

[First Reprint]

## **ASSEMBLY, No. 4699**

# **STATE OF NEW JERSEY**

## **218th LEGISLATURE**

INTRODUCED NOVEMBER 26, 2018

**Sponsored by:**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**Assemblyman JOHN J. BURZICHELLI**

**District 3 (Cumberland, Gloucester and Salem)**

**Assemblyman JON M. BRAMNICK**

**District 21 (Morris, Somerset and Union)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

### **SYNOPSIS**

Regulates annual report filing services.

### **CURRENT VERSION OF TEXT**

As amended by the Senate on January 9, 2020.



**(Sponsorship Updated As Of: 1/14/2020)**

1 AN ACT concerning annual report filing services and supplementing  
2 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 this act:

8 “Annual report” means a report filed every year to the  
9 Department of the Treasury by a for-profit corporation, <sup>1</sup>a non-  
10 profit corporation,<sup>1</sup> limited partnership, limited liability partnership,  
11 or limited liability company pursuant to N.J.S.14A:4-5;  
12 <sup>1</sup>N.J.S.15A:4-5;<sup>1</sup> section 66 of P.L.1983, c.489 (C.42:2A-69);  
13 section 49 of P.L.2000, c.161 (C.42:1A-49); or section 26 of  
14 P.L.2012, c.50 (C.42:2C-26).

15 “Annual report filing services” means the filing of an annual  
16 report by a non-governmental entity on behalf of a for-profit  
17 corporation, <sup>1</sup>a non-profit corporation,<sup>1</sup> limited partnership, limited  
18 liability partnership, or limited liability company for a fee in excess  
19 of the amount authorized under the relevant statute.

20 “Director” means the Director of the Division of Revenue and  
21 Enterprise Services in the Department of the Treasury.

22  
23 2. a. It shall be an unlawful practice and a violation of  
24 P.L.1960, c.39 (C.56:8-1 et seq.) for any person to:

25 (1) use a written form of communication to solicit clients for  
26 annual report filing services unless the written form of  
27 communication displays, in a clear, conspicuous, and prominent  
28 manner and makes the information stand out from the rest of the  
29 text of the communication, the URL address of the Department of  
30 the Treasury’s Internet web site through which the recipient could  
31 file an annual report directly, the amount of the fee that the  
32 Department of the Treasury’s office assesses for filing annual  
33 reports, and any other language that the director may prescribe by  
34 regulation; or

35 (2) create a false impression in a solicitation for annual report  
36 filing services that the recipient is in any way legally required to  
37 use the person's services in order to file an annual report.

38 b. Any person who uses a written form of communication to  
39 solicit clients for annual report filing services shall, at least 15 days  
40 prior to distribution, provide a copy of such written form of  
41 communication to the Department of the Treasury.

42  
43 3. The director, pursuant to the provisions of the  
44 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et

**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:

<sup>1</sup>Senate floor amendments adopted January 9, 2020.

1     seq.), shall promulgate rules and regulations to effectuate the  
2     purposes of this act.

3

4         4.   This act shall take effect immediately.