

ASSEMBLY, No. 2542

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

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District 21 (Morris, Somerset and Union)
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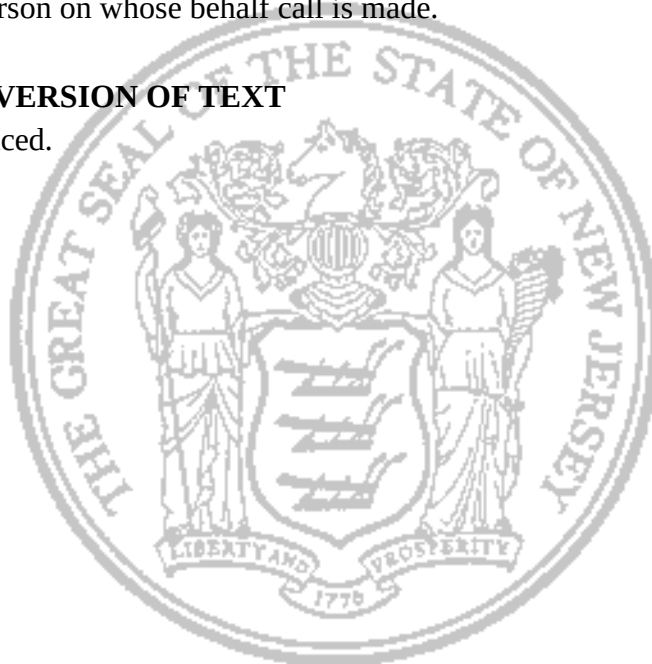
Assemblywoman Murphy, Assemblymen Rooney, DePhillips,
Assemblywoman Mosquera, Assemblyman Zwicker, Assemblywomen
Jimenez, Swain, Vainieri Huttie, Assemblymen Chiaravalloti, Thomson
and Assemblywoman Dunn

SYNOPSIS

Requires telemarketers to provide name, mailing address, and telephone number of person on whose behalf call is made.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 4/9/2020)

1 AN ACT concerning telemarketers and amending P.L.2003, c.76.

2

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

5

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

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

18 b. A telemarketer making a telemarketing sales call shall, within
19 the first 30 seconds of the call, accurately identify the telemarketer's
20 name, the name and telephone number of the person on whose behalf
21 the call is being made, and the purpose of the call. A violation of this
22 subsection shall constitute a disorderly persons offense.

23 c. A telemarketer shall be required to disclose the mailing address
24 of the telemarketer, and any company on whose behalf the company is
25 telemarketing, on any website owned or operated by the telemarketer
26 and on any subsequent written communication to a customer.

27 d. A telemarketer shall not make or cause to be made any
28 unsolicited telemarketing sales call to any customer between the hours
29 of **[9 p.m. and 8 a.m.]** 9:00 p.m. and 8:00 a.m., local time, at the
30 customer's location.

31 **[d.]** e. A telemarketer shall not intentionally use any method
32 that blocks a caller identification service from displaying caller
33 identification information or otherwise circumvents a customer's use
34 of a telephone caller identification service, including, but not limited
35 to, the use of any technology or method which displays a telephone
36 number or name not associated with the telemarketer or intentionally
37 designed to misrepresent the telemarketer's identity.

38 f. The requirements of this section shall not apply to any
39 telemarketer who makes a residential marketing call in response to a
40 customer's phone call or contact with the telemarketer's website, in
41 which the customer affirmatively requests a follow-up telemarketing
42 sales call or other contact from the telemarketer.

43 (cf: P.L.2005, c.289, s.1)

44

45 2. This act shall take effect on the first day of the seventh
46 month following enactment.

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 STATEMENT

2

3 This bill requires a telemarketer, within 30 seconds of making a
4 telemarketing sales call, to provide the customer the name and
5 telephone number of the person on whose behalf the call is being
6 made. A violation of the bill's provisions is to constitute a
7 disorderly persons offense.

8 The bill also requires the mailing address of a telemarketer and
9 any business on whose behalf the telemarketer is telemarketing to
10 be disclosed on any website owned or operated by the telemarketer
11 and on any subsequent written communication to customers.

12 The prohibition on unsolicited sales calls and the requirement to
13 disclose certain telemarketer information required in this bill do not
14 apply to telemarketing sales calls when a customer contacts the
15 telemarketer via phone call or website and affirmatively requests a
16 follow-up telemarketing sales call or other contact from the
17 telemarketer.