

48:17-25

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 48:17-25 and 48:17-26

(Telephone
solicitation lists)

LAWS OF: 1991

CHAPTER: 150

Bill No: A1912

Sponsor(s): Moran

Date Introduced: Pre-filed

Committee: Assembly: Transportation Authorities

Senate: Transportation and Public Utilities

Amended during passage: Yes Assembly Substitute (1R) enacted

Date of Passage: Assembly: April 26, 1990

Senate: March 14, 1991

Date of Approval: May 28, 1991

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

KBG/SLJ

[FIRST REPRINT]

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 1912

STATE OF NEW JERSEY

ADOPTED FEBRUARY 8, 1990

Sponsored by Assemblymen MORAN, SPADORO,
Assemblywoman Kalik and Assemblyman Connors

1 AN ACT concerning telephone solicitation lists^{1,1} and
2 supplementing chapter 17 of Title 48 of the Revised Statutes.

3

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

6 1. Every ¹local exchange¹ telephone company the principal
7 business of which is the provision of telephone service within this
8 State shall:

9 a. Enclose, at least annually, in every telephone bill a notice
10 informing telephone customers how they may have their names
11 removed from telephone solicitation lists; and

12 b. Include in every telephone directory published after the
13 effective date of this act information on how telephone
14 customers may have their names removed from telephone
15 solicitation lists.

16 ¹[The Board of Public Utilities, pursuant to the provisions of
17 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
18 et seq.), may promulgate regulations necessary to implement this
19 act.]¹

20 For purposes of this section, "telephone solicitation list" means
21 a tangible or electronic compilation of names and telephone
22 numbers which are called to solicit business.

23 ¹2. The Board of Public Utilities, pursuant to the provisions of
24 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
25 et seq.), may promulgate regulations necessary to implement this
26 act.¹

27 ¹[2.] 3.¹ This act shall take effect immediately.

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PUBLIC UTILITIES

31

32 Requires telephone companies to notify customers on how to have
33 their names removed from telephone solicitation lists.

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 Senate STU committee amendments adopted January 29, 1991.

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblymen MORAN and CONNORS

1 AN ACT concerning telephone solicitation lists, and
2 supplementing chapter 17 of Title 48 of the Revised Statutes.

3

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

6 1. A notice concerning telephone solicitation lists shall be
7 enclosed in every telephone bill at least once every three
8 months. The notice shall inform telephone customers that they
9 may have their names removed from telephone solicitation lists
10 by contacting the telephone company. The telephone company
11 shall notify persons that supply these lists to remove the names
12 of customers who have elected to be removed from their lists.
13 For purposes of this act, "telephone solicitation list" means a
14 tangible or electronic compilation of names and telephone
15 numbers which are called to solicit business.

16 2. Any person who calls a telephone number from a telephone
17 solicitation list for purposes of soliciting business after receiving
18 notice from a telephone company, under section 1 of this act,
19 that the telephone number is to be removed from the list is guilty
20 of a disorderly persons offense. Any person who sells a telephone
21 solicitation list knowing it to contain names and telephone
22 numbers which a telephone company has requested, by notice
23 under section 1 of this act, to be removed from the list is guilty
24 of a disorderly persons offense. A person shall not be liable under
25 this section for taking any action based on notice provided by the
26 telephone company, if that notice is an error or omission of the
27 telephone company.

28 3. The Board of Public Utilities, pursuant to the provisions of
29 the "Administrative Procedure Act," P.L. 1968, c. 410 (C.
30 52:14B-1 et seq.), shall promulgate rules and regulations
31 necessary to implement this act, which shall, at a minimum,
32 include:

33 a. The manner in which a subscriber may notify the telephone
34 company that the subscriber wishes to have the subscriber's
35 name removed from telephone solicitation lists.

36 b. The frequency, if any, with which a subscriber shall renew
37 this notification.

38 c. The procedures for notifying companies which supply
39 telephone solicitation lists of the names that are to be removed
40 from their lists.

41 4. Telephone companies shall provide the notice to remove

1 names and telephone numbers from telephone solicitation lists
2 pursuant to this act free of charge to their customers.

3 5. Telephone companies shall not be liable for an error or
4 omission in the notification process made pursuant to this act.

5 6. This act shall take effect on the 120th day after enactment.

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STATEMENT

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10 This bill creates a system for telephone customers to have
11 their names removed from telephone solicitation lists. In
12 addition, a disorderly persons offense is created for either selling
13 a telephone solicitation list knowing it contains names that should
14 have been removed or for calling a customer knowing they have
15 asked to be removed from the list. This bill empowers the Board
16 of Public Utilities to regulate and enforce these provisions.

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18

19

COMMUNICATIONS

20

21 Creates a system for telephone customers to have their names
22 removed from telephone solicitation lists.

ASSEMBLY TRANSPORTATION AUTHORITIES,
TELECOMMUNICATIONS AND TECHNOLOGY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 1912

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 1990

The Assembly Transportation Authorities, Telecommunications and Technology Committee favorably reports an Assembly Committee Substitute for Assembly Bill No. 1912.

This substitute bill would require every telephone company the principal business of which is the provision of telephone service within this State to enclose, at least annually, in every telephone bill a notice informing telephone customers how they may have their names removed from telephone solicitation lists; and to hereafter include the same information in every telephone directory published. The bill would authorize the Board of Public Utilities, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to adopt regulations necessary to implement its provisions. It is the committee's understanding that the provisions of this substitute bill would apply only to local exchange telephone companies.

The substitute bill defines "telephone solicitation list" as a tangible or electronic compilation of names and telephone numbers which are called to solicit business.

SENATE TRANSPORTATION AND PUBLIC
UTILITIES COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1912

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 29, 1991

The Senate Transportation and Public Utilities Committee favorably reports Assembly Bill No. 1912 ACS with committee amendments.

This bill would require every local exchange telephone company the principal business of which is the provision of telephone service within this State to enclose, at least annually, in every telephone bill a notice informing customers how they may have their names removed from telephone solicitation lists; and to hereafter include the same information in every telephone directory published. The bill would authorize the Board of Public Utilities, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to adopt regulations necessary to implement its provisions.

The bill defines "telephone solicitation list" as a tangible or electronic compilation of names and telephone numbers which are called to solicit business.

This bill is identical to S-1485 of 1990, as amended and reported by the committee on the same date.