

ASSEMBLY, No. 499

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JAY WEBBER

District 26 (Essex, Morris and Passaic)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman AURA K. DUNN

District 25 (Morris and Somerset)

Co-Sponsored by:

Assemblymen Peterson, Chiaravalloti and Assemblywoman N.Munoz

SYNOPSIS

Requires telemarketers making sales calls to display their name and telephone number on any caller identification service.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/16/2020)

1 AN ACT concerning telemarketing sales calls and amending
2 P.L.2003, c.76.

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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. Section 10 of P.L.2003, c.76 (C.56:8-128) is amended to
8 read as follows:

9 10. a. **[No]** A telemarketer shall not make or cause to be made
10 any unsolicited telemarketing sales call to any customer whose
11 telephone number is included on the no telemarketing call list
12 established pursuant to section 9 of **[this act]** P.L.2003, c.76
13 (C.56:8-127), except for a call made within three months of the date
14 the customer's telephone number was first included on the no call
15 list, but only if the telemarketer had at the time of the call not yet
16 obtained a no call list which included the customer's telephone
17 number and the no call list used by the telemarketer was issued less
18 than three months prior to the time the call was made.

19 b. A telemarketer making a telemarketing sales call shall,
20 within the first 30 seconds of the call, accurately identify the
21 telemarketer's name, the person on whose behalf the call is being
22 made, and the purpose of the call.

23 c. A telemarketer shall not make or cause to be made any
24 unsolicited telemarketing sales call to any customer between the
25 hours of **[9]** 9:00 p.m. and **[8]** 8:00 a.m., local time, at the
26 customer's location.

27 d. (1) When making or causing to be made any telemarketing
28 sales call, a telemarketer shall not fail to transmit or cause to be
29 transmitted the telephone number and, when made available by the
30 telemarketer's telephone company, the name of the telemarketer, to
31 any caller identification service in use by a recipient of a
32 telemarketing sales call; provided, however, that it shall not be a
33 violation of this paragraph to substitute, for the name and telephone
34 number used in or billed for making the call, the name of the seller
35 on behalf of which a telemarketing sales call is placed and the
36 seller's customer service telephone number that is answered during
37 regular business hours.

38 (2) A telemarketer shall not intentionally use any method that
39 blocks a caller identification service from displaying caller
40 identification information or otherwise circumvents a customer's
41 use of a telephone caller identification service, including, but not
42 limited to, the use of any technology or method which displays a
43 telephone number or name not associated with the telemarketer or
44 intentionally designed to misrepresent the telemarketer's identity.
45 (cf: P.L.2005, c.289, s.1)

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 2. This act shall take effect immediately, but shall remain
2 inoperative for 60 days following the date of enactment.

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STATEMENT

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7 This bill prohibits a telemarketer, when making or causing to be
8 made any telemarketing sales call, from failing to transmit or cause
9 to be transmitted the telephone number, and, when made available
10 by the telemarketer's telephone company, the name of the
11 telemarketer, to any caller identification service in use by a
12 recipient of a telemarketing sales call. The bill permits the
13 telemarketer to substitute, for the name and telephone number used
14 in or billed for making the call, the name of the seller on behalf of
15 which the call is placed and the seller's customer service telephone
16 number that is answered during regular business hours.