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SYNOPSIS
Regulates deed procurement services.

CURRENT VERSION OF TEXT
As reported by the Assembly Regulated Professions Committee on December 8, 2011, with amendments.
AN ACT concerning deed procurement services 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:

1. As used in this act:
   “Deed” means a written instrument entitled to be recorded in the office of a county recording officer which purports to convey or transfer title to a freehold interest in any lands, tenements, or other realty in this State by way of grant or bargain and sale thereof from the named grantor to the named grantee. A leasehold interest for 99 years or more or a proprietary lease of a cooperative unit and any assignment of a proprietary lease of a cooperative unit, shall be treated as a “freehold” for the purpose of this act. Instruments providing for common driveways; for exchanges of easements or rights-of-way; for revocable licenses to use, to adjust, or to clear defects of or clouds on title; to provide for utility service lines such as drainage, sewerage, water, electric, telephone, or other such service lines; or to quitclaim possible outstanding interests, shall not be “deeds” for the purposes of this act.
   “Deed solicitor” means any person who engages in the business of procuring the provision by a non-governmental entity of one or more copies of deeds for lands, tenements, or other realty in this State to a property owner, for a fee in excess of the amount authorized under Title 22A of the New Jersey Statutes that the county clerk’s office assesses for providing copies of deeds, and not in relation to the transfer or sale of, or the mortgage origination, mortgage servicing, mortgage refinancing, property tax servicing, or other action initiated by or on behalf of the owner with respect to, such lands, tenements, or realty.
   “Director” means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.
   “Division” means the Division of Consumer Affairs in the Department of Law and Public Safety.

2. a. No person shall procure for a fee, or offer to procure for a fee, a copy of any deed for any lands, tenements, or other realty in this State unless registered with the Division of Consumer Affairs in accordance with the provisions of P.L. , c. (C. ) (pending before the Legislature as this bill).
   b. Every deed solicitor shall annually register with the director.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
Assembly ARP committee amendments adopted December 9, 2011.
Application for registration shall be on a form provided by the division and shall be accompanied by a reasonable fee, set by the director in an amount sufficient to defray the division’s expenses incurred in administering and enforcing P.L. , c. (C. ) (pending before the Legislature as this bill).

c. Every deed solicitor required to register under this act shall file an amended registration within 20 days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment.]

3. Any person who advertises in print, or puts out any sign, card, or other device which would indicate to the public that he is a deed solicitor, or who causes his name or business name to be included in a classified advertisement or directory in New Jersey under a classification for deed solicitors covered by this act, is subject to the provisions of P.L. , c. (C. ) (pending before the Legislature as this bill). This section shall not be construed to apply to simple residential alphabetical listings in standard telephone directories.]

4. In addition to any other procedure, condition, or information required by this act:

a. The director may refuse to issue or may suspend or revoke any registration issued by him upon proof that the applicant or holder of the registration:

(1) has obtained a registration through fraud, deception, or misrepresentation;

(2) has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise, or false pretense;

(3) has engaged in gross negligence, gross malpractice, or gross incompetence;

(4) has engaged in repeated acts of negligence, malpractice, or incompetence;

(5) has engaged in professional or occupational misconduct as may be determined by the director;

(6) has had his authority to engage in the activity regulated by the director revoked or suspended by any other state, agency, or authority for reasons consistent with this section; or

(7) has violated or failed to comply with the provisions of P.L. , c. (C. ) (pending before the Legislature as this bill) or any regulation administered by the director.

b. An applicant whose registration is denied, suspended, or revoked pursuant to this section shall, upon a written request transmitted to the director within 30 calendar days of that action, be afforded an opportunity for a hearing in a manner provided for contested cases pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).
c. An applicant shall have the continuing duty to provide any
assistance or information requested by the director, and to cooperate
in any inquiry, investigation, or hearing conducted by the
director.)

5. a. The director may refuse to issue or renew, and may
revoke, any registration for failure to comply with, or violation of,
the provisions of P.L. , c. (C.) (pending before the
Legislature as this bill) or for any other good cause shown within
the meaning and purpose of P.L. , c. (C.) (pending before the
Legislature as this bill). A refusal or revocation shall not be made
except upon reasonable notice to, and opportunity to be heard by,
the applicant or registrant.

b. The director, in lieu of revoking a registration, may suspend
the registration for a reasonable period of time, or assess a penalty
in lieu of suspension, or both, and may issue a new registration,
notwithstanding the revocation of a prior registration, if the
applicant is found to have become entitled to the new registration.

6. Any deed solicitor who uses

2. a. It shall be an unlawful
practice and a violation of P.L.1960, c.39 (C.56:8-1 et seq.) for any
customer to:

(1) use a written form of communication to solicit 'new'
clients 'shall:

a. Include on for deed procurement services unless the
written form of communication 'displays', in a clear, conspicuous,
and prominent manner 'which makes the information stand out
from the rest of the text of the communication', the address and
telephone number of the appropriate county clerk's office through
which the recipient could obtain a copy of the deed directly,
'the amount of the fee provided for in Title 22A of the
New Jersey Statutes that the county clerk's office assesses for
providing copies of deeds 'and 'any other language that the
director may prescribe by regulation; or

(2) create a false impression in a solicitation for deed
procurement services that the recipient is in any way legally
required to use the person's services in order to obtain a copy of a
deed.

b. 'Any person who uses a written form of
communication to solicit clients for deed procurement services
shall, at least 15 days prior to distribution, provide a copy of such
written form of communication 'used to solicit new clients with
the director and the appropriate county clerk's office' at
least 15 days prior to distribution in each of the counties in which
the written form of communication will be distributed.'
7. It is an unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et seq.) to violate any provision of P.L. , c. (C. ) (pending before the Legislature as this bill).

The director, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall promulgate rules and regulations to effectuate the purposes of this act.

This act shall take effect on the first day of the 19th month following enactment, but the Director of the Division of Consumer Affairs may take such anticipatory acts in advance of that date as may be necessary for the timely implementation of this act immediately.