

ASSEMBLY, No. 2214

STATE OF NEW JERSEY

INTRODUCED JUNE 27, 1996

By Assemblyman GREENWALD

1 AN ACT concerning recorded telephone messages and supplementing
2 P.L.1993, c.252 (C.48:17-27 et seq.).

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

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7 1. A caller within the State shall not use a telephone or telephone
8 line to call any telephone number assigned to a paging service, cellular
9 telephone service, specialized mobile radio service or other radio
10 common carrier service, or any service for which the called party is
11 charged for the call, to deliver a recorded message other than a call
12 made for emergency purposes or made with the prior express consent
13 of the called party.

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15 2. This act shall take effect immediately.

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STATEMENT

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20 This bill would supplement State law prohibiting the use of
21 telephone lines to deliver recorded messages, to clarify that the
22 prohibition applies to any telephone number assigned to a paging
23 service, cellular telephone service, specialized mobile radio service or
24 other radio common carrier service, or any service for which the called
25 party is charged for the call. The provisions of the bill are similar to
26 the federal "Telephone Consumer Protection Act of 1991," 47 U.S.C.
27 §227 (b)(1), which prohibits the making of interstate telephone calls
28 to deliver recorded messages without the prior consent of the party
29 called, unless the call is initiated for emergency purposes or is
30 exempted by rule or order of the Federal Communications
31 Commission. The constitutionality of the federal law was upheld in
32 the case of Moser v. F.C.C., 46 F.3d. 970 (9th Cir. 1995).

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34 A person who violates the provisions of State law regarding use of
35 telephone lines to deliver recorded messages is subject to a penalty of
not less than \$300 or more than \$800.

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3 Clarifies that State law prohibiting use of telephone lines to deliver

4 recorded messages applies to any service for which the called party is

5 charged for the call.