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RULE ADOPTIONS
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

Readoption with Amendments: N.J.A.C. 13:45D

Telemarketing: Do Not Call Rules

Proposed: September 6, 2016, at 48 N.J.R. 1783(a).

Adopted: November 17, 2016, by the Steve C. Lee, Director, **Division of Consumer Affairs**.

Filed: January 10, 2017, as R.2017 d.024, **without change**.

Authority: N.J.S.A. 56:8-1 et seq., 56:8-130, and 56:8-134; and P.L. 2015, c. 2.

[page=270] Effective Dates: January 10, 2017, Readoption;

February 6, 2017, Amendments.

Expiration Date: January 10, 2024.

Summary of Public Comment and Agency Response:

The official comment period ended November 5, 2016. **The Division received no comments on the notice of proposal.**

Federal Standards Statement

A Federal standards analysis is not required because the rules readopted with amendments are not promulgated under the authority of, or in order to implement, comply with, or participate in any program under Federal law. The rules are promulgated under the authority of New Jersey law, P.L. 2003, c. 76, as amended by P.L. 2015, c. 2, which does not incorporate or refer to Federal law, standards, or requirements, although the rules use the National Do-Not-Call Registry.

However, to the extent that the rules promulgated by the Federal Trade Commission (FTC) at 16 CFR 310 and the rules promulgated by the Federal Communications Commission at 47 CFR 64 and 68 may be considered Federal standards, the Division believes that the rules readopted with amendments are consistent with these Federal standards.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:45D.

Full text of the adopted amendments follows:

SUBCHAPTER 4. PROHIBITED ACTIVITIES; PERMITTED CALLS; PENALTIES

13:45D-4.1 Prohibited activities

(a) A telemarketer shall not make or cause to be made any unsolicited telemarketing sales calls to a customer:

1. After three months from the date the customer's telephone number first appears on the no telemarketing call list;

2. Between the hours of 9:00 P.M. and 8:00 A.M., local time of the customer; or

3. Whose telephone number has been identified as belonging to a commercial mobile service device, except that a telemarketer that is a commercial mobile services company may call its customer using its commercial mobile services if its customer will not incur telecommunication charges or a usage allocation deduction as a result of such call and the call is directly related to the commercial mobile services of the commercial mobile services company, unless the customer has stated to the commercial mobile services company that the customer no longer desires to receive these calls.

(b) A telemarketer shall not make or cause to be made any telemarketing sales calls to a customer using a blocking device or a service which intentionally blocks the customer's use of a caller identification service or device.

(c) A telemarketer shall not make or cause to be made any telemarketing sales calls to an existing customer on the no telemarketing call list on behalf of:

1.-2. (No change.)