

SENATE, No. 1809

STATE OF NEW JERSEY

INTRODUCED JANUARY 27, 1997

By Senator CODEY

1 AN ACT concerning the sale of certain information regarding minors
2 and supplementing Title 56 of the Revised Statutes.

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 "List broker" means a person who, in the course of business,
9 maintains or provides mailing lists or computerized or telephone
10 reference services containing personal information regarding minors;

11 "Minor" means a person under the age of 18;

12 "Parent" means a parent, guardian or other person having legal
13 custody of a minor; and

14 "Personal information" means information, including, but not
15 limited to, name, address, telephone number, social security number,
16 electronic mail address and physical description, regarding a minor that
17 would suffice to locate and contact that individual.

18

19 2. a. No list broker shall knowingly rent, sell or otherwise release
20 personal information regarding a minor to any person without first
21 having obtained the written permission of the minor's parent.

22 b. No list broker shall knowingly fail to comply with the request
23 of a minor's parent to disclose the source of any personal information
24 regarding that minor that has been rented, sold or otherwise released
25 by the list broker, or the identity of all persons to whom personal
26 information regarding that minor has been disclosed.

27

28 3. A violation of this act shall be punishable by a fine not to
29 exceed \$5,000. The second and any subsequent offense shall be
30 punishable by a fine not to exceed \$10,000. Any penalty imposed
31 pursuant to this section shall be collected by summary proceedings
32 instituted in the name of the Attorney General in accordance with "the
33 penalty enforcement law," N.J.S.2A:58-1 et seq.

34

35 4. The Attorney General of the State of New Jersey shall adopt
36 rules and regulations pursuant to the "Administrative Procedure Act,"
37 P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate

1 the purposes of this act.

2

3 5. This act shall take effect on the 90th day after the day of
4 enactment.

5

6

7

STATEMENT

8

9 This bill prohibits any person who, in the course of business,
10 maintains or provides mailing lists or computerized or telephone
11 reference services containing personal information regarding minors
12 under the age of 18, from knowingly renting, selling or otherwise
13 releasing this information without first having obtained the written
14 permission of that minor's parent or guardian. The bill also stipulates
15 that no list broker shall knowingly fail to comply with the request of
16 a minor's parent to disclose the source of any personal information
17 regarding that minor that has been rented, sold or otherwise released
18 by the list broker; or the identity of all persons to whom personal
19 information about that child has been disclosed. As provided in this
20 bill, "personal information" means information, including, but not
21 limited to, name, address, telephone number, social security number,
22 electronic mail address and physical description, about a person under
23 the age of 18 that would suffice to locate and contact that individual.

24 A violation of these requirements would result in a fine not to
25 exceed \$5,000 for the first offense and up to \$10,000 for any
26 subsequent offense.

27

28

29

30

31 Regulates sale of certain information concerning persons under 18
32 years of age.