

CHAPTER 371

AN ACT prohibiting non-disclosure clauses in certain contracts, supplementing P.L.1981, c.454 (C.56:12-14 et seq.), and amending and supplementing P.L.1988, c.123.

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

C.56:12-16.1 Consumer contract relative to motor vehicle; right of consumer to make statements; violations, penalties.

1. a. Notwithstanding the provisions of P.L.1981, c.454 (C.56:12-14 et seq.) or any other law to the contrary, and in addition to any other remedy available under law, a consumer contract for the purchase, lease or repair of a motor vehicle shall not contain any provision which waives a consumer's right to make any statement, or penalizes a consumer for making any statement, including a statement posted on the Internet, regarding the manufacturer, seller or lessor of the motor vehicle, or its employees or agents, or concerning any goods or services rendered pursuant to the contract.

b. If the Attorney General determines that a manufacturer, seller or lessor is in violation of this section, the Attorney General may impose upon that manufacturer, seller or lessor a civil penalty in an amount up to \$5,000 for the first violation and up to \$10,000 for each and every subsequent violation, collectible in an action brought in the name of the Attorney General pursuant to the provisions of the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

c. In addition to the penalties described in subsection b. of this section, or any other remedy available under law, any person aggrieved by a violation of this section may bring an action in Superior Court to recover damages.

2. Section 20 of P.L.1988, c.123 (C.56:12-48) is amended to read as follows:

C.56:12-48 Agreements void.

20. Any agreement entered into by a consumer for the purchase or lease of a new motor vehicle, or subsequent repair of a nonconformity in relation thereto, which waives, limits or disclaims the rights set forth in P.L.1988, c.123 (C.56:12-29 et seq.), or which penalizes a consumer for making any statement, including a statement posted on the Internet, regarding the manufacturer, dealer or lessor of the new motor vehicle, or its employees or agents, or concerning any goods or services rendered pursuant to the agreement, shall be void as contrary to public policy.

C.56:12-49.1 Consumer's right to make certain statements; violations, penalties.

3. a. Notwithstanding the provisions of P.L.1988, c.123 (C.56:12-29 et seq.) or any other law to the contrary, and in addition to any other remedy available under law, an agreement for the purchase or lease of a new motor vehicle, or subsequent repair of a nonconformity in relation thereto, shall not contain any provision which waives a consumer's right to make any statement, or penalizes a consumer for making any statement, including a statement posted on the Internet, regarding the manufacturer, dealer or lessor of the motor vehicle, or its employees or agents, or concerning any goods or services rendered pursuant to the agreement.

b. If the Attorney General determines that a manufacturer, dealer or lessor is in violation of this section, the Attorney General may impose upon that manufacturer, dealer or lessor a civil penalty in an amount up to \$5,000 for the first violation and up to \$10,000 for each and every subsequent violation, collectible in an action brought in the name of the Attorney

General pursuant to the provisions of the “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).

c. In addition to the penalties described in subsection b. of this section, or any other remedy available under law, any person aggrieved by a violation of this section may bring an action in Superior Court to recover damages.

4. This act shall take effect on the 90th day next following enactment and the provisions of this act shall not apply to any contract or agreement first entered into prior to the effective date of this act.

Approved January 16, 2018.