

ASSEMBLY, No. 951

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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SYNOPSIS

Requires telecommunications service providers to provide call mitigation technology to subscribers.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning call mitigation technology and amending and
2 supplementing P.L.2003, c.76.

3

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

6

7 1. Section 2 of P.L.2003, c.76 (C.56:8-120) is amended to read
8 as follows:

9 2. As used in **【this act】** P.L.2003, c.76 (C.56:8-119 et seq.):

10 "Autodialed telephone call" means:

11 a. a telephone call made using equipment that makes a series of
12 telephone calls to stored telephone numbers, including numbers
13 stored on a list, or to telephone numbers produced using a random
14 or sequential number generator, except that the term does not
15 include a telephone call made using only equipment that the caller
16 demonstrates requires substantial additional human intervention to
17 dial or place a telephone call after a human initiates the telephone
18 call or series of telephone calls;

19 b. a telephone call made using an artificial or prerecorded voice
20 message; or

21 c. a text message made using equipment that issues 20 or more
22 text messages at a time, or sends a series of nearly identical texts to
23 telephone numbers on a list, or to telephone numbers produced
24 using a random or sequential number generator, except that the term
25 does not include texts that the sender demonstrates were sent to the
26 sender's personal acquaintances.

27 "Autodialed telephone call" shall not mean a telephone call or
28 text message made for bona fide political, religious, or charitable
29 activities of a nonprofit corporation, trust, or organization
30 established exclusively for political, religious, or charitable
31 purposes.

32 "Customer" means an individual who is a resident of this State
33 and a prospective recipient of a telemarketing sales call.

34 "Director" means the Director of the Division of Consumer
35 Affairs in the Department of Law and Public Safety.

36 "Division" means the Division of Consumer Affairs in the
37 Department of Law and Public Safety.

38 "Local exchange telephone company" means a
39 telecommunications carrier authorized by the Board of Public
40 Utilities to provide local telecommunications services.

41 "Merchandise" means merchandise as defined in subsection
42 **【(c)】** c. of section 1 of P.L.1960, c.39 (C.56:8-1), including an
43 extension of credit.

44 "No telemarketing call list" or "no call list" means a list of
45 telephone numbers of customers in this State who desire not to

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 receive unsolicited telemarketing sales calls whether the
2 telemarketer is a human initiating an unsolicited telemarketing sales
3 call or the telemarketer uses another means of making an
4 unsolicited telemarketing sales call, including, but not limited to,
5 making an autodialed telephone call.

6 "Prior express consent" means an agreement provided by a called
7 customer to allow the caller to make an autodialed telephone call to
8 the called customer's telephone in relation to the specific subject
9 matter for which the telephone call is made.

10 "Telemarketer" means any entity, whether an individual
11 proprietor, corporation, partnership, limited liability corporation, or
12 any other form of business organization, whether on behalf of itself
13 or others, who makes residential telemarketing sales calls to a
14 customer when the customer is in this State or any person who
15 directly controls or supervises the conduct of a telemarketer.

16 "Telemarketing" means any plan, program, or campaign which is
17 conducted by telephone to encourage the purchase or rental of, or
18 investment in, merchandise, but does not include the solicitation of
19 sales through media other than a telephone call.

20 "Telemarketing sales call" means a telephone call, including an
21 autodialed telephone call, made by a telemarketer to a customer as
22 part of a plan, program, or campaign to encourage the purchase or
23 rental of, or investment in, merchandise, except for continuing
24 services. A telephone call made to an existing customer for the sole
25 purpose of collecting on accounts or following up on contractual
26 obligations shall not be deemed a telemarketing sales call.

27 "Telephone call mitigation technology" means technology that
28 identifies an incoming telephone call as being, or as likely being, an
29 autodialed telephone call and blocks the telephone call, diverts the
30 telephone call to the called person's answering system, or otherwise
31 prevents the telephone call from being completed to the called
32 person, except that the technology permits a telephone call so
33 identified to be completed when the telephone call is identified as
34 being made by a law enforcement or public safety entity, or when
35 the telephone call is identified as originating from a caller with
36 whom the called person has provided prior express consent to
37 receive a telephone call and has not revoked that consent.

38 "Telecommunications service" means the electronic
39 transmission, conveyance, or routing of voice, data, audio, video, or
40 other information to a point, or between or among points, regardless
41 of the telecommunications infrastructure used.

42 "Telecommunications service provider" or "provider" means any
43 person, business, or organization that provides a subscriber with a
44 telecommunications service for a fee.

45 "Unsolicited telemarketing sales call" means any telemarketing
46 sales call other than a call made:

47 **[(1)]** a. in response to an express written request of the
48 customer called; or

1 **[(2)]** b. to an existing customer, which shall include the ability
2 to collect on accounts and follow up on contractual obligations,
3 unless the customer has stated to the telemarketer that the customer
4 no longer desires to receive the telemarketing sales calls of the
5 telemarketer.

6 (cf: P.L.2003, c.208, s.1)

2. (New section) To the extent consistent with federal law, any telecommunications service provider that provides telecommunications service to subscribers residing in this State shall make telephone call mitigation technology available to any subscriber residing in this State receiving a telecommunications service from the provider at no additional charge to the subscriber.

15 3. This act shall take effect immediately.

STATEMENT

20 This bill requires telecommunications service providers
21 (providers) that provide telecommunications service to subscribers
22 residing in this State to make telephone call mitigation technology,
23 as that term is defined in the bill, to any subscriber in this State, at
24 no additional charge to the subscriber. Further, the bill redefines the
25 term “telemarketing sales call” to include “autodialed telephone
26 calls,” as that term is defined in the bill, which are also known as
27 “robocalls.”