# ASSEMBLY, No. 1555

# STATE OF NEW JERSEY

## 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**
**Assemblyman ROBERT D. CLIFTON**
**District 12 (Burlington, Middlesex, Monmouth and Ocean)**
**Assemblyman RONALD S. DANCER**
**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**SYNOPSIS**

Includes certain canvassing and solicitation activities as a violation of consumer fraud act.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.

**AN ACT** concerning the canvassing and solicitation of real estate owners and supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

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

1. As used in this act:

"Canvassing" means distributing printed material or any other thing from house to house, or calling in person upon the occupants of any house seeking to distribute printed material, or in any other way, including by telephone or by means of digital communication, advertising any services or offering anything of value with regard to buying, offering to buy, selling, or offering to sell real estate of any kind or description.

"Solicitation" means any attempt to buy, offer to buy, sell, or offer to sell real estate of any kind or description by sample or otherwise house to house, by telephone, or by means of digital communication, or offer to render services from house to house, by telephone, or by means of digital communication, with or without accepting payment or partial payment for the same.

2. It shall be an unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et seq.), for a person to engage in the canvassing or solicitation of real estate owners unless the person is a real estate broker, broker-salesperson, salesperson, or referral agent licensed in this State pursuant to R.S.45:15-1 et seq.

3. The provisions of this act shall not be construed to supersede or preempt any ordinance, resolution, or regulation of a unit of local government that prohibits or limits canvassing and solicitation of any nature.

4. This act shall take effect immediately.

STATEMENT

This bill provides that it is an unlawful practice under the consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.), for a person to engage in canvassing or solicitation of real estate owners, with regard to selling or buying real estate, unless the person is a real estate broker, broker-salesperson, salesperson, or referral agent licensed in this State pursuant to R.S.45:15-1 et seq.

As used in the bill, "canvassing" means distributing printed material or any other thing from house to house, or calling in person upon the occupants of any house seeking to distribute printed material, or in any other way, including by telephone or by means of digital communication, advertising any services or offering

anything of value with regard to buying, offering to buy, selling, or offering to sell real estate of any kind or description; and "solicitation" means any attempt to buy, offer to buy, sell, or offer to sell real estate of any kind or description by sample or otherwise house to house, by telephone or by means of digital communication, or offer to render services from house to house, by telephone, or by means of digital communication, with or without accepting payment or partial payment for the same.

The bill also provides that the provisions of the bill will not be construed to supersede or preempt any ordinance, resolution, or regulation of a unit of local government that prohibits or limits canvassing and solicitation of any nature.

An unlawful practice under the consumer fraud act is punishable by a monetary penalty of not more than $10,000 for a first offense, and not more than $20,000 for any subsequent offense. In addition, a violation can result in cease and desist orders issued by the Attorney General, the assessment of punitive damages, and the awarding of treble damages and costs to the injured party.