

ASSEMBLY, No. 3264

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED SEPTEMBER 27, 2012

Sponsored by:

Assemblyman CRAIG J. COUGHLIN
District 19 (Middlesex)

Co-Sponsored by:

Assemblywoman McHose and Assemblyman Space

SYNOPSIS

Revises individual cause of action under consumer fraud act; restricts consumer fraud act to New Jersey residents.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/10/2013)

A3264 COUGHLIN

2

1 AN ACT concerning actions for consumer fraud, amending
2 P.L.1971, c.247 and supplementing P.L.1960, c.39 (C.56:8-1 et
3 seq.).

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

7
8 1. Section 7 of P.L.1971, c.247 (C.56:8-19) is amended to read
9 as follows:

10 7. a. Any **person** consumer who suffers any ascertainable
11 loss of moneys or property, real or personal, as a result of the use or
12 employment by another person of any method, act, or practice
13 declared unlawful under this act or the act hereby amended and
14 supplemented may bring an action or assert a counterclaim therefor
15 in any court of competent jurisdiction. In any action under this
16 section the court **shall** may, in addition to any other appropriate
17 legal or equitable relief, award up to threefold the actual damages
18 sustained by **any person in interest** the consumer. In all actions
19 under this section, including those brought by the Attorney General,
20 the court shall also award reasonable attorneys' fees, filing fees and
21 reasonable costs of suit.

22 b. As used in this section, "consumer" means an individual
23 who purchases, leases or rents merchandise, as defined in section 1
24 of P.L.1960, c.39 (C56:8-1), for personal, family, or household
25 purposes, or a business with annual revenue of less than
26 \$10,000,000.

27 (cf: P.L.1997, c.359, s.1)

28
29 2. (New section) The provisions of P.L.1960, c.39 (C.56:8-1 et
30 seq.) shall:

31 a. apply only to New Jersey residents, and transactions that
32 take place in the State; and

33 b. not apply to actions or transactions otherwise permitted or
34 regulated by the Federal Trade Commission or any other regulatory
35 body or officer acting under statutory authority of this State or of
36 the United States.

37
38 3. This act shall take effect immediately and shall apply to
39 actions filed on or after the effective date.

40

41

42

STATEMENT

43

44 This bill makes various revisions to the New Jersey consumer
45 fraud act.

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.

A3264 COUGHLIN

1 The bill provides that the individual cause of action provided
2 under the consumer fraud act is available to individuals who
3 purchase, lease or rent merchandise for personal, family, or
4 household purposes or businesses with annual revenue of less than
5 \$10,000,000.

6 Under current law, when a violation of the consumer fraud act is
7 found to have occurred, the court is required to award threefold the
8 damages sustained by any person in interest and attorneys' fees,
9 filing fees and reasonable costs. This bill gives the court discretion
10 in awarding damages, which would not be permitted to exceed
11 threefold the actual damages sustained by the consumer.

12 In addition, the bill provides that the consumer fraud act applies
13 only to New Jersey residents and transactions that take place within
14 the State. The bill also provides that the consumer fraud act would
15 not apply to actions or transactions otherwise permitted or regulated
16 by the Federal Trade Commission or any other regulatory body or
17 officer acting under statutory authority of this State or of the United
18 States.