

[First Reprint]

SENATE, No. 3412

STATE OF NEW JERSEY
219th LEGISLATURE

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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 reported by the Senate Economic Growth Committee on June 15, 2021, with amendments.



(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 Legislature
9 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 third
14 party or billing aggregator that the customer did not order or authorize
15 or, if authorized by the customer, authorization was obtained through
16 misleading or deceptive means.

17 “Customer” means a ¹residential¹ customer with a billing address
18 in this State who subscribes to a voice communications service for a
19 fee.

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

23

24 2. a. A customer shall not be liable for charges appearing on the
25 customer’s voice communications service bill that are the result of
26 cramming. A charge for any product or service, other than those
27 provided by the voice communications service company, its affiliates,
28 a third party video provider with whom a voice communications
29 service company or its affiliate jointly market a service, or otherwise
30 permitted by law, shall not be included on a bill of a customer, unless
31 the third party requesting the payment of the charge retains and
32 provides to the board upon request valid 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 in
39 paragraph (1) of this subsection, the customer explicitly consented to
40 the nature and amount of the charge; and

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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SEG committee amendments adopted June 15, 2021.

1 b. Any charge for a third party product or service that is included
2 on a bill by a voice communications service company without the
3 consent of the customer having been obtained, as provided in
4 paragraph (2) of subsection a. of this section, shall be void and
5 unenforceable, and shall be removed from the bill upon notice from
6 the customer.

7 c. A voice communications service company ¹that bills for
8 charges for which customer consent is required pursuant to paragraph
9 (2) of subsection a. of this section¹ shall annually provide notice to its
10 customers in this State of the provisions of P.L. , c. (C.)
11 (pending before the Legislature as this bill) in a form and manner
12 determined by the board.

13
14 3. The board shall, consistent with federal law and pursuant to
15 the provisions of the “Administrative Procedure Act,” P.L.1968,
16 c.410 (C.52:14B-1 et seq.), adopt rules and regulations as may be
17 necessary to effectuate the purposes of P.L. , c. (C.)
18 (pending before the Legislature as this bill).

19
20 ¹4. Except as expressly authorized in this act, the provisions of this
21 act shall not be construed to modify the regulatory authority of the
22 board over Voice over Internet Protocol Service or VoIP service as set
23 forth in P.L.2007, c.195 (C.48:17-32 et seq.).¹

24
25 ¹**[4.] 5.**¹ This act shall take effect immediately.