

ASSEMBLY, No. 4834

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED OCTOBER 19, 2020

Sponsored by:

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

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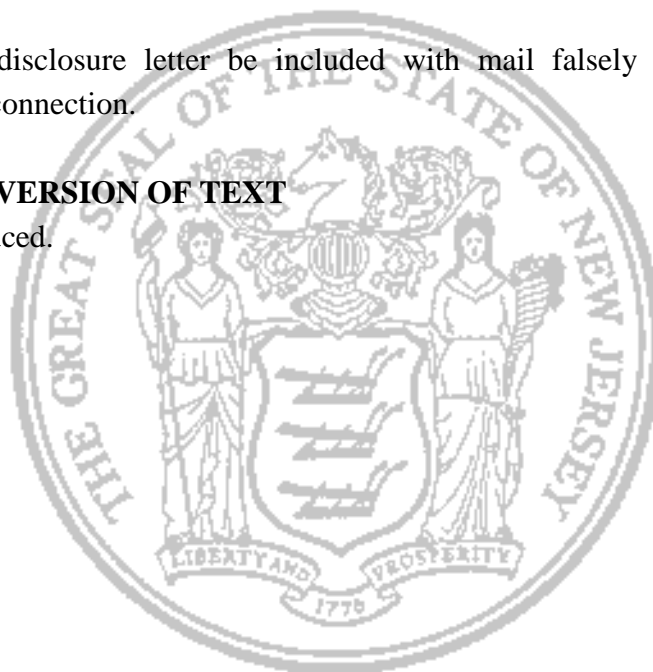
Assemblyman Mejia, Assemblywomen Swain, Jimenez and Assemblyman Moriarty

SYNOPSIS

Requires disclosure letter be included with mail falsely implying State government connection.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/3/2021)

1 AN ACT concerning certain solicitation by mail 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. a. It shall be an unlawful practice and a violation of
8 P.L.1960, c.39 (C.56:8-1 et seq.) for any person to send a mailing
9 which constitutes a solicitation by a nongovernmental entity for the
10 purchase of or payment for a product or service which could
11 reasonably be interpreted as falsely implying any State government
12 connection, approval, or endorsement through the use of a seal;
13 insignia; citation to a State statute; name of a State agency,
14 department, commission, or program; trade or brand name; or any
15 other term or symbol unless the person includes a disclosure letter
16 printed on paper at least eight and one-half inches by 11 inches in
17 size that contains the following:

18 (1) the full name of the person sending the solicitation;

19 (2) if the solicitation constitutes an offer to satisfy a State
20 statutory obligation in exchange for a fee, a breakdown of the cost
21 of the service to include the total amount of money to be paid to the
22 State to satisfy the statutory obligation and the fee charged for the
23 service; and

24 (3) language printed in no less than 14 point, bold typeface
25 stating:

26

27 “This product or service has not been approved or endorsed by the
28 State of New Jersey, and this offer is not being made by a State
29 agency, department, commission, or program.”

30

31 b. For purposes of this section, “person” means an individual,
32 corporation, business trust, estate, trust, partnership, limited
33 liability company, association, joint venture, public corporation, or
34 any other legal or commercial entity.

35

36 2. This act shall take effect immediately.

37

38

39 STATEMENT

40

41 This bill requires the inclusion of a disclosure letter with any
42 mailing that falsely implies a State government connection,
43 approval, or endorsement.

44 Under the provisions of this bill, it would be an unlawful practice
45 under the consumer fraud act for any person to send a mailing
46 which constitutes a solicitation by a nongovernmental entity for the
47 purchase of or payment for a product or service which could
48 reasonably be interpreted as falsely implying any State government

1 connection, approval, or endorsement through the use of a seal;
2 insignia; citation to a State statute; name of a State agency,
3 department, commission, or program; trade or brand name; or any
4 other term or symbol unless the person includes a disclosure letter.

5 The bill provides that the disclosure letter is to contain the
6 following:

- 7 • the full name of the person sending the solicitation;
- 8 • if the solicitation constitutes an offer to satisfy a State
9 statutory obligation in exchange for a fee, a breakdown of
10 the cost of the service to include the total amount of money
11 to be paid to the State to satisfy the statutory obligation and
12 the fee charged for the service; and
- 13 • language printed in no less than 14 point, bold typeface
14 stating: “This product or service has not been approved or
15 endorsed by the State of New Jersey, and this offer is not
16 being made by a State agency, department, commission, or
17 program.”

18 The bill defines “person” to mean an individual, corporation,
19 business trust, estate, trust, partnership, limited liability company,
20 association, joint venture, public corporation, or any other legal or
21 commercial entity.

22 An unlawful practice under the consumer fraud act,
23 P.L.1960, c.39 (C.56:8-1 et seq.), is punishable by a monetary
24 penalty of not more than \$10,000 for a first offense and not more
25 than \$20,000 for any subsequent offense. In addition, a violation
26 can result in a cease and desist order issued by the Attorney
27 General, the assessment of punitive damages, and the awarding of
28 treble damages and costs to the injured.