

ASSEMBLY, No. 1369

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblyman JAMES J. KENNEDY

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District 14 (Mercer and Middlesex)

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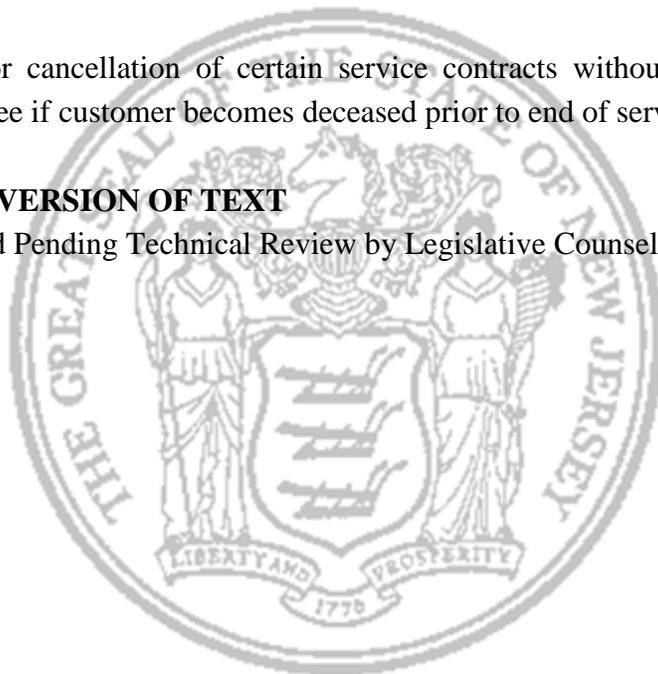
**Assemblywomen McKnight, Lampitt, Assemblymen Coughlin, McKeon,
Rooney, Conaway and Daniels**

SYNOPSIS

Allows for cancellation of certain service contracts without paying early termination fee if customer becomes deceased prior to end of service contract.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/6/2018)

1 AN ACT concerning certain service contracts and supplementing
2 Title 56 of the Revised Statutes.

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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. As used in P.L. , c. (C.) (pending before the
8 Legislature as this bill):

9 “Cable television service” shall have the same meaning as
10 provided in section 3 of P.L.1972, c.186 (C.48:5A-3).

11 “Commercial mobile service” shall have the same meaning as
12 provided in 47 U.S.C. s.332.

13 “Direct broadcast satellite service” means a satellite system with
14 programming offered as a service by a provider of direct broadcast
15 satellite service as defined in 47 U.S.C. s.335.

16 “Electric generation service” and “gas supply service” shall have
17 the same meaning as provided in section 3 of P.L.1999, c.23
18 (C.48:3-51).

19 “Executor” means the executor or administrator of the estate of a
20 customer who is subject to the provisions of P.L. , c. (C.)
21 (pending before the Legislature as this bill) upon the death of that
22 customer.

23 “Heating oil” means number 2 heating oil, number 4 heating oil,
24 number 6 heating oil, and kerosene used exclusively for residential
25 use.

26 “Heating oil service” means the delivery of heating oil to a
27 customer but shall not include delivery pursuant to a contract for a
28 term of less than 275 days where the customer had committed to
29 purchase a specified volume of heating oil at a specified price.

30 “Internet access service” shall have the same meaning as
31 provided in 47 U.S.C. s.231.

32 “Propane service” shall have the same meaning as “propane
33 services” as defined in section 2 of P.L.2007, c.150 (C.52:27D-
34 510).

35 “Telecommunications service” shall have the same meaning as
36 provided in section 2 of P.L.1991, c.428 (C.48:2-21.17).

37 “Voice over Internet Protocol service” shall have the same
38 meaning as provided in section 3 of P.L.2007, c.195 (C.48:17-34).

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40 2. Subject to federal law and regulation, a provider of cable
41 television service, commercial mobile service, direct broadcast
42 satellite service, electric generation service, heating oil service, gas
43 supply service, Internet access service, propane service,
44 telecommunications service, and Voice over Internet Protocol
45 service, shall allow the executor for a deceased customer who is
46 under contract with the provider, including but not limited to, a
47 bundle contract or multi-year contract, to opt-out of the contract
48 without paying an early termination fee or other similar charge

1 when the executor requests to opt-out of the contract in writing.
2 The executor shall provide to the provider, within 180 days of the
3 executor's request, a copy of the deceased customer's certificate of
4 death. A request for opting-out of the contract without charge shall
5 be made in good faith. The provider shall waive the otherwise
6 applicable charges for the executor requesting to opt-out of the
7 contract as of the date the provider receives the request.

8
9 3. a. A person who violates P.L. , c. (C.) (pending
10 before the Legislature as this bill) shall be liable to a civil penalty
11 of up to \$1,000 for each offense.

12 b. A penalty imposed pursuant to subsection a. of this section
13 shall be collected in a civil action by a summary proceeding under
14 the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-
15 10 et seq.) or in any case before a court of competent jurisdiction
16 wherein injunctive relief has been requested. The Superior Court
17 and municipal court shall have jurisdiction to enforce the "Penalty
18 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in
19 connection with P.L. , c. (C.) (pending before the
20 Legislature as this bill). If the violation is of a continuing nature,
21 each day during which the violation continues shall constitute an
22 additional, separate, and distinct offense.

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24 4. This act shall take effect immediately and apply to contracts
25 entered into or renewed on or after the effective date of this act.

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STATEMENT

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30 This bill requires a service provider of cable television, cellular
31 telephone, direct broadcast satellite, electric generation, heating oil,
32 gas supply, Internet access, propane, telecommunications, and
33 Voice over Internet Protocol to allow the executor of a deceased
34 customer who is under contract with the provider to opt-out of the
35 contract without paying an early termination fee or other similar
36 charge when the executor requests to opt-out of the contract in
37 writing.

38 The bill requires an executor to request the contract cancellation
39 in writing and submit, within 180 days of the request,
40 documentation proving that the customer is deceased. The required
41 documentation is to include a copy of the deceased customer's
42 death certificate. A request for opting-out of the contract, which
43 may include a bundle or multi-year contract, without charge is to be
44 made in good faith. These service providers are to waive the
45 otherwise applicable charges for the deceased customer requesting
46 to opt-out of the contract as of the date these service providers
47 receive the request.

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1 A person who violates the provisions of the bill is to be liable to
2 a civil penalty of up to \$1,000 for each offense. The Superior Court
3 and municipal court have jurisdiction to enforce the civil penalty in
4 connection with the bill. If the violation is of a continuing nature,
5 each day during which the violation continues is to constitute an
6 additional, separate, and distinct offense.