

LEGISLATIVE HISTORY CHECKLIST
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(Misrepresentation of business)

EA: 56:8-2.25

LAWS OF: 1997 CHAPTER: 346

BILL NO: A2349

SPONSOR(S): Russo

DATE INTRODUCED: September 19, 1996

COMMITTEE: ASSEMBLY: Consumer Affairs
SENATE: Commerce

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

DATE OF PASSAGE: ASSEMBLY: February 20, 1997
SENATE: December 11, 1997

DATE OF APPROVAL: January 12, 1998

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

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P.L. 1997, CHAPTER 346, *approved January 12, 1998*
Assembly, No. 2349 (*Second Reprint*)

1 AN ACT concerning certain commercial practices and supplementing
2 P.L.1960, c.39 (C.56:8-1 et seq.).
3

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

7 1. ¹a.¹ It shall be an unlawful practice for any person conducting
8 or transacting business under an assumed name and filing a certificate
9 pursuant to R.S.56:1-2 to intentionally misrepresent that person's
10 geographic origin or location ¹or the geographic origin or location of
11 any merchandise ²[, except that if a person's mailing address is within
12 the geographic origin or location, it shall not be an intentional
13 misrepresentation of that person's origin or location¹².

14 ¹b. A person engaged in the business of advertising shall be
15 immune from liability under this section for receiving, accepting or
16 publishing any advertisement, irrespective of the medium or format,
17 submitted or developed for any person conducting or transacting
18 business under an assumed name.¹
19

20 2. This act shall take effect immediately.
21
22
23
24

25 _____
Prohibits intentional misrepresentation by a business of its location.

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 Senate SCM committee amendments adopted December 1, 1997.

² Assembly floor amendments adopted December 18, 1997.

ASSEMBLY, No. 2349

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 19, 1996

By Assemblyman RUSSO

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2 P.L.1960, c.39 (C.56:8-1 et seq.).

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

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7 1. It shall be an unlawful practice for any person conducting or
8 transacting business under an assumed name and filing a certificate
9 pursuant to R.S.56:1-2 to intentionally misrepresent that person's
10 geographic origin or location.

11
12 2. This act shall take effect immediately.

13
14 STATEMENT

15
16 This bill supplements the consumer fraud law, P.L.1960, c.39
17 (C.56:8-1 et seq.), to prohibit, as an unlawful practice, any business
18 entity conducting or transacting business under an assumed name and
19 filing a certificate pursuant to R.S.56:1-2 to intentionally misrepresent
20 that business entity's geographic origin or location.

21 As provided in R.S.56:1-2, those entities conducting or transacting
22 business under an assumed name are required to file a certificate in the
23 office of the clerk of the county or counties in which that person
24 conducts or intends to conduct such business, together with a
25 duplicate copy for filing with the office of the Secretary of State. The
26 information mandated to be placed on the certificate includes the true
27 name or names of the person or persons conducting or transacting the
28 business, with his or their post-office address or addresses.

29 Anyone who commits an unlawful practice by violating a provision
30 of this bill shall be subject to consumer fraud law penalties of not more
31 than \$7,500 for a first offense and not more than \$15,000 for each
32 subsequent offense.

33
34
35
36 Prohibits intentional misrepresentation by a business of its location.

ASSEMBLY CONSUMER AFFAIRS AND REGULATED
PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2349

STATE OF NEW JERSEY

DATED: JANUARY 23, 1997

The Assembly Consumer Affairs and Regulated Professions Committee reports favorably Assembly Bill No. 2349.

This bill supplements the consumer fraud law, P.L.1960, c.39 (C.56:8-1 et seq.), to prohibit, as an unlawful practice, any business entity conducting or transacting business under an assumed name and filing a certificate pursuant to R.S.56:1-2 to intentionally misrepresent that business entity's geographic origin or location.

As provided in R.S.56:1-2, those entities conducting or transacting business under an assumed name are required to file a certificate in the office of the clerk of the county or counties in which they conduct or intend to conduct such business, together with a duplicate copy for filing with the office of the Secretary of State. The information mandated to be placed on the certificate includes the true name or names of the person or persons conducting or transacting the business, with their post-office address or addresses.

Anyone who commits an unlawful practice by violating a provision of this bill shall be subject to consumer fraud law penalties of not more than \$7,500 for a first offense and not more than \$15,000 for each subsequent offense.

First Reprint]
ASSEMBLY, No. 2349

with Assembly Floor Amendments
(Proposed By Assemblyman RUSSO)

ADOPTED: DECEMBER 18, 1997

This amendment deletes an exception to the bill's prohibition which provides that if a business entity's mailing address is within the geographic origin or location represented, it is not an intentional misrepresentation of that business's origin or location.

SENATE COMMERCE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2349

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 24, 1997

The Senate Commerce Committee reports favorably and with committee amendments Assembly Bill No. 2349.

This bill, as amended by the committee, supplements the consumer fraud law, P.L.1960, c.39 (C.56:8-1 et seq.), to prohibit, as an unlawful practice, any business entity conducting or transacting business under an assumed name and filing a certificate pursuant to R.S.56:1-2 to intentionally misrepresent that business entity's geographic origin or location or the geographic origin or location of any merchandise.

As provided in R.S.56:1-2, those entities conducting or transacting business under an assumed name are required to file a certificate in the office of the clerk of the county or counties in which they conduct or intend to conduct such business, together with a duplicate copy for filing with the office of the Secretary of State. The information mandated to be placed on the certificate includes the true name or names of the person or persons conducting or transacting the business, with their post-office address or addresses. The provisions of the bill do not apply to a business entity's disclosure of a false address in a filing required under R.S.56:1-2 for which a penalty is already provided.

Anyone who commits an unlawful practice by violating a provision of this bill shall be subject to consumer fraud law penalties of not more than \$7,500 for a first offense and not more than \$15,000 for each subsequent offense.

The committee amendments to the bill also provide that a person's mailing address within the geographic origin or location is not an intentional misrepresentation of that person's origin or location; and that an advertising company is immune from liability under the bill for receiving, accepting or publishing any advertisement submitted for a person conducting business under an assumed name.