

ASSEMBLY, No. 3899

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED DECEMBER 4, 2014

Sponsored by:

Assemblyman BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

SYNOPSIS

Establishes "no mail" list for residents of this State.

CURRENT VERSION OF TEXT

As introduced.



A3899 ANDRZEJCZAK

2

1 AN ACT concerning certain commercial solicitations and
2 supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

3

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

6

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

9 "Director" means the Director of the Division of Consumer
10 Affairs in the Department of Law and Public Safety.

11 "Division" means the Division of Consumer Affairs in the
12 Department of Law and Public Safety.

13 "Mailing solicitation" means any communication sent through
14 the United States Postal Service or other mail service for the
15 purpose of encouraging the purchase or rental of, or investment in,
16 property, goods, or services.

17 "Resident" means an individual who has a mailing address in this
18 State.

19

20 2. The division shall establish and maintain a "no mail" list
21 which shall contain a list of the mailing addresses of residents
22 within this State who do not wish to receive mailing solicitations.

23

24 3. a. A person shall not send or cause to be sent any mailing
25 solicitation to the mailing address of any resident of this State
26 whose mailing address is included on the "no mail" list established
27 by the division pursuant to section 2 of P.L. , c. (C.)
28 (pending before the Legislature as this bill), except for a mailing
29 solicitation that is sent within three months of the date that the
30 resident's mailing address was first included on the "no mail" list
31 but only if the person sending the solicitation had not, at the time of
32 the sending of the solicitation, obtained a "no mail" list that
33 included the resident's mailing address and the "no mail" list used
34 by the person sending the solicitation was issued less than three
35 months prior to the time the solicitation was sent.

36 b. Subsection a. of this section shall not apply to mailing
37 solicitations that are made:

38 (1) to any resident with that resident's prior express invitation or
39 permission;

40 (2) by or on behalf of any person or entity with whom a resident
41 has had a business contact within the past six months or with whom
42 the resident has a current business or personal relationship;

43 (3) by or on behalf of an entity organized under section
44 501(c)(3) of the United States Internal Revenue Code (26 U.S.C.
45 501(c)(3)), provided that a bona fide member of that entity makes
46 the communication and that the member is seeking charitable
47 contributions to support the purposes for which the entity was
48 established;

1 (4) by or on behalf of any entity over which a federal agency
2 has regulatory authority to the extent that:

3 (a) subject to this authority, the entity is required to maintain a
4 license, permit, or certificate to sell or provide the merchandise
5 being offered through correspondence; and

6 (b) the entity is required by law or rule to develop and maintain
7 a "no mail" list; or

8 (5) by a person responding to a referral or working from the
9 person's primary residence or by a person licensed by the State to
10 carry out a trade, occupation, or profession who is attempting to set
11 an appointment relating to that licensed trade, occupation, or
12 profession within this State.

13

14 4. A violation of the provisions of section 3 of P.L. ,
15 c. (C.) (pending before the Legislature as this bill) shall be an
16 unlawful practice subject to the penalties applicable pursuant to
17 section 1 of P.L.1966, c.39 (C.56:8-13) and section 2 of P.L.1999,
18 c.129 (C.56:8-14.3), except that a person may not be held liable for
19 violating P.L. , c. (C.) (pending before the Legislature as
20 this bill) if:

21 a. the person has obtained a copy of, and updated quarterly, the
22 "no mail" list and has established and implemented written policies
23 and procedures related to the requirements of P.L. , c. (C.)
24 (pending before the Legislature as this bill);

25 b. the person has trained other persons in the person's employ
26 in the requirements of P.L. , c. (C.) (pending before the
27 Legislature as this bill);

28 c. the person maintains records demonstrating compliance with
29 subsections a. and b. of this section and the requirements of P.L. ,
30 c. (C.) (pending before the Legislature as this bill); and

31 d. any sending of a mailing solicitation is an isolated act made
32 no more than one time in a 12-month period.

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34 5. a. There is established in the General Fund a special
35 dedicated, non-lapsing fund to be known as the "Do-Not-Mail
36 Fund," which shall be administered by the State Treasurer. The
37 State Treasurer shall deposit into the "Do-Not-Mail Fund" all fees
38 and penalties collected pursuant to P.L. , c. (C.) (pending
39 before the Legislature as this bill).

40 b. The Legislature shall annually appropriate from the "Do-Not-
41 Mail Fund" monies to the division for the payment of costs of
42 producing and distributing educational materials and conducting
43 educational activities relating to the promotion of the "no mail" list
44 and all related costs and expenditures incurred in the administration
45 of P.L. , c. (C.) (pending before the Legislature as this
46 bill).

