

SENATE, No. 2049

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

SYNOPSIS

Invalidates consumer contracts which require a waiver of right to file a consumer complaint.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning consumer contracts and amending P.L.1981,
2 c.454.

3

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

6

7 1. Section 3 of P.L.1981, c.454 (C.56:12-16) is amended to
8 read as follows:

9 3. No consumer contract, warranty, notice or sign, as provided
10 for in this act, shall contain any provision by which the consumer
11 waives his rights under this act. Notwithstanding any other law to
12 the contrary, no consumer contract, including but not limited to an
13 agreement to arbitrate, warranty, notice or sign shall contain any
14 provision which, explicitly or implicitly, requires the consumer to
15 waive his substantive rights under the consumer fraud act,
16 P.L.1960, c.39 (C.56:8-1 et seq.), the used car lemon law, P.L.1995,
17 c.373 (C.56:8-67 et seq.), or any other consumer protection laws, or
18 his right to contact a law enforcement agency, State, county or
19 municipal department or agency, or any other entity for the
20 purposes of reporting a consumer complaint. Any such provision
21 shall be null and void. No consumer contract, notice or sign shall
22 state that any of its provisions is or may be void, unenforceable or
23 inapplicable in some jurisdictions without specifying which
24 provisions are or are not void, unenforceable or inapplicable within
25 the State of New Jersey; provided, however, that this shall not
26 apply to warranties.

27 (cf: P.L.1981, c.454, s.3)

28

29 2. This act shall take effect immediately.

30

31

32

STATEMENT

33

34 This bill invalidates any consumer contract, including any
35 arbitration agreement, that contains language requiring a consumer
36 to waive the right to contact a law enforcement agency, State,
37 county, or municipal department or agency, or any other entity for
38 the purposes of reporting a consumer complaint. The bill also
39 invalidates any consumer contract containing language that requires
40 a consumer to waive substantive rights provided by the consumer
41 fraud act, the used car lemon law, and other consumer protection
42 laws.

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.