

SENATE, No. 3412

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 4, 2021

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

SYNOPSIS

Prohibits imposition of certain charges on voice communications service bill that were not authorized by customer.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/15/2021)

1 **AN ACT** concerning the imposition of certain charges on voice
2 communications service bills and supplementing Title 48 of the
3 Revised Statutes.

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

7
8 1. As used in P.L. , c. (C.) (pending before the
9 Legislature as this bill):

10 “Board” means the Board of Public Utilities or any successor
11 agency.

12 “Cramming” means the practice of placing charges on a
13 customer’s voice communications service bill at the request of a
14 third party or billing aggregator that the customer did not order or
15 authorize or, if authorized by the customer, authorization was
16 obtained through misleading or deceptive means.

17 “Customer” means a customer with a billing address in this State
18 who subscribes to a voice communications service for a fee.

19 “Voice communications service” means a service providing
20 voice communications to a customer for profit using any wireline or
21 wireless communications equipment or technology.

22
23 2. a. A customer shall not be liable for charges appearing on
24 the customer’s voice communications service bill that are the result
25 of cramming. A charge for any product or service, other than those
26 provided by the voice communications service company, its
27 affiliates, a third party video provider with whom a voice
28 communications service company or its affiliate jointly market a
29 service, or otherwise permitted by law, shall not be included on a
30 bill of a customer, unless the third party requesting the payment of
31 the charge retains and provides to the board upon request valid
32 proof that:

33 (1) the customer was provided with clear and conspicuous
34 disclosure of all material terms and conditions of the product or
35 service being offered including, but not limited to, all initial and
36 recurring charges and the fact that the charges shall appear on the
37 customer’s bill;

38 (2) after receiving clear and conspicuous disclosure, as provided
39 in paragraph (1) of this subsection, the customer explicitly
40 consented to the nature and amount of the charge; and

41 (3) the third party offering the product or service or an agent of
42 the third party provided the customer with a toll-free telephone
43 number the customer may call and an address to which the customer
44 may write to resolve any billing dispute.

45 b. Any charge for a third party product or service that is
46 included on a bill by a voice communications service company
47 without the consent of the customer having been obtained, as
48 provided in paragraph (2) of subsection a. of this section, shall be

1 void and unenforceable, and shall be removed from the bill upon
2 notice from the customer.

3 c. A voice communications service company shall annually
4 provide notice to its customers in this State of the provisions of
5 P.L. , c. (C.) (pending before the Legislature as this bill) in
6 a form and manner determined by the board.

7
8 3. The board shall, consistent with federal law and pursuant to
9 the provisions of the “Administrative Procedure Act,” P.L.1968,
10 c.410 (C.52:14B-1 et seq.), adopt rules and regulations as may be
11 necessary to effectuate the purposes of P.L. , c. (C.)
12 (pending before the Legislature as this bill).

13
14 4. This act shall take effect immediately.

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17 STATEMENT

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19 This bill provides that a customer of a “voice communications
20 service,” as that term is defined in the bill, is not to be liable for
21 charges appearing on the customer’s voice communications service
22 bill that are the result of a practice known as “cramming.”
23 “Cramming” is defined in the bill as the practice of placing charges
24 on a customer’s voice communications service bill at the request of
25 a third party or billing aggregator that the customer did not order or
26 authorize or, if authorized by the customer, authorization was
27 obtained through misleading or deceptive means.

28 The bill prohibits a charge for any product or service, other than
29 those provided by the voice communications service company, its
30 affiliates, a third party video provider with whom a voice
31 communications service company or its affiliate jointly market
32 services, or otherwise permitted by law, from being included on a
33 bill of a customer, unless the third party requesting the payment of
34 the charge retains and provides to the Board of Public Utilities
35 (BPU) upon request valid proof that:

36 1) the customer was provided with clear and conspicuous
37 disclosure of all material terms and conditions of the product or
38 service being offered including, but not limited to, all initial and
39 recurring charges and the fact that the charges are to appear on the
40 customer’s bill;

41 2) after receiving clear and conspicuous disclosure, the
42 customer explicitly consented to the nature and amount of the
43 charges; and

44 3) the third party offering the product or service or an agent of
45 the third party provided the customer with a toll-free telephone
46 number the customer may call and an address to which the customer
47 may write to resolve any billing dispute.

1 The bill provides that any charge for a third party product or
2 service that is included on a bill by a voice communications service
3 company without the consent of the customer having been obtained,
4 as provided in the bill, are to be void and unenforceable, and are to
5 be removed from the bill upon notice from the customer.

6 The bill provides that a voice communications service company
7 is to annually provide notice to its customers in this State of the
8 provisions of the bill in a form and manner determined by the BPU.