

## CHAPTER 159

AN ACT prohibiting the delivery of unsolicited credit cards and supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

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

C.56:8-153 Definitions relative to unsolicited credit cards, checks.

1. As used in this act:

"Check" means a demand draft drawn on or payable through an office of a depository institution located in the United States that has imprinted on it the account holder's name and the depository institution's name, location and routing number.

"Credit card" means any card, plate, coupon book, or other single credit device that may be used from time to time to obtain credit.

"Unsolicited check" means any check mailed or otherwise delivered to a person for the purpose of drawing on an existing account that is an extension of credit or activating an account to obtain credit other than:

(1) in response to a request or application for a check or account; or

(2) as a substitute for a check or account previously issued to the person to whom the check is mailed or otherwise delivered.

"Unsolicited credit card" means any credit card mailed or otherwise delivered to a person other than:

(1) in response to a request or application for a credit card; or

(2) as a renewal or substitute for a credit card previously issued to the person to whom the credit card is mailed or otherwise delivered.

C.56:8-154 Delivery of unsolicited credit card, unlawful practice.

2. It shall be an unlawful practice for any person to mail or otherwise deliver an unsolicited credit card to a person in this State.

C.56:8-155 Unsolicited credit card, unaccepted, immunity from liability for use.

3. No person in whose name an unsolicited credit card is issued shall be liable for any amount resulting from use of that card, from which that person or a member of that person's family or household derives no benefit, unless the person has accepted the card by activating the card or using the card, or by authorizing use of the card by another person. Failure to destroy or return an unsolicited credit card shall not constitute acceptance of the card.

C.56:8-156 Unsolicited check, unaccepted, immunity from liability for use.

4. No person in whose name an unsolicited check is issued shall be liable for any amount resulting from use of that check or account, unless the person who is the holder of the account upon which the check is to be drawn, or who is the payee on the check, as the case may be, has accepted the check or account by using the check or account. Failure to destroy or return an unsolicited check shall not constitute acceptance of the check or account.

5. This act shall take effect on the first day of the third month following enactment.

Approved November 22, 2004.