

## CHAPTER 120

AN ACT prohibiting certain unsolicited checks and supplementing Title 2A of the New Jersey Statutes.

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

C.2A:65D-6 Sending certain solicited checks prohibited.

1. No person shall send an unsolicited check to an individual which, upon being cashed or redeemed, automatically obligates the recipient to pay any fee or enrolls that individual in any club, service, plan, or continuing agreement.

For the purposes of this act, an "unsolicited check" means any check mailed or otherwise delivered to a person, other than:

- a. In response to a request or application for a check or account by the person;
- b. As a substitute for a check or account previously issued to the person to whom the check is mailed or otherwise delivered; or
- c. A check related to a consumer credit transaction or consumer loan business issued or provided by an insured depository institution as defined in 12 U.S.C. s.1813, a licensee under the New Jersey Consumer Finance Licensing Act, sections 1 through 49 of P.L.1996, c.157 (C.17:11C-1 et seq.), or other financial institution authorized to do business by the New Jersey Department of Banking and Insurance.

C.2A:65D-7 Violations, penalties.

2. a. A person who violates P.L.2015, c.120 (C.2A:65D-6 et seq.) shall be subject to a civil penalty in an amount not to exceed \$500 for the first violation and \$1,000 for each subsequent violation, collectible by the Attorney General in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

b. Nothing set forth in P.L.2015, c.120 (C.2A:65D-6 et seq.) shall be construed as creating, establishing or authorizing a private cause of action by an aggrieved person against a person who has violated, or is alleged to have violated, the provisions of P.L.2015, c.120 (C.2A:65D-6 et seq.).

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

Approved October 26, 2015.