 Star Ledger.

"State hangs up on computerized callers," 8-14-93 Star Ledger.

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[FIRST REPRINT]

SENATE, No. 511

STATE OF NEW JERSEY

INTRODUCED MARCH 5, 1992

By Senator LIPMAN

1 AN ACT concerning recorded telephone messages and
2 supplementing chapter 17 of Title 48.

3

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

6 1. As used in this act:

7 "Caller" means a person who attempts to contact or contacts a
8 subscriber in this State by telephone or using a telephone line.

9 "Subscriber" means a person who has subscribed to telephone
10 service from a telephone company regulated as a public utility
11 under Title 48 of the Revised Statutes or from a company
12 offering mobile telephone service.

13 2. A caller shall not use a telephone or telephone line to
14 contact a subscriber to deliver a recorded message for the
15 purpose of delivering commercial advertisement to the
16 subscriber, unless the recorded message is introduced by an
17 operator who shall obtain the subscriber's consent before playing
18 the recorded message, or unless a prior or current business
19 relationship exists between the caller and the subscriber.

20 3. The use of automated dialing, push button, or tone activated
21 devices which operate sequentially or are otherwise unable to
22 avoid contacting subscribers who have not consented to the
23 playing of the recorded message as provided in section 2 of this
24 act is prima facie evidence of an intention to violate this act.

25 4. Nothing ¹[is] in¹ this act shall prohibit the use of automatic
26 dialing equipment ¹or the delivery of a recorded message¹ for the
27 purpose of advising customers concerning merchandise or goods
28 or services previously ordered or purchased, including the
29 collection of lawful debts or prohibit a telephone company from
30 providing a service that is utilized for relaying messages for
31 private purposes, such as a message delivery service.

32 5. A person who violates the provisions of this act shall be
33 subject to a penalty of not less than \$300 or more than \$800.
34 Every superior court and municipal court shall have jurisdiction
35 of proceedings for the collection and enforcement of a penalty
36 imposed because of the violation, within the territorial
37 jurisdiction of the court, of any provision of this act. The penalty
38 shall be collected and enforced in a summary proceeding pursuant
39 to the "penalty enforcement law" (N.J.S.2A:58-1 et seq.).
40 Process may be either in the nature of a summons or warrant and
41 shall issue in the name of the State, upon the complaint of the
42 Attorney General or any other person.

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:

¹ Assembly ATC committee amendments adopted December 3, 1992.

1 6. This act shall take effect on the 90th day following
2 enactment.

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8 Prohibits the use of telephone lines to deliver recorded
commercial messages.

STATEMENT

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This bill prohibits the use of a telephone or a telephone line to deliver a recorded commercial message unless the recorded message is introduced by an operator who shall obtain the subscriber's consent before playing the recorded message, or unless a prior or current business relationship exists between the caller and the subscriber. The use of automated dialing devices or other devices which cannot distinguish between subscribers who have consented to the playing of the recorded message and those who have not is prima facie evidence of intent to violate the provisions of this bill. The bill provides an exception to the prohibited use of automatic devices where the device is used to contact subscribers who have already ordered or purchased merchandise, goods or services from the caller, including the collection of lawful debts. This allows a caller to use a recorded message to advise customers of the status of their order or for debt collection. Also, an exception is provided when a telephone company is providing a service that is utilized for relaying messages for private purposes, such as a message delivery service. A person who violates the provisions of this bill shall be subject to a civil penalty of not less than \$300 nor more than \$800.

Prohibits the use of telephone lines to deliver recorded commercial messages.

ASSEMBLY TRANSPORTATION AND
COMMUNICATIONS COMMITTEE

STATEMENT TO

SENATE, No. 511

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 3, 1992

The Assembly Transportation and Communications Committee favorably reports Senate Bill No. 511 with committee amendments.

As amended, this bill would prohibit the use of a telephone or a telephone line to deliver a recorded commercial message unless the recorded message is introduced by an operator who shall obtain the subscriber's consent before playing the recorded message, or unless a prior or current business relationship exists between the caller and the subscriber. The use of automated dialing devices or other devices which cannot distinguish between subscribers who have consented to the playing of the recorded message and those who have not is prima facie evidence of intent to violate the provisions of this bill. The bill specifically provides that an automated dialing device or a recorded message may be used to contact subscribers who have already ordered or purchased merchandise, goods or services from the caller, including the collection of lawful debts. This allows a caller to use a recorded message to advise customers of the status of their order or for debt collection. Also, an exception is provided when a telephone company is providing a service that is utilized for relaying messages for private purposes, such as a message delivery service. A person who violates the provisions of this bill shall be subject to a civil penalty of not less than \$300 nor more than \$800.

The committee adopted an amendment to clarify that the act does not prohibit the use of a recorded message to contact subscribers who have already ordered or purchased merchandise, goods or services from the caller, including the collection of lawful debts.

As released by the committee, this bill is identical to Assembly Bill No. 573 as amended and released by the committee this date.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 511

STATE OF NEW JERSEY

DATED: MAY 4, 1992

The Senate Transportation Committee favorably reports Senate Bill No. 511.

This bill prohibits the use of a telephone or a telephone line to deliver a recorded commercial message unless the recorded message is introduced by an operator who shall obtain the subscriber's consent before playing the recorded message, or unless a prior or current business relationship exists between the caller and the subscriber. The use of automated dialing devices or other devices which cannot distinguish between subscribers who have consented to the playing of the recorded message and those who have not is prima facie evidence of intent to violate the provisions of this bill. The bill provides an exception to the prohibited use of automatic devices where the device is used to contact subscribers who have already ordered or purchased merchandise, goods or services from the caller, including contact for the collection of lawful debts. This allows a caller to use a recorded message to advise customers of the status of their order or for debt collection. Also, an exception is provided when a telephone company is providing a service that is utilized for relaying messages for private purposes, such as a message delivery service. A person who violates the provisions of this bill shall be subject to a civil penalty of not less than \$300 nor more than \$800.