

ASSEMBLY, No. 1712

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JOHN J. BURZICHELLI
District 3 (Cumberland, Gloucester and Salem)
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District 18 (Middlesex)
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District 34 (Essex and Passaic)

Co-Sponsored by:

Assemblywoman Jimenez

SYNOPSIS

Concerns disclosure of certain information prior to sale of real estate.

CURRENT VERSION OF TEXT

As reported by the Assembly Regulated Professions Committee with technical review.



(Sponsorship Updated As Of: 6/14/2021)

1 **AN ACT** concerning disclosure of certain information prior to the
2 sale of real estate and amending P.L.1999, c.76.

3

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

6

7 1. Section 1 of P.L.1999, c.76 (C.56:8-19.1) is amended to read
8 as follows:

9 1. Notwithstanding any provision of P.L.1960, c.39 (C.56:8-1
10 et seq.) to the contrary, there shall be no right of recovery **【of**
11 punitive damages, attorney fees, or both, under section 7 of
12 P.L.1971, c.247 (C.56:8-19),**】** against a real estate broker, broker-
13 salesperson or salesperson licensed under R.S.45:15-1 et seq. for
14 the communication of any false, misleading or deceptive
15 information provided to the real estate broker, broker-salesperson or
16 salesperson, **【by or on behalf of the seller of】** regarding real estate
17 located in New Jersey, if the real estate broker, broker-salesperson
18 or salesperson demonstrates that he:

19 a. Had no actual knowledge of the false, misleading or
20 deceptive character of the information; and

21 b. Made a reasonable and diligent inquiry to ascertain whether
22 the information is of a false, misleading or deceptive character. For
23 purposes of this section, communications by a real estate broker,
24 broker-salesperson or salesperson which shall be deemed to satisfy
25 the requirements of a "reasonable and diligent inquiry" include, but
26 shall not be limited to, communications which disclose information:

27 (1) provided in a report or upon a representation by a person,
28 licensed or certified by the State of New Jersey, including, but not
29 limited to, an appraiser, home inspector, plumber or electrical
30 contractor, or an unlicensed home inspector until December 30,
31 2005, of a particular physical condition pertaining to the real estate
32 derived from inspection of the real estate by that person;

33 (2) provided in a report or upon a representation by any
34 governmental official or employee, if the particular information of a
35 physical condition is likely to be within the knowledge of that
36 governmental official or employee; or

37 (3) that the real estate broker, broker-salesperson or salesperson
38 obtained from the seller in a property condition disclosure
39 statement, which form shall comply with regulations promulgated
40 by the director in consultation with the New Jersey Real Estate
41 Commission, provided that the real estate broker, broker-
42 salesperson or salesperson informed the buyer that the seller is the
43 source of the information and that, prior to making that
44 communication to the buyer, the real estate broker, broker-
45 salesperson or salesperson visually inspected the property with

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 reasonable diligence to ascertain the accuracy of the information
2 disclosed by the seller.

3 Nothing in this section shall be interpreted to affect the
4 obligations of a real estate broker, broker-salesperson or
5 salesperson pursuant to the "New Residential Construction Off-Site
6 Conditions Disclosure Act," P.L.1995, c.253 (C.46:3C-1 et seq.), or
7 any other law or regulation.
8 (cf: P.L.2004, c.18, s.2)

9
10 2. This act shall take effect immediately.