

ASSEMBLY, No. 1437

STATE OF NEW JERSEY

221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

SYNOPSIS

Requires telecommunications service providers to provide call mitigation technology to subscribers.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning call mitigation technology and amending and
2 supplementing P.L.2003, c.76.

3

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

6

7 1. Section 2 of P.L.2003, c.76 (C.56:8-120) is amended to read
8 as follows:

9 2. As used in **[this act]** P.L.2003, c.76 (C.56:8-119 et seq.):

10 "Autodialed telephone call" means:

11 a. a telephone call made using equipment that makes a series of
12 telephone calls to stored telephone numbers, including numbers
13 stored on a list, or to telephone numbers produced using a random
14 or sequential number generator, except that the term does not
15 include a telephone call made using only equipment that the caller
16 demonstrates requires substantial additional human intervention to
17 dial or place a telephone call after a human initiates the telephone
18 call or series of telephone calls;

19 b. a telephone call made using an artificial or prerecorded voice
20 message; or

21 c. a text message made using equipment that issues 20 or more
22 text messages at a time, or sends a series of nearly identical texts to
23 telephone numbers on a list, or to telephone numbers produced
24 using a random or sequential number generator, except that the term
25 does not include texts that the sender demonstrates were sent to the
26 sender's personal acquaintances.

27 "Autodialed telephone call" shall not mean a telephone call or
28 text message made for bona fide political, religious, or charitable
29 activities of a nonprofit corporation, trust, or organization
30 established exclusively for political, religious, or charitable
31 purposes.

32 "Customer" means an individual who is a resident of this State
33 and a prospective recipient of a telemarketing sales call.

34 "Director" means the Director of the Division of Consumer
35 Affairs in the Department of Law and Public Safety.

36 "Division" means the Division of Consumer Affairs in the
37 Department of Law and Public Safety.

38 "Local exchange telephone company" means a
39 telecommunications carrier authorized by the Board of Public
40 Utilities to provide local telecommunications services.

41 "Merchandise" means merchandise as defined in subsection
42 **[(c)]** c. of section 1 of P.L.1960, c.39 (C.56:8-1), including an
43 extension of credit.

44 "No telemarketing call list" or "no call list" means a list of
45 telephone numbers of customers in this State who desire not to
46 receive unsolicited telemarketing sales calls whether the

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 telemarketer is a human initiating an unsolicited telemarketing sales
2 call or the telemarketer uses another means of making an
3 unsolicited telemarketing sales call, including, but not limited to,
4 making an autodialed telephone call.

5 "Prior express consent" means an agreement provided by a called
6 customer to allow the caller to make an autodialed telephone call to
7 the called customer's telephone in relation to the specific subject
8 matter for which the telephone call is made.

9 "Telemarketer" means any entity, whether an individual
10 proprietor, corporation, partnership, limited liability corporation, or
11 any other form of business organization, whether on behalf of itself
12 or others, who makes residential telemarketing sales calls to a
13 customer when the customer is in this State or any person who
14 directly controls or supervises the conduct of a telemarketer.

15 "Telemarketing" means any plan, program, or campaign which is
16 conducted by telephone to encourage the purchase or rental of, or
17 investment in, merchandise, but does not include the solicitation of
18 sales through media other than a telephone call.

19 "Telemarketing sales call" means a telephone call, including an
20 autodialed telephone call, made by a telemarketer to a customer as
21 part of a plan, program, or campaign to encourage the purchase or
22 rental of, or investment in, merchandise, except for continuing
23 services. A telephone call made to an existing customer for the sole
24 purpose of collecting on accounts or following up on contractual
25 obligations shall not be deemed a telemarketing sales call.

26 "Telephone call mitigation technology" means technology that
27 identifies an incoming telephone call as being, or as likely being, an
28 autodialed telephone call and blocks the telephone call, diverts the
29 telephone call to the called person's answering system, or otherwise
30 prevents the telephone call from being completed to the called
31 person, except that the technology permits a telephone call so
32 identified to be completed when the telephone call is identified as
33 being made by a law enforcement or public safety entity, or when
34 the telephone call is identified as originating from a caller with
35 whom the called person has provided prior express consent to
36 receive a telephone call and has not revoked that consent.

37 "Telecommunications service" means the electronic
38 transmission, conveyance, or routing of voice, data, audio, video, or
39 other information to a point, or between or among points, regardless
40 of the telecommunications infrastructure used.

41 "Telecommunications service provider" or "provider" means any
42 person, business, or organization that provides a subscriber with a
43 telecommunications service for a fee.

44 "Unsolicited telemarketing sales call" means any telemarketing
45 sales call other than a call made:

46 **[(1)]** a. in response to an express written request of the
47 customer called; or

1 **[(2)]** b. to an existing customer, which shall include the ability
2 to collect on accounts and follow up on contractual obligations,
3 unless the customer has stated to the telemarketer that the customer
4 no longer desires to receive the telemarketing sales calls of the
5 telemarketer.

6 (cf: P.L.2003, c.208, s.1)
7

8 2. (New section) To the extent consistent with federal law, any
9 telecommunications service provider that provides
10 telecommunications service to subscribers residing in this State
11 shall make telephone call mitigation technology available to any
12 subscriber residing in this State receiving a telecommunications
13 service from the provider at no additional charge to the subscriber.
14

15 3. This act shall take effect immediately.
16
17

18 STATEMENT
19

20 This bill requires telecommunications service providers
21 (providers) that provide telecommunications service to subscribers
22 residing in this State to make telephone call mitigation technology,
23 as that term is defined in the bill, to any subscriber in this State, at
24 no additional charge to the subscriber. Further, the bill redefines the
25 term “telemarketing sales call” to include “autodialed telephone
26 calls,” as that term is defined in the bill, which are also known as
27 “robocalls.”