

34:15-87

LEGISLATIVE HISTORY CHECKLIST

NJSA 34:15-87

Laws of 1937 Chapter 165

Bill No. S81

Sponsor(s) Van Winkle

Date Introduced February 8, 1937

Committee: Assembly Miscellaneous Business

Senate Banking & Insurance

Amended during passage Yes No Original bill and comm. amendments enclosed (Senate J., 1937, p.676)

Date of passage: Assembly May 28

Senate March 22

Date of approval June 3, 1937

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

For background see:

974.90 NJ Joint Commission to Study Workmen's Compensation  
E55 Act and Practices.  
1935b Report. April 12, 1935.

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## SENATE, No. 81

(P. L. 1917, Chap. 178)

(P. L. 1917, Chap. 262)

(P. L. 1919, Chap. 105)

(P. L. 1921, Chap. 272)

(P. L. 1931, Chap. 192)

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# STATE OF NEW JERSEY

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INTRODUCED FEBRUARY 8, 1937

By Mr. VAN WINKLE

Referred to Committee on Banking and Insurance

AN ACT to amend an act entitled "An act concerning the compulsory insurance of payments arising under sections one and two of the act entitled 'An act prescribing the liability of an employer to make compensation for injuries received by an employee in the course of employment, establishing an elective schedule for compensation, and regulating procedure for the determination of liability and compensation thereunder,' approved April fourth, one thousand nine hundred and eleven, and further concerning insurance and rates for insurance against the liability of an employer for bodily injuries to an employee," approved March twenty-seven, one thousand nine hundred and seventeen.

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

1 1. Section fourteen, article I, of the act to which this act is an amend-  
2 ment be and the same is hereby amended to read as follow:

3 14. No policy of insurance against liability arising under section one  
4 or two of the workmen's compensation act or under this act shall contain  
5 any limitation[s] of the liability of the insurer to an amount less than that

6 payable by the assured on account of his entire liability under the said work-  
7 men's compensation act and under this act [ , nor shall any such policy of  
8 insurance or any endorsement thereon insure against any liability whatso-  
9 ever, other than the liability of the assured for compensation under the work-  
10 men's compensation act and under this act and for damages imposed by  
11 law because of personal injuries, including death at any time resulting  
12 therefrom, sustained by his employees, nor shall any action be maintained  
13 for the collection of premiums on any policy violating this act; but a policy  
14 may be issued to an employer insuring him against his liability for com-  
15 pensation and damages because of such personal injuries including death  
16 at any time resulting therefrom arising out of any particular business,  
17 plant or employment carried on by him; *provided*, that all other businesses,  
18 plants or employments carried on by the same employer are separately in-  
19 sured or exempted in respect of liability under sections one and two of said  
20 workmen's compensation act as provided for in this act.] and no provision  
21 of such policy shall be construed to restrict the liability of the insurer to  
22 any stated business, plant, location, or employment carried on by an assured  
23 unless the business, plant, location, or employment excluded by such restric-  
24 tion shall be concurrently separately insured or exempted as provided for  
25 in this act. No such policy of insurance or any endorsement thereon shall  
26 insure against any liability whatsoever other than the liability of one em-  
27 ployer for compensation under the workmen's compensation act and under  
28 this act and for damages imposed by law because of personal injuries, in-  
29 cluding death at any time resulting therefrom, sustained by his employees.  
30 No action shall be maintained for the collection of premiums on any policy  
31 violating any provision of this act. Any policy issued contrary to the pro-  
32 visions of this section shall be construed as incorporating the provisions  
33 herein contained; no insurer shall, in action brought upon such policy,  
34 plead in defense of such action any provision of such policy which violates  
35 any provision of this section.

1        2. This act shall take effect immediately.

## STATEMENT

The decision of the Supreme Court in the recent case of Stefanik vs. Ocean Accident and Guarantee Corporation, Limited, raises serious question as to the completeness and certainty of protection to employees and their beneficiaries, as well as the employer, under policies of workmen's compensation insurance. The doubt lies in the possibility that full and explicit description of the risk to be insured may not appear in the policy and in view of the court's decision such omission may unintentionally limit the liability of the insurance carrier. It is the purpose of the foregoing amendment to correct this situation and it is recommended by the Commissioner of Banking and Insurance.

Mr. Van Winkle moved the adoption of the committee amendments to Senate Bill No. 71.

Which motion was adopted.

Committee amendments proposed to Senate Bill No. 79:

Amend section 1, line 9, by enclosing the words "indemnity company" in quotation marks.

Amend section 1, line 20, by indenting the word "Fourth" uniform with the word "Third" at the beginning of line 17.

Amend section 2, line 19, by changing the semicolon after the words "so invested" to a comma.

Amend section 2, line 37, by removing the underscoring from under the words "lend on or" at the end of the line.

Mr. Van Winkle moved the adoption of the committee amendments to Senate Bill No. 79.

Which motion was adopted.

Committee amendments proposed to "corrected copy" of Senate Bill No. 80:

Amend section 3, line 21, by substituting the word "and" for the word "any" at the beginning of the line.

Amend section 3, line 51, by substituting the word "in" for the word "to" following the words "he made"

Mr. Van Winkle moved the adoption of the committee amendments to Senate Bill No. 80.

Which motion was adopted.

→ Committee amendments proposed to Senate Bill No. 81:

Amend line 4 by inserting after the word "act" a comma, followed by the words "and as required by" and eliminating the words "or under".

Mr. Van Winkle moved the adoption of the committee amendments to Senate Bill No. 81.

Which motion was adopted.