

ASSEMBLY, No. 5105

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED DECEMBER 10, 2020

Sponsored by:

Assemblywoman AURA K. DUNN

District 25 (Morris and Somerset)

SYNOPSIS

Prohibits solicitation of business based on death notices and obituaries.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning solicitation based on death notices and obituaries
2 and supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

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

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7 1. a. It shall be an unlawful practice for any person, business, or
8 entity to solicit an individual for business based on the print or
9 electronic publication of a death notice or obituary, including from
10 public records, of a family member or tenant residing on a property
11 within the first 90 days of that publication.

12 b. A violation of this section shall be a violation of
13 P.L. 1960, c.39 (C.56:8-1 et seq.), and shall be subject to all remedies
14 and penalties available pursuant to P.L.1960, c.39 (C.56:8-1 et seq.)
15 in addition to any other remedies or penalties provided by law.

16 c. For the purposes of this section, "family member" means a
17 spouse, child, parent, sibling, aunt, uncle, niece, nephew, first cousin,
18 grandparent, grandchild, father-in-law, mother-in-law, son-in-law,
19 daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-
20 brother, or half-sister, whether the individual is related by blood,
21 marriage, or adoption.

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23 2. This act shall take effect immediately.

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STATEMENT

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28 This bill provides that it is an unlawful practice under the
29 consumer fraud act for any person, business, or entity to solicit an
30 individual for business based on the print or electronic publication of
31 a death notice or obituary, including from public records, of a family
32 member or tenant residing on a property within the first 90 days of
33 that publication.

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