ASSEMBLY, No. 2542

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:
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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)

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

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

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

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

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

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

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

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

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

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

2. This act shall take effect on the first day of the seventh 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.

STATEMENT

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

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

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