

ASSEMBLY SCIENCE, INNOVATION AND TECHNOLOGY  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3769**

**STATE OF NEW JERSEY**

DATED: MARCH 23, 2023

The Assembly Science, Innovation and Technology Committee reports favorably Assembly Bill No. 3769.

As reported, this bill requires a person who owns or operates an Internet website or online service dealing in substantial part in the electronic dissemination of third-party commercial recordings or audiovisual works, directly or indirectly, and who electronically disseminates the material to consumers in this State, to clearly and conspicuously disclose the person's correct name, physical address, telephone number, and email address in a location readily accessible to a consumer using or visiting the Internet website or online service.

The bill provides that an owner, assignee, authorized agent, or exclusive licensee of a commercial recording or audiovisual work electronically disseminated by an Internet website or online service in violation of the provisions of this bill may bring a private cause of action against a violator to obtain a declaratory judgment and injunctive relief. However, before filing an action, the aggrieved party is required to make reasonable efforts to provide notice to the person alleged to be in violation of this bill in order to allow the alleged violator 14 days to cure the violation. If the alleged violator fails to cure the violation within 14 days of receiving notice, the aggrieved party may institute a civil action in the Superior Court for relief pursuant to the provisions of this bill. The prevailing party is entitled to recover necessary expenses incurred in an action under this bill, including reasonable attorneys' fees.

A violation of the bill's provisions constitute an unlawful practice and a violation of N.J.S.A.56:8-1 et seq., commonly referred to as the Consumer Fraud Act. An unlawful practice under the consumer fraud act is punishable by a monetary penalty of not more than \$10,000 for a first offense and not more than \$20,000 for any subsequent offense. In addition, a violation can result in cease and desist orders issued by the Attorney General and the awarding of treble damages and costs to the injured.