

ASSEMBLY CONSUMER AFFAIRS AND REGULATED
PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1520

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 22, 1996

The Assembly Consumer Affairs and Regulated Professions Committee reports favorably Assembly Bill No. 1520 with committee amendments.

As amended, this bill requires retailers who sell merchandise which is to be delivered at a later date to specify to the purchaser, if the purchaser is required to be present at the time of the delivery, that he has the right to receive delivery within either a morning or an afternoon time period. Each retailer is to offer the purchaser that option at the time that the purchaser requests the delivery. If the retailer fails to deliver the merchandise within the specified period, this bill permits the purchaser to sue the retailer in small claims court for up to \$500 in lost wages or actual damages.

Under the provisions of the bill, it is a defense to any such action if the retailer makes a diligent attempt to notify the purchaser of a delay in delivery caused by unforeseen circumstances, or if the retailer or his agent was unable to notify the purchaser of the delay because the purchaser was absent or unavailable during the specified delivery period, or, in either instance, the retailer or his agent makes the delivery within two hours of a newly agreed upon a.m. or p.m. timeframe or the purchaser unreasonably refuses to agree to a new delivery time.

The bill provides a similar remedy against cable television companies which fail to deliver connection or repair services within a specified a.m., or p.m., timeframe period.

The bill also provides that public utilities and cable television companies are to inform their subscribers of their right to service connection or repair within either a morning or an afternoon time period, if it is necessary that the subscriber be present at the time services are rendered. Public utilities covered under this bill include entities that manage or control within this State any pipeline, gas, electric light, heat, power, water, oil, sewer, solid waste collection, solid waste disposal, telephone or telegraph system. Each utility is to offer the subscriber either the morning or afternoon time period at the

time the subscriber calls for service connection or repair, or may notify the subscriber by mail three times a year of this service. In the case of a cable television company, each such company is to offer the subscriber either the morning or afternoon time period at the time the subscriber calls for service connection or repair, or may notify the subscriber by mail annually of this service.

In addition, the bill establishes that a subscriber contracting for a telephone installation is required to provide the utility with a phone number where the subscriber may be contacted during the time period when the installation is scheduled to take place. The bill provides that in the case of a telephone installation, no ensuing legal action shall be considered valid if, at the time the installation was contracted for, the subscriber failed to provide the utility with a phone number where he could be contacted within the specified period agreed upon for the installation of the telephone.

It shall be a defense to the action if a diligent attempt was made by the utility to notify the subscriber of delay caused by unforeseen or unavoidable occurrences beyond the control of the utility, and the utility commenced service within a newly agreed upon morning or afternoon time period.

The committee amended the title of the bill to make it clear that this bill is not a supplement to the consumer fraud law, P.L.1960, c.39 (C.56:8-1 et seq.) and does not invoke the penalties contained in that act.