

SENATE COMMERCE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2349

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 24, 1997

The Senate Commerce Committee reports favorably and with committee amendments Assembly Bill No. 2349.

This bill, as amended by the committee, supplements the consumer fraud law, P.L.1960, c.39 (C.56:8-1 et seq.), to prohibit, as an unlawful practice, any business entity conducting or transacting business under an assumed name and filing a certificate pursuant to R.S.56:1-2 to intentionally misrepresent that business entity's geographic origin or location or the geographic origin or location of any merchandise.

As provided in R.S.56:1-2, those entities conducting or transacting business under an assumed name are required to file a certificate in the office of the clerk of the county or counties in which they conduct or intend to conduct such business, together with a duplicate copy for filing with the office of the Secretary of State. The information mandated to be placed on the certificate includes the true name or names of the person or persons conducting or transacting the business, with their post-office address or addresses. The provisions of the bill do not apply to a business entity's disclosure of a false address in a filing required under R.S.56:1-2 for which a penalty is already provided.

Anyone who commits an unlawful practice by violating a provision of this bill shall be subject to consumer fraud law penalties of not more than \$7,500 for a first offense and not more than \$15,000 for each subsequent offense.

The committee amendments to the bill also provide that a person's mailing address within the geographic origin or location is not an intentional misrepresentation of that person's origin or location; and that an advertising company is immune from liability under the bill for receiving, accepting or publishing any advertisement submitted for a person conducting business under an assumed name.