

17:29A-36.1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 17:29A-36.1

("Passenger Seat Belt Usage Act"-- study effects of seat belt law)

LAWS OF: 1986

CHAPTER: 133

Bill No: A108

Sponsor(s): Brown

Date Introduced: Pre-filed

Committee: Assembly: Insurance

Senate: Labor, Industry and Professions

Amended during passage: No

Date of Passage: Assembly: February 27, 1986

Senate: September 18, 1986

Date of Approval: October 20, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

Report, referred to in statement:

974.90 Asch, Peter
A939 New Jersey state observational survey and safety belt
1987d usage: final report.
May, 1987. Trenton, 1987.

See newspaper clipping-- attached.

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10-30-86

ASSEMBLY, No. 108

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Assemblyman BROWN

AN ACT concerning private passenger automobile seat belt usage
and insurance premiums.

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

1 1. The Commissioner of Insurance shall, within 365 days from
2 the effective date of this act, study and determine the impact of
3 P. L. 1984, c. 179 (C. 39:3-76.2e et seq.), on the loss experience
4 for personal injury protection and bodily injury liability coverages
5 for private passenger automobile insurance. If the commissioner
6 determines that the personal injury protection premiums and
7 bodily injury liability premiums for private passenger automobile
8 insurance should be reduced as a result of the impact of the
9 adoption of P. L. 1984, c. 179 (C. 39:3-76.2e et seq.) upon the
10 loss experience for these coverages, the commissioner shall issue
11 an order requiring that the rating plans of all insurers writing
12 private passenger automobile insurance in this State be modified
13 accordingly.

1 2. This act shall take effect immediately.

INSURANCE

Provides for study of effect of seat belt.

STATEMENT

This bill requires the Commissioner of Insurance to study the effects of the "Passenger Automobile Seat Belt Usage Act," P. L. 1984, c. 179, and to order a modification of rating plans for personal injury protection and bodily injury liability coverages if such a modification is justified by loss experience. Under its provisions, as amended, the commissioner shall make a determination within 365 days from the effective date of this act.

The purpose of the legislation is to assure that New Jersey passenger automobile insureds get lower rates for their personal injury protection and bodily injury liability coverages if loss experience justifies such decreases as a consequence of increased seat belt usage in this State.

A108(1986)

ASSEMBLY INSURANCE COMMITTEE
STATEMENT TO
ASSEMBLY, No. 108

STATE OF NEW JERSEY

DATED: FEBRUARY 20, 1986

This bill amends the "Unsatisfied Claim and Judgment Fund Law," P. L. 1952, c. 174 (C. 39:6-61 et seq.) and the law providing for uninsured motorist coverage, P. L. 1968, c. 385 (C. 17:28-1.1), to provide that if a claim is made under either law for recovery of benefits for death or personal injury which arises out of an accident in which the motor vehicle occupied by the injured or deceased party did not contact the motor vehicle which caused the accident, the person making the claim must present corroborating evidence as to the involvement of the motor vehicle which caused the accident.

This bill is intended to reduce the potential for fraud with respect to accidents which involve so-called "phantom hit-and-run" accidents. These are accidents in which injury to a driver has been caused by another vehicle which does not actually come in contact with the vehicle of the injured party and may not therefore be identified. This bill provides that in cases such as this, the claimant must bear the burden of producing corroborating evidence that the accident was caused by another vehicle.

This bill has the effect of overturning a New Jersey Supreme Court decision (*Perez v. American Bankers Insurance Co. of Florida*, 81 N. J. 415, 409 A. 2d 269, 1979), which held that a policy provision which required corroborating evidence in noncontract hit-and-run cases was null and void and was contrary to statute law; statutory law, the court said, requires coverage of insureds in all hit-and-run cases. This bill, by amending the law, modifies the present requirement that coverage be extended to all hit-and-run cases; coverage, therefore, would extend only to those persons who can corroborate the fact that another vehicle was involved in the accident in question.

SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 108

STATE OF NEW JERSEY

DATED: JUNE 19, 1986

This bill would require the Commissioner of Insurance to study and determine the impact of the "Passenger Automobile Seat Belt Usage Act," P. L. 1984, c. 179 (C. 39:3-76.2e et seq.) on the loss experience for personal injury protection and bodily injury liability coverages for private passenger automobile insurance.

If the commissioner determines, after a review of the loss experience, that the personal injury protection premiums and bodily injury liability premiums for private passenger automobile insurance should be reduced as a result of the impact of the adoption of P. L. 1984, c. 179 upon these coverages, he would be required to issue an order requiring that the rating plans of all insurers writing private passenger automobile insurance in the State be modified accordingly.