

CHAPTER 188

AN ACT concerning certain service contracts and supplementing Title 56 of the Revised Statutes.

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

C.56:12-99 Definitions relative to certain service contracts.

1. As used in P.L.2019, c.188 (C.56:12-99 et seq.):

“Cable television service” shall have the same meaning as provided in section 3 of P.L.1972, c.186 (C.48:5A-3).

“Commercial mobile service” shall have the same meaning as provided in 47 U.S.C. s.332.

“Direct broadcast satellite service” means a satellite system with programming offered as a service by a provider of direct broadcast satellite service as defined in 47 U.S.C. s.335.

“Electric generation service” and “gas supply service” shall have the same meaning as provided in section 3 of P.L.1999, c.23 (C.48:3-51).

“Executor” means the executor or administrator of the estate of a customer who is subject to the provisions of P.L.2019, c.188 (C.56:12-99 et seq.) upon the death of that customer.

“Heating oil” means number 2 heating oil, number 4 heating oil, number 6 heating oil, and kerosene used exclusively for residential use.

“Heating oil service” means the delivery of heating oil to a customer but shall not include delivery pursuant to a contract for a term of less than 275 days where the customer had committed to purchase a specified volume of heating oil at a specified price.

“Internet access service” shall have the same meaning as provided in 47 U.S.C. s.231.

“Propane service” shall have the same meaning as “propane services” as defined in section 2 of P.L.2007, c.150 (C.52:27D-510).

“Telecommunications service” shall have the same meaning as provided in section 2 of P.L.1991, c.428 (C.48:2-21.17).

“Voice over Internet Protocol service” shall have the same meaning as provided in section 3 of P.L.2007, c.195 (C.48:17-34).

C.56:12-100 Opting out of contract under certain circumstances with no fee.

2. Subject to federal law and regulation, a provider of cable television service, commercial mobile service, direct broadcast satellite service, electric generation service, gas supply service, heating oil service, Internet access service, propane service, telecommunications service, and Voice over Internet Protocol service, shall allow the executor for a deceased customer who is under contract with the provider, including but not limited to, a bundle contract or multi-year contract, to opt-out of the contract without paying an early termination fee or other similar charge when the executor requests to opt-out of the contract in writing. The executor shall provide to the provider, within 180 days of the executor’s request, a copy of the deceased customer’s certificate of death. A request for opting-out of the contract without charge shall be made in good faith. The provider shall waive the otherwise applicable charges for the executor requesting to opt-out of the contract as of the date the provider receives the request.

C.56:12-101 Violations, penalties.

3. a. A person who violates P.L.2019, c.188 (C.56:12-99 et seq.) shall be liable to a civil penalty of up to \$1,000 for each offense.

b. A penalty imposed pursuant to subsection a. of this section shall be collected in a civil action by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) or in any case before a court of competent jurisdiction wherein injunctive relief has been requested. The Superior Court and municipal court shall have jurisdiction to enforce the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in connection with P.L.2019, c.188 (C.56:12-99 et seq.). If the violation is of a continuing nature, each day during which the violation continues shall constitute an additional, separate, and distinct offense.

4. This act shall take effect immediately and apply to contracts entered into or renewed on or after the effective date of this act.

Approved July 19, 2019.