

ASSEMBLY, No. 1945

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman SERENA DIMASO

District 13 (Monmouth)

Assemblyman ROBERT D. CLIFTON

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblywoman AURA K. DUNN

District 25 (Morris and Somerset)

SYNOPSIS

Requires automatic dialing device callers to disclose certain identifying information.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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

1 AN ACT relating to the use of automatic dialing devices, and
2 supplementing Title 56 of the Revised Statutes.

3

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

6

7 1. For the purposes of this P.L. , c. (C.) (pending
8 before the Legislature as this bill):

9 "Automatic dialing device" means equipment or software
10 capable of being programmed to randomly or sequentially dial
11 telephone numbers and, upon connection, play a prerecorded or
12 automated voice message or connect a customer to a caller.

13 "Caller" means a person who contacts or attempts to contact a
14 customer in this State, or causes a customer in this State to be
15 contacted by use of an automatic dialing device, via telephone or
16 using a telephone line, wireless communications technology, or
17 Voice over Internet Protocol service.

18 "Customer" means a person who receives telephone service from
19 a telephone company regulated as a public utility under Title 48 of
20 the Revised Statutes or from a wireless telephone company.

21 "Telephone company" means the organization that provides
22 switched local telephone exchange access service.

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

25 "Wireless telephone company" means any person providing
26 commercial mobile service as defined in 47 U.S.C.s.332(d).

27

28 2. a. A caller shall not use an automatic dialing device to
29 contact a customer who is located in this State in order to transmit a
30 recorded or automated voice message to the customer via the
31 customer's telephone or wireless telephone, unless the prerecorded
32 or automated voice message accurately identifies the caller's name,
33 the person on whose behalf the call is being made, and the purpose
34 of the call within the first 30 seconds of the prerecorded or
35 automated voice message.

36 b. A caller shall not use an automatic dialing device to contact
37 a customer in this State on the customer's telephone or wireless
38 telephone and then forward the call to a third party, unless the
39 caller, within the first 30 seconds of the call, accurately identifies
40 the caller's name, the person on whose behalf the call is being made,
41 the purpose of the call, and the name of the third party to which the
42 caller intends to forward the call.

43

44 3. a. It shall be an unlawful practice and a violation of
45 P.L.1960, c.39 (C.56:8-1 et seq.) to violate the provisions of section
46 2 of P.L. c. (pending before the Legislature as this bill).

47 b. The provisions of P.L. c. (pending before the
48 Legislature as this bill) shall not supersede or abrogate or affect the

1 status of any applicable provisions of P.L.1993 c.252 (C.48:17-28 et
2 seq.), P.L.1991, c.416 (C.56:8-54 et seq.), and P.L.2003, c.76
3 (C.56:8-120 et seq.).
4

5 4. The Director of the Division of Consumer Affairs in the
6 Department of Law and Public Safety shall adopt, pursuant to the
7 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
8 seq.), any rules and regulations necessary to effectuate the purposes
9 of P.L. , c. (C.) (pending before the Legislature as this
10 bill).
11

12 5. This act shall take effect on the first day of the month next
13 following the date of enactment by 90 days, but the Director of the
14 Division of Consumer Affairs in the Department of Law and Public
15 Safety may take such anticipatory administrative action in advance
16 thereof as shall be necessary for the implementation of this act.
17
18

19 STATEMENT
20

21 This bill requires callers that use an automatic dialing device in
22 order to contact telephone and wireless telephone customers in this
23 State to disclose certain identifying information.

24 Under the bill, a caller is prohibited from using an automatic
25 dialing device to contact a telephone or wireless telephone customer
26 who is located in this State in order to transmit a recorded or
27 automated voice message to the customer via the customer's
28 telephone or wireless telephone, unless the prerecorded or
29 automated voice message accurately identifies the caller, as
30 described in the bill. The bill further prohibits a caller from using
31 an automatic dialing device to contact a telephone or wireless
32 telephone customer in this State on the customer's telephone or
33 wireless telephone and then forward the call to a third party, unless
34 the caller accurately identifies the caller and the third party, as
35 described in the bill, to the customer prior to forwarding the call.
36 The bill provides that a violation of the bill is an unlawful practice
37 under the New Jersey consumer fraud act.