

ASSEMBLY, No. 422

STATE OF NEW JERSEY

INTRODUCED MARCH 31, 1958

By Assemblymen STEPACOFF, MELONI, KRAUT, MICHNEVICH
WILSON and BOWKLEY

Referred to Committee on Judiciary

AN ACT to amend the "Unsatisfied Claim and Judgment Fund Law," approved
May 10, 1952 (P. L. 1952, c. 174).

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

1 1. Section 3 of the act of which this act is amendatory is amended to
2 read as follows:

3 3. For the purpose of creating the fund.

4 (a) Every person registering an uninsured motor vehicle in this State
5 for the yearly period commencing April 1, 1954, shall pay at the time of
6 registering the same, in addition to any other fee prescribed by any other law,
7 a fee of \$3.00;

8 (b) Every person registering any other motor vehicle in this State for
9 the yearly period commencing April 1, 1954, shall pay at the time of regis-
10 tering the same, in addition to any other fee prescribed by any other law, a
11 fee of \$1.00;

12 (c) On or before March 31, 1955, each insurer shall pay to the treasurer a
13 sum equal to $\frac{1}{2}$ of 1% of its net direct written premiums for the calendar
14 year 1953 as shown in its annual statement filed with the commissioner;

15 (d) On December 30 in each year, beginning with 1956, the director
16 shall calculate the probable amount which will be needed to carry out the

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

17 provisions of this act during the ensuing registration license year. In such
18 calculation, he shall take into consideration the amount presently reserved
19 for pending claims, anticipated payments from the fund during said year,
20 anticipated amounts to be reserved for claims pending during said year, and
21 the desirability of maintaining a surplus over and above such anticipated
22 payments and present and anticipated reserves, such surplus not to exceed
23 the amount actually paid from the fund during the 12 full calendar months
24 immediately preceding the date of calculation. If, in his judgment, the esti-
25 mated balance of the fund at the beginning of the next registration license
26 year will be insufficient to meet such needs, he shall

27 (1) [Assess the estimated deficiency against insurers for such year's
28 contribution to the fund. Such deficiency shall be apportioned among such
29 insurers in the proportion that the net direct written premiums of each bears
30 to the aggregate net direct written premiums of all insurers during the pre-
31 ceding calendar year as shown by the records of the commissioner. Such ag-
32 gregate assessment, however, shall in no event exceed $\frac{1}{2}$ of 1% of the
33 aggregate net direct written premiums for such preceding calendar year.
34 Each insurer shall pay the sum so assessed to the treasurer on or before
35 March 31, next following.

36 (2) If such assessment against insurers be insufficient in the judgment
37 of the director to provide the estimated amount needed to carry out the pro-
38 visions of this act for the ensuing registration license year, he shall determine]
39 Determine the amount to be fixed as [to] the Unsatisfied Claim and Judg-
40 ment Fund Fee for such registration license year. Such fee shall in no case
41 exceed [\\$8.00] \$5.00 and shall be paid by each person registering an unin-
42 sured motor vehicle during such ensuing year at the time of registration in
43 addition to any other fee prescribed by any other law.

44 (3) If the estimated total amount of Unsatisfied Claim and Judgment
45 Fund Fees to be collected during the ensuing registration license year shall
46 be insufficient, in the judgment of the director, to provide the esti-
47 mated amount needed to carry out the provisions of this act during the said

48 ensuing registration license year, he shall assess this estimated deficiency
49 against insurers for such year's contribution to the fund. Such deficiency
50 shall be apportioned among such insurers in the proportion that the net
51 direct written premiums of each bears to the aggregate net direct written
52 premiums of all insurers during the preceding calendar year as shown by the
53 records of the commissioner. Such aggregate assessment, however, shall in no
54 event exceed 1/2 of 1% of the aggregate net direct written premiums for
55 such preceding calendar year. Each insurer shall pay the sum so assessed
56 to the treasurer on or before March 31 next following.

57 (e) Whenever any of the provisions of this act concerning the method
58 and sources of assessments, the maximum amounts payable from the fund,
59 eligibility or qualifications of claimants, or amounts to be deducted from pay-
60 ments made from the fund are amended by law, between January 1 and April
61 30 in any year, the director may, if he deems it necessary, rescind any assess-
62 ment made on December 30 of the preceding year. He shall then, within 15
63 days of the adoption of such amendment, recalculate the probable amount
64 which will be needed to carry out the provisions of this act during the en-
65 suing registration license year, in accordance with the provisions of subsec-
66 tion (d) of this section. If, in his judgment, the estimated balance of the fund
67 at the beginning of the next registration license year will be insufficient to
68 meet such needs, he shall determine the Unsatisfied Claim and Judgment
69 Fund Fee and the contributions of insurers, if any, in accordance with the
70 provisions of subsection (d) of this section. In the event of a rescission and
71 reassessment subsequent to March 1 in any year, insurers shall pay the
72 sum so assessed, if any, to the treasurer within 90 days of the date of such
73 assessment.

1 2. Section 5 of the act of which this act is amendatory is amended to read
2 as follows:

3 5. Any qualified person, or the personal representative of such person,
4 who suffers damages resulting from bodily injury or death or damage
5 to property arising out of the ownership, maintenance or use of a motor

6 vehicle in this State on or after April 1, 1955, and whose damages may be
7 satisfied in whole or in part from the fund, shall, within 90 days after the
8 accident, as a condition precedent to the right thereafter to apply for pay-
9 ment from the fund, give notice to the board, [on a] *the form and contents*
10 *of which shall be* prescribed by [it] *the board*, of his intention to make a
11 claim thereon for such damages if otherwise uncollectible [and otherwise
12 comply with the provisions of this section]: provided, any such qualified
13 person may, in lieu of giving said notice within said time, make proof to the
14 court on the hearing of the application for the payment of a judgment (a)
15 that he was physically incapable of giving said notice within said period and
16 that he gave said notice within 90 days after he became physically capable
17 to do so or in the event he did not become so capable, that a notice was given
18 on his behalf within a reasonable period, or (b) *that he gave notice to the board*
19 *within 15 days of receiving notice that an insurer had disclaimed on a policy*
20 *of insurance so as to remove or withdraw liability insurance coverage for his*
21 *claim against a person or persons who allegedly caused him to suffer dam-*
22 *ages.* [In said notice he shall specify the time and place of the accident,
23 identify the operators and vehicles involved therein and such witnesses to
24 said accident, as are then known to him and describe the injuries then known
25 to him and the damage to property sustained. Said notice shall be accom-
26 panied by (a) a certification by a physician of the injuries sustained so far as
27 they can then be anticipated and of the treatment afforded by him, (b) item-
28 ized estimates of an automobile repairman or itemized bill, of the cost of
29 repairs if the damage is to an automobile, (c) such information as is known to
30 him with regard to liability insurance in effect with respect to the motor
31 vehicles involved in the accident and (d) a] . A copy of the complaint *shall*
32 *be furnished to the board* if an action has theretofore been brought for the
33 enforcement of such claim. Such person shall also notify the board of any
34 action thereafter instituted for the enforcement of such claim within 15 days
35 after the institution thereof and such notice shall be accompanied by a copy of
35a the complaint.

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36 The director is hereby authorized and empowered, the provisions of any
 37 other law relating to the confidential nature of any reports or information
 38 furnished to or filed with the Division of Motor Vehicles notwithstanding, to
 39 furnish to the board upon its request, for such use, utilization and purposes
 40 as the board may deem reasonably appropriate to administer this act and dis-
 41 charge its functions hereunder, any reports or information filed by any per-
 42 son or persons claiming benefits under the provisions of this act, that the
 43 director has with regard to any accident, and any operator or owner of a
 44 motor vehicle involved in any accident, and as to any automobile or motor
 45 vehicle liability insurance or bond carried by any operator or owner of any
 46 motor vehicle.

1 3. Section 9 of the act of which this act is amendatory is amended to read
 2 as follows:

3 9. When any qualified person recovers a valid judgment [for an amount
 4 in excess of \$200.00, exclusive of interest and costs,] in any court of com-
 5 petent jurisdiction in this State, against any other person, who was the
 6 operator or owner of a motor vehicle, for injury to, or death of, any person
 7 or persons, or a similar valid judgment in such court against such a defend-
 8 ant for an amount in excess of \$100.00, exclusive of interest and costs, for
 9 damages to property, except property of others in charge of such operator
 10 or owner or such operator's or owner's employees, arising out of the owner-
 11 ship, maintenance or use of the motor vehicle in this State on or after April
 12 1, 1955, and any amount [in excess of \$200.00] remains unpaid thereon in the
 13 case of a judgment for bodily injury or death, or any amount in excess of
 14 \$100.00 remains unpaid thereon in case of a judgment for damage to prop-
 15 erty, such judgment creditor may, upon the termination of all proceedings,
 16 including reviews and appeals in connection with such judgment, file a veri-
 17 fied claim in the court in which the judgment was entered and, upon 10 days'
 18 written notice to the board may apply to the court for an order directing
 19 payment out of the fund, of the amount unpaid upon such judgment for
 20 bodily injury or death, which [exceeds the sum of \$200.00 and] does not ex-



21 ceed, or upon such judgment for damage to property which exceeds the sum
22 of \$100.00 and does not exceed—

23 (a) The maximum amount or limit of ~~[\$5,000.00]~~ \$10,000.00, exclusive
24 of interest and costs, on account of injury to, or death of, 1 person, in any 1
25 accident, and

26 (b) The maximum amount or limit, subject to such limit for any 1 per-
27 son so injured or killed, of ~~[\$10,000.00]~~ \$20,000.00, exclusive of interest and
28 costs, on account of injury to, or death of, more than 1 person, in any 1 ac-
29 cident, and

30 (c) The maximum amount or limit of ~~[\$1,000.00]~~ \$5,000.00, exclusive of
31 interest and costs, for damage to property in any 1 accident.

1 4. Section 12 of the act of which this act is amendatory is amended to
2 read as follows:

3 12. (a) In any action against an operator or owner of a motor vehicle
4 for injury to or death of any person or for damage to property arising out of
5 the ownership, maintenance or use of said vehicle in this State on or after
6 April 1, 1955, pending in any court of competent jurisdiction in this State,
7 the plaintiff may upon notice to the board file a verified petition with the court
8 alleging

9 (1) the matters set forth in subparagraphs (a), (b), (c), (d), (e) and
10 (f) of section 10;

11 (2) that the petition is not presented on behalf of an insurer under cir-
12 cumstances set forth in subparagraph (1) of section 10;

13 (3) that he has entered into an agreement with the defendant to settle all
14 claims set forth in the complaint in said action and the amount proposed
15 to be paid to him pursuant thereto;

16 (4) that said proposed settlement has been consented to by the board;

17 (5) that the defendant has executed and delivered to the board a verified
18 statement of his financial condition;

19 (6) that a judgment against the defendant would be uncollectible;

20 (7) that the defendant has undertaken in writing to repay to the treas-
21 urer the sum that he would be required to pay under such settlement, if ap-

22 proved by the court
23 therewith.

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1 5. Section 13 of
2 read as follows:

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22 proved by the court, and has executed a confession of judgment in connection
23 therewith.

24 If the court be satisfied of the truth of the allegations in said petition and
25 of the fairness of such proposed settlement, it may enter an order approv-
26 ing the same and directing the treasurer, upon receipt of the undertaking
27 and confession of judgment mentioned in subparagraph (7) of this section, to
28 make payment to the plaintiff of the amount agreed to be accepted.

29 (b) An insurer to whom a claim has been assigned may settle any claim
30 involving the payment of less than ~~[\$1,000.00]~~ \$2,500.00 with the approval of
31 the director and any other 1 member of the board, or any claim involving a
32 payment between \$2,500.00 and \$5,000.00 with the approval of the board, with-
33 out court approval, if satisfied

34 (1) that the claimant is not a person of the character described in sub-
35 paragraphs (a), (b), (c), (d), (e) and (f) of section 10;

36 (2) that the settlement is not made on the behalf of an insurer under
37 circumstances set forth in subparagraph (1) of section 10; and

38 (3) that a judgment against the owner or operator of the motor vehicle
39 involved in the accident would be uncollectible, and [if] that such owner or
40 operator has consented to such settlement, executed and delivered to the
41 board a verified statement of his financial condition and undertaken in writ-
42 ing to repay to the treasurer the sum to be paid under the settlement, and
43 executed a confession of judgment in connection therewith. Any settlement
44 so made shall be certified by the board to the treasurer, who shall, upon re-
45 ceipt of said undertaking to repay and confession of judgment, make the re-
46 quired payment to claimant out of the fund.

1 5. Section 13 of the act of which this act is amondatory is amended to
2 read as follows:

3 13. No order shall be made for the payment, and the treasurer shall make
4 no payment, out of the fund, of

5 (a) Any claim for *damage to property* for less than ~~[\$200.00]~~ \$100.00.

6 (b) The first ~~[\$200.00]~~ \$100.00 of any judgment for *damage to property*

7 or of the unsatisfied portion thereof, or

8 (c) The unsatisfied portion of any judgment which, after deducting
9 ~~[\$200.00]~~ \$100.00 therefrom if the judgment is for damage to property, exceeds

10 (1) the maximum or limit of ~~[\$5,000.00]~~ \$10,000.00, exclusive of interest
11 and costs, on account of injury to, or death of, 1 person in any 1 accident,
12 and

13 (2) the maximum amount or limit, subject to such limit for any 1 person
14 so injured or killed, of ~~[\$10,000.00]~~ \$20,000.00, exclusive of interest and
15 costs, on account of injury to, or death of, more than 1 person, in any 1
16 accident, and

17 (3) the maximum amount or limit of ~~[\$1,000.00]~~ \$5,000.00, exclusive
18 of interest and costs, for damages to property in any 1 accident,
19 Provided, that such maximum amounts shall be reduced by any amount
20 received or recovered as specified in subparagraph (m) of section 10.

21 (d) Any claim for damage to property which includes any sum greater
22 than the difference between said maximum amounts and the sum of ~~[\$200.00]~~
23 \$100.00, and any amount paid out of the fund in excess of the amount so
24 authorized may be recovered by the treasurer in an action brought by him
25 against the person receiving the same.

1 6. Section 18 of the act of which this act is amendatory is amended to
2 read as follows:

3 18. When the death of, or personal injury to, any person arises out of
4 the ownership, maintenance or use of a motor vehicle in this State on or after
5 April 1, 1955, but the identity of the motor vehicle and of the operator and
6 owner thereof cannot be ascertained or it is established that the motor vehicle
7 was at the time said accident occurred, in the possession of some person
8 other than the owner without the owner's consent and that the identity of
9 such person cannot be ascertained, any qualified person who would have a
10 cause of action against the operator or owner or both in respect to such death
11 or personal injury [for a sum in excess of \$200.00 exclusive of interest and
12 costs,] may bring an action therefor against the director in any court of
13 competent jurisdiction, but no judgment against the director shall be entered

14 in such an a
15 that—

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1 7. Section

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14 in such an action unless the court is satisfied, upon the hearing of the action,
15 that—

16 (a) The claimant has complied with the requirements of section 5,

17 (b) The claimant is not a person covered with respect to such injury or
18 death by any workmen's compensation law, or the personal representative of
19 such a person,

20 (c) The claimant was not at the time of the accident operating or riding
21 in an uninsured motor vehicle owned by him or his spouse, parent or child,
22 and was not operating a motor vehicle in violation of an order of suspension
23 or revocation,

24 (d) The claimant has a cause of action against the operator or owner of
25 such motor vehicle or against the operator who was operating the motor
26 vehicle without the consent of the owner of the motor vehicle,

27 (e) All reasonable efforts have been made to ascertain the identity of
28 the motor vehicle and of the owner and operator thereof and either that the
29 identity of the motor vehicle and the owner and operator thereof cannot be
30 established, or that the identity of the operator, who was operating the motor
31 vehicle without the owner's consent, cannot be established,

32 (f) The action is not brought by or on behalf of an insurer under
33 circumstances set forth in paragraph [(b)] (l) of section 10.

1 7. Section 19 of the act of which this act is amendatory is amended to
2 read as follows:

3 19. When in an action [for a sum in excess of \$200.00] in respect to the
4 death of, or personal injury to, any person, arising out of the ownership,
5 maintenance or use of a motor vehicle in this State on or after April 1, 1955,
6 judgment is rendered for the defendant on the sole ground that such death
7 or personal injury was occasioned by a motor vehicle—

8 (a) The identity of which, and of the owner and operator of which, has
9 not been established, or

10 (b) Which was in the possession of some person other than the owner
11 or his agent without the consent of the owner and the identity of the operator

12 has not been established, such cause shall be stated in the judgment and the
13 plaintiff in such action may within 3 months from the date of the entry of such
14 judgment make application for authority to bring an action upon said cause
15 of action against the director in the manner provided in section 18.

1 8. Section 24 of the act of which this act is amendatory is amended to
2 read as follows:

3 24. When a judgment is obtained against the director, in an action brought
4 under this act, upon the determination of all proceedings including appeals
5 and reviews, the court shall make an order directed to the treasurer directing
6 him to pay out of the fund to the plaintiff in the action the amount thereof
7 which [exceeds \$200.00 and] does not exceed [\$5,000.00] \$10,000.00, exclusive
8 of interest and costs, on account of injury to, or death of, 1 person and,
9 subject to such limits for the death of, or injury to, any 1 person, does not
10 exceed [\$10,000.00] \$20,000.00, exclusive of interest and costs, on account of
11 the injury to, or death of, more than 1 person, in any 1 accident, provided
12 that such maximum amount shall be reduced by any amount received or
13 recovered by the plaintiff as specified in subparagraph (m) of section 10.

1 9. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to increase payments to accident victims of uninsured drivers; to eliminate inequities and objectionable features that have appeared in the Unsatisfied Claim and Judgment Fund Law after 3 years of operation; to expedite payment of claims that have been settled; and to place on the uninsured motorist, who creates the problem, the principal burden of supporting the fund.

STAT

Amend pa
"\$15.00".

ASSEMBLY AMENDMENT TO
ASSEMBLY, No. 422

STATE OF NEW JERSEY

ADOPTED APRIL 10, 1958

Amend page 2, section 1, line 41, omit "\$5.00" and insert in lieu thereof
"\$15.00".

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SENATE COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 422

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED MAY 26, 1958

Amend page 1, title, line 1, after "amend" insert "and supplement".

Amend page 10, section 8, after line 13, insert 2 new sections as follows:

"9. The provisions of sections 9, 13 and 24 of the act of which this act is amendatory and supplementary which increase the maximum amounts payable from the fund shall be applicable only to claims made by qualified persons, or the personal representatives of such persons, who suffer damages resulting from bodily injury or death or damage to property arising out of the ownership, maintenance or use of a motor vehicle in this State on or after January 1, 1959, and whose damages may be satisfied in whole or in part from the fund.

10. The provisions of sections 9, 13, 18, 19 and 24 of the act of which this act is amendatory and supplementary, excepting those provisions increasing the maximum amounts payable from the fund, shall be applicable only to claims made by qualified persons, or the personal representatives of such persons, who suffer damages resulting from bodily injury or death or damage to property arising out of the ownership, maintenance or use of a motor vehicle in this State on or after the effective date of this act, and whose damages may be satisfied in whole or in part from the fund."

Amend page 10, section 9, line 1, omit "9." insert "11."

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ASSEMBLY, No. 422

STATE OF NEW JERSEY

INTRODUCED MARCH 31, 1958

By Assemblymen STEPACOFF, MELONI, KRAUT, MICHNEVICH
WILSON and BOWKLEY

Referred to Committee on Judiciary

An Act to amend the "Unsatisfied Claim and Judgment Fund Law," approved
May 10, 1952 (P. L. 1952, c. 174).

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

1 1. Section 3 of the act of which this act is amendatory is amended to
2 read as follows:

3 3. For the purpose of creating the fund.

4 (a) Every person registering an uninsured motor vehicle in this State
5 for the yearly period commencing April 1, 1954, shall pay at the time of
6 registering the same, in addition to any other fee prescribed by any other law,
7 a fee of \$3.00;

8 (b) Every person registering any other motor vehicle in this State for
9 the yearly period commencing April 1, 1954, shall pay at the time of regis-
10 tering the same, in addition to any other fee prescribed by any other law, a
11 fee of \$1.00;

12 (c) On or before March 31, 1955, each insurer shall pay to the treasurer a
13 sum equal to $\frac{1}{2}$ of 1% of its net direct written premiums for the calendar
14 year 1953 as shown in its annual statement filed with the commissioner;

15 (d) On December 30 in each year, beginning with 1956, the director
16 shall calculate the probable amount which will be needed to carry out the

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

17 provisions of this act during the ensuing registration license year. In such
18 calculation, he shall take into consideration the amount presently reserved
19 for pending claims, anticipated payments from the fund during said year,
20 anticipated amounts to be reserved for claims pending during said year, and
21 the desirability of maintaining a surplus over and above such anticipated
22 payments and present and anticipated reserves, such surplus not to exceed
23 the amount actually paid from the fund during the 12 full calendar months
24 immediately preceding the date of calculation. If, in his judgment, the esti-
25 mated balance of the fund at the beginning of the next registration license
26 year will be insufficient to meet such needs, he shall

27 (1) [Assess the estimated deficiency against insurers for such year's
28 contribution to the fund. Such deficiency shall be apportioned among such
29 insurers in the proportion that the net direct written premiums of each bears
30 to the aggregate net direct written premiums of all insurers during the pre-
31 ceding calendar year as shown by the records of the commissioner. Such ag-
32 gregate assessment, however, shall in no event exceed 1/2 of 1% of the
33 aggregate net direct written premiums for such preceding calendar year.

34 Each insurer shall pay the sum so assessed to the treasurer on or before
35 March 31, next following.

36 (2) If such assessment against insurers be insufficient in the judgment
37 of the director to provide the estimated amount needed to carry out the pro-
38 visions of this act for the ensuing registration license year, he shall determine]
39 Determine the amount to be fixed as [to] the Unsatisfied Claim and Judg-
40 ment Fund Fee for such registration license year. Such fee shall in no case
41 exceed [\$8.00] [\$5.00] \$15.00 and shall be paid by each person registering
42 an uninsured motor vehicle during such ensuing year at the time of registra-
43 tion in addition to any other fee prescribed by any other law.

44 (3) If the estimated total amount of Unsatisfied Claim and Judgment
45 Fund Fees to be collected during the ensuing registration license year shall
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 49 against insurers for such year's contribution to the fund. Such deficiency
 50 shall be apportioned among such insurers in the proportion that the net
 51 direct written premiums of each bears to the aggregate net direct written
 52 premiums of all insurers during the preceding calendar year as shown by the
 53 records of the commissioner. Such aggregate assessment, however, shall in no
 54 event exceed 1/2 of 1% of the aggregate net direct written premiums for
 55 such preceding calendar year. Each insurer shall pay the sum so assessed
 56 to the treasurer on or before March 31, next following.

57 (e) Whenever any of the provisions of this act concerning the method
 58 and sources of assessments, the maximum amounts payable from the fund,
 59 eligibility or qualifications of claimants, or amounts to be deducted from pay-
 60 ments made from the fund are amended by law, between January 1 and April
 61 30 in any year, the director may, if he deems it necessary, rescind any assess-
 62 ment made on December 30 of the preceding year. He shall then, within 15
 63 days of the adoption of such amendment, recalculate the probable amount
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 67 at the beginning of the next registration license year will be insufficient to
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 69 Fund Fee and the contributions of insurers, if any, in accordance with the
 70 provisions of subsection (d) of this section. In the event of a rescission and
 71 reassessment subsequent to March 1 in any year, insurers shall pay the
 72 sum so assessed, if any, to the treasurer within 90 days of the date of such
 73 assessment.

1 2. Section 5 of the act of which this act is amendatory is amended to read
 2 as follows:

3 5. Any qualified person, or the personal representative of such person,
 4 who suffers damages resulting from bodily injury or death or damage
 5 to property arising out of the ownership, maintenance or use of a motor

6 vehicle in this State on or after April 1, 1955, and whose damages may be
 7 satisfied in whole or in part from the fund, shall, within 90 days after the
 8 accident, as a condition precedent to the right thereafter to apply for pay-
 9 ment from the fund, give notice to the board, [on a] *the form and contents*
 10 *of which shall be* prescribed by [it] *the board*, of his intention to make a
 11 claim thereon for such damages if otherwise uncollectible [and otherwise
 12 comply with the provisions of this section]; provided, any such qualified
 13 person may, in lieu of giving said notice within said time, make proof to the
 14 court on the hearing of the application for the payment of a judgment (a)
 15 that he was physically incapable of giving said notice within said period and
 16 that he gave said notice within 90 days after he became physically capable
 17 to do so or in the event he did not become so capable, that a notice was given
 18 on his behalf within a reasonable period, or (b) that he gave notice to the board
 19 within 15 days of receiving notice that an insurer had disclaimed on a policy
 20 of insurance so as to remove or withdraw liability insurance coverage for his
 21 claim against a person or persons who allegedly caused him to suffer dam-
 22 ages. [In said notice he shall specify the time and place of the accident,
 23 identify the operators and vehicles involved therein and such witnesses to
 24 said accident, as are then known to him and describe the injuries then known
 25 to him and the damage to property sustained. Said notice shall be accom-
 26 panied by (a) a certification by a physician of the injuries sustained so far as
 27 they can then be anticipated and of the treatment afforded by him, (b) item-
 28 ized estimates of an automobile repairman or itemized bill, of the cost of
 29 repairs if the damage is to an automobile, (c) such information as is known to
 30 him with regard to liability insurance in effect with respect to the motor
 31 vehicles involved in the accident and (d) a] . A copy of the complaint shall
 32 be furnished to the board if an action has theretofore been brought for the
 33 enforcement of such claim. Such person shall also notify the board of any
 34 action thereafter instituted for the enforcement of such claim within 15 days
 35 after the institution thereof and such notice shall be accompanied by a copy of
 35a the complaint.

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36 The director is hereby authorized and empowered, the provisions of any
37 other law relating to the confidential nature of any reports or information
38 furnished to or filed with the Division of Motor Vehicles notwithstanding, to
39 furnish to the board upon its request, for such use, utilization and purposes
40 as the board may deem reasonably appropriate to administer this act and dis-
41 charge its functions hereunder, any reports or information filed by any per-
42 son or persons claiming benefits under the provisions of this act, that the
43 director has with regard to any accident, and any operator or owner of a
44 motor vehicle involved in any accident, and as to any automobile or motor
45 vehicle liability insurance or bond carried by any operator or owner of any
46 motor vehicle.

1 3. Section 9 of the act of which this act is amendatory is amended to read
2 as follows:

3 9. When any qualified person recovers a valid judgment [for an amount
4 in excess of \$200.00, exclusive of interest and costs,] in any court of com-
5 petent jurisdiction in this State, against any other person, who was the
6 operator or owner of a motor vehicle, for injury to, or death of, any person
7 or persons, or a similar valid judgment in such court against such a defend-
8 ant for an amount in excess of \$100.00, exclusive of interest and costs, for
9 damages to property, except property of others in charge of such operator
10 or owner or such operator's or owner's employees, arising out of the owner-
11 ship, maintenance or use of the motor vehicle in this State on or after April
12 1, 1955, and any amount [in excess of \$200.00] remains unpaid thereon in the
13 case of a judgment for bodily injury or death, or any amount in excess of
14 \$100.00 remains unpaid thereon in case of a judgment for damage to prop-
15 erty, such judgment creditor may, upon the termination of all proceedings,
16 including reviews and appeals in connection with such judgment, file a veri-
17 fied claim in the court in which the judgment was entered and, upon 10 days'
18 written notice to the board may apply to the court for an order directing
19 payment out of the fund, of the amount unpaid upon such judgment for
20 bodily injury or death, which [exceeds the sum of \$200.00 and] does not ex-

21 exceed, or upon such judgment for damage to property which exceeds the sum
22 of \$100.00 and does not exceed—

23 (a) The maximum amount or limit of ~~[\$5,000.00]~~ \$10,000.00, exclusive
24 of interest and costs, on account of injury to, or death of, 1 person, in any 1
25 accident, and

26 (b) The maximum amount or limit, subject to such limit for any 1 per-
27 son so injured or killed, of ~~[\$10,000.00]~~ \$20,000.00, exclusive of interest and
28 costs, on account of injury to, or death of, more than 1 person, in any 1 ac-
29 cident, and

30 (c) The maximum amount or limit of ~~[\$1,000.00]~~ \$5,000.00, exclusive of
31 interest and costs, for damage to property in any 1 accident.

32 4. Section 12 of the act of which this act is amendatory is amended to
33 read as follows:

34 12. (a) In any action against an operator or owner of a motor vehicle
35 for injury to or death of any person or for damage to property arising out of
36 the ownership, maintenance or use of said vehicle in this State on or after
37 April 1, 1955, pending in any court of competent jurisdiction in this State,
38 the plaintiff may upon notice to the board file a verified petition with the court
39 alleging

40 (1) the matters set forth in subparagraphs (a), (b), (c), (d), (e) and
41 (f) of section 10;

42 (2) that the petition is not presented on behalf of an insurer under cir-
43 cumstances set forth in subparagraph (1) of section 10;

44 (3) that he has entered into an agreement with the defendant to settle all
45 claims set forth in the complaint in said action and the amount proposed
46 to be paid to him pursuant thereto;

47 (4) that said proposed settlement has been consented to by the board;

48 (5) that the defendant has executed and delivered to the board a verified
49 statement of his financial condition;

50 (6) that a judgment against the defendant would be uncollectible;

51 (7) that the defendant has undertaken in writing to repay to the treas-
52 urer the sum that he would be required to pay under such settlement, if ap-

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22 proved by the court, and has executed a confession of judgment in connection
23 therewith.

24 If the court be satisfied of the truth of the allegations in said petition and
25 of the fairness of such proposed settlement, it may enter an order approv-
26 ing the same and directing the treasurer, upon receipt of the undertaking
27 and confession of judgment mentioned in subparagraph (7) of this section, to
28 make payment to the plaintiff of the amount agreed to be accepted.

29 (b) An insurer to whom a claim has been assigned may settle any claim
30 involving the payment of less than ~~[\$1,000.00]~~ \$2,500.00 with the approval of
31 the director and any other 1 member of the board, or any claim involving a
32 payment between \$2,500.00 and \$5,000.00 with the approval of the board, with-
33 out court approval, if satisfied

34 (1) that the claimant is not a person of the character described in sub-
35 paragraphs (a), (b), (c), (d), (e) and (f) of section 10;

36 (2) that the settlement is not made on the behalf of an insurer under
37 circumstances set forth in subparagraph (1) of section 10; and

38 (3) that a judgment against the owner or operator of the motor vehicle
39 involved in the accident would be uncollectible, and [if] that such owner or
40 operator has consented to such settlement, executed and delivered to the
41 board a verified statement of his financial condition and undertaken in writ-
42 ing to repay to the treasurer the sum to be paid under the settlement, and
43 executed a confession of judgment in connection therewith. Any settlement
44 so made shall be certified by the board to the treasurer, who shall, upon re-
45 ceipt of said undertaking to repay and confession of judgment, make the re-
46 quired payment to claimant out of the fund.

1 5. Section 13 of the act of which this act is amendatory is amended to
2 read as follows:

3 13. No order shall be made for the payment, and the treasurer shall make
4 no payment, out of the fund, of

5 (a) Any claim for damage to property for less than ~~[\$200.00]~~ \$100.00.

6 (b) The first ~~[\$200.00]~~ \$100.00 of any judgment for damage to property
7 or of the unsatisfied portion thereof, or

8 (c) The unsatisfied portion of any judgment which, after deducting
9 [\$200.00] \$100.00 therefrom if the judgment is for damage to property, exceeds

10 (1) the maximum or limit of [\$5,000.00] \$10,000.00, exclusive of interest
11 and costs, on account of injury to, or death of, 1 person in any 1 accident,
12 and

13 (2) the maximum amount or limit, subject to such limit for any 1 person
14 so injured or killed, of [\$10,000.00] \$20,000.00, exclusive of interest and
15 costs, on account of injury to, or death of, more than 1 person, in any 1
16 accident, and

17 (3) the maximum amount or limit of [\$1,000.00] \$5,000.00, exclusive
18 of interest and costs, for damages to property in any 1 accident,
19 Provided, that such maximum amounts shall be reduced by any amount
20 received or recovered as specified in subparagraph (m) of section 10.

21 (d) Any claim for damage to property which includes any sum greater
22 than the difference between said maximum amounts and the sum of [\$200.00]
23 \$100.00, and any amount paid out of the fund in excess of the amount so
24 authorized may be recovered by the treasurer in an action brought by him
25 against the person receiving the same.

1 6. Section 18 of the act of which this act is amendatory is amended to
2 read as follows:

3 18. When the death of, or personal injury to, any person arises out of
4 the ownership, maintenance or use of a motor vehicle in this State on or after
5 April 1, 1955, but the identity of the motor vehicle and of the operator and
6 owner thereof cannot be ascertained or it is established that the motor vehicle
7 was at the time said accident occurred, in the possession of some person
8 other than the owner without the owner's consent and that the identity of
9 such person cannot be ascertained, any qualified person who would have a
10 cause of action against the operator or owner or both in respect to such death
11 or personal injury [for a sum in excess of \$200.00 exclusive of interest and
12 costs,] may bring an action therefor against the director in any court of
13 competent jurisdiction, but no judgment against the director shall be entered

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14 in such an action unless the court is satisfied, upon the hearing of the action,
15 that—

16 (a) The claimant has complied with the requirements of section 5,

17 (b) The claimant is not a person covered with respect to such injury or
18 death by any workmen's compensation law, or the personal representative of
19 such a person,

20 (c) The claimant was not at the time of the accident operating or riding
21 in an uninsured motor vehicle owned by him or his spouse, parent or child,
22 and was not operating a motor vehicle in violation of an order of suspension
23 or revocation,

24 (d) The claimant has a cause of action against the operator or owner of
25 such motor vehicle or against the operator who was operating the motor
26 vehicle without the consent of the owner of the motor vehicle,

27 (e) All reasonable efforts have been made to ascertain the identity of
28 the motor vehicle and of the owner and operator thereof and either that the
29 identity of the motor vehicle and the owner and operator thereof cannot be
30 established, or that the identity of the operator, who was operating the motor
31 vehicle without the owner's consent, cannot be established,

32 (f) The action is not brought by or on behalf of an insurer under
33 circumstances set forth in paragraph [(b)] (1) of section 10.

1 7. Section 19 of the act of which this act is amendatory is amended to
2 read as follows:

3 19. When in an action [for a sum in excess of \$200.00] in respect to the
4 death of, or personal injury to, any person, arising out of the ownership,
5 maintenance or use of a motor vehicle in this State on or after April 1, 1955,
6 judgment is rendered for the defendant on the sole ground that such death
7 or personal injury was occasioned by a motor vehicle—

8 (a) The identity of which, and of the owner and operator of which, has
9 not been established, or

10 (b) Which was in the possession of some person other than the owner
11 or his agent without the consent of the owner and the identity of the operator

been established, such cause shall be stated in the judgment and the / in such action may within 3 months from the date of the entry of such / ent make application for authority to bring an action upon said cause / stion against the director in the manner provided in section 18.

8. Section 24 of the act of which this act is amendatory is amended to / ad as follows:

24. When a judgment is obtained against the director, in an action brought / under this act, upon the determination of all proceedings including appeals / 5 and reviews, the court shall make an order directed to the treasurer directing / 6 him to pay out of the fund to the plaintiff in the action the amount thereof / 7 which [exceeds \$200.00 and] does not exceed [\$5,000.00] \$10,000.00, exclusive / 8 of interest and costs, on account of injury to, or death of, 1 person and, / 9 subject to such limits for the death of, or injury to, any 1 person, does not / 10 exceed [\$10,000.00] \$20,000.00, exclusive of interest and costs, on account of / 11 the injury to, or death of, more than 1 person, in any 1 accident, provided / 12 that such maximum amount shall be reduced by any amount received or / 13 recovered by the plaintiff as specified in subparagraph (m) of section 10.

1 9. This act shall take effect immediately.

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ASSEMBLY, No. 422

STATE OF NEW JERSEY

INTRODUCED MARCH 31, 1958

By Assemblymen STEPACOFF, MELONI, KRAUT, MICHNEVICH
WILSON and BOWKLEY

Referred to Committee on Judiciary

AN ACT to amend *and supplement* the "Unsatisfied Claim and Judgment Fund Law," approved May 10, 1952 (P. L. 1952, c. 174).

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

1 1. Section 3 of the act of which this act is amendatory is amended to
2 read as follows:

3 3. For the purpose of creating the fund.

4 (a) Every person registering an uninsured motor vehicle in this State
5 for the yearly period commencing April 1, 1954, shall pay at the time of
6 registering the same, in addition to any other fee prescribed by any other law,
7 a fee of \$3.00;

8 (b) Every person registering any other motor vehicle in this State for
9 the yearly period commencing April 1, 1954, shall pay at the time of regis-
10 tering the same, in addition to any other fee prescribed by any other law, a
11 fee of \$1.00;

12 (c) On or before March 31, 1955, each insurer shall pay to the treasurer a
13 sum equal to $\frac{1}{2}$ of 1% of its net direct written premiums for the calendar
14 year 1953 as shown in its annual statement filed with the commissioner;

15 (d) On December 30 in each year, beginning with 1956, the director
16 shall calculate the probable amount which will be needed to carry out the

17 provisions of this act during the ensuing registration license year. In such
18 calculation, he shall take into consideration the amount presently reserved
19 for pending claims, anticipated payments from the fund during said year,
20 anticipated amounts to be reserved for claims pending during said year, and
21 the desirability of maintaining a surplus over and above such anticipated
22 payments and present and anticipated reserves, such surplus not to exceed
23 the amount actually paid from the fund during the 12 full calendar months
24 immediately preceding the date of calculation. If, in his judgment, the esti-
25 mated balance of the fund at the beginning of the next registration license
26 year will be insufficient to meet such needs, he shall

27 (1) [Assess the estimated deficiency against insurers for such year's
28 contribution to the fund. Such deficiency shall be apportioned among such
29 insurers in the proportion that the net direct written premiums of each bears
30 to the aggregate net direct written premiums of all insurers during the pre-
31 ceding calendar year as shown by the records of the commissioner. Such ag-
32 gregate assessment, however, shall in no event exceed 1/2 of 1% of the
33 aggregate net direct written premiums for such preceding calendar year.
34 Each insurer shall pay the sum so assessed to the treasurer on or before
35 March 31, next following.

36 (2) If such assessment against insurers be insufficient in the judgment
37 of the director to provide the estimated amount needed to carry out the pro-
38 visions of this act for the ensuing registration license year, he shall determine]
39 Determine the amount to be fixed as [to] the Unsatisfied Claim and Judg-
40 ment Fund Fee for such registration license year. Such fee shall in no case
41 exceed [\$8.00] [\$5.00] \$15.00 and shall be paid by each person registering
42 an uninsured motor vehicle during such ensuing year at the time of registra-
43 tion in addition to any other fee prescribed by any other law.

44 (3) If the estimated total amount of Unsatisfied Claim and Judgment
45 Fund Fees to be collected during the ensuing registration license year shall
46 be insufficient, in the judgment of the director, to provide the esti-
47 mated amount needed to carry out the provisions of this act during the said

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48 ensuing registration license year, he shall assess this estimated deficiency
49 against insurers for such year's contribution to the fund. Such deficiency
50 shall be apportioned among such insurers in the proportion that the net
51 direct written premiums of each bears to the aggregate net direct written
52 premiums of all insurers during the preceding calendar year as shown by the
53 records of the commissioner. Such aggregate assessment, however, shall in no
54 event exceed 1/2 of 1% of the aggregate net direct written premiums for
55 such preceding calendar year. Each insurer shall pay the sum so assessed
56 to the treasurer on or before March 31, next following.

57 (e) Whenever any of the provisions of this act concerning the method
58 and sources of assessments, the maximum amounts payable from the fund,
59 eligibility or qualifications of claimants, or amounts to be deducted from pay-
60 ments made from the fund are amended by law, between January 1 and April
61 30 in any year, the director may, if he deems it necessary, rescind any assess-
62 ment made on December 30 of the preceding year. He shall then, within 15
63 days of the adoption of such amendment, recalculate the probable amount
64 which will be needed to carry out the provisions of this act during the en-
65 suing registration license year, in accordance with the provisions of subsec-
66 tion (d) of this section. If, in his judgment, the estimated balance of the fund
67 at the beginning of the next registration license year will be insufficient to
68 meet such needs, he shall determine the Unsatisfied Claim and Judgment
69 Fund Fee and the contributions of insurers, if any, in accordance with the
70 provisions of subsection (d) of this section. In the event of a rescission and
71 reassessment subsequent to March 1 in any year, insurers shall pay the
72 sum so assessed, if any, to the treasurer within 90 days of the date of such
73 assessment.

1 2. Section 5 of the act of which this act is amendatory is amended to read
2 as follows:

3 5. Any qualified person, or the personal representative of such person,
4 who suffers damages resulting from bodily injury or death or damage
5 to property arising out of the ownership, maintenance or use of a motor

6. vehicle in this State on or after April 1, 1955, and whose damages may be
 7. satisfied in whole or in part from the fund, shall, within 90 days after the
 8. accident, as a condition precedent to the right thereafter to apply for pay-
 9. ment from the fund, give notice to the board, [on a] the form and contents
 10. of which shall be prescribed by [it] the board, of his intention to make a
 11. claim thereon for such damages if otherwise uncollectible [and otherwise
 12. comply with the provisions of this section]; provided, any such qualified
 13. person may, in lieu of giving said notice within said time, make proof to the
 14. court on the hearing of the application for the payment of a judgment (a)
 15. that he was physically incapable of giving said notice within said period and
 16. that he gave said notice within 90 days after he became physically capable
 17. to do so or in the event he did not become so capable, that a notice was given
 18. on his behalf within a reasonable period, or (b) that he gave notice to the board
 19. within 15 days of receiving notice that an insurer had disclaimed on a policy
 20. of insurance so as to remove or withdraw liability insurance coverage for his
 21. claim against a person or persons who allegedly caused him to suffer dam-
 22. ages. [In said notice he shall specify the time and place of the accident,
 23. identify the operators and vehicles involved therein and such witnesses to
 24. said accident, as are then known to him and describe the injuries then known
 25. to him and the damage to property sustained. Said notice shall be accom-
 26. panied by (a) a certification by a physician of the injuries sustained so far as
 27. they can then be anticipated and of the treatment afforded by him, (b) item-
 28. ized estimates of an automobile repairman or itemized bill, of the cost of
 29. repairs if the damage is to an automobile, (c) such information as is known to
 30. him with regard to liability insurance in effect with respect to the motor
 31. vehicles involved in the accident and (d) a]. A copy of the complaint shall
 32. be furnished to the board if an action has theretofore been brought for the
 33. enforcement of such claim. Such person shall also notify the board of any
 34. action thereafter instituted for the enforcement of such claim within 15 days
 35. after the institution thereof and such notice shall be accompanied by a copy of
 35a. the complaint.

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36 ~~The director is hereby authorized and empowered, the provisions of any~~
 37 other law relating to the confidential nature of any reports or information
 38 furnished to or filed with the Division of Motor Vehicles notwithstanding, to
 39 furnish to the board upon its request, for such use, utilization and purposes
 40 as the board may deem reasonably appropriate to administer this act and dis-
 41 charge its functions hereunder, any reports or information filed by any per-
 42 son or persons claiming benefits under the provisions of this act, that the
 43 director has with regard to any accident, and any operator or owner of a
 44 motor vehicle involved in any accident, and as to any automobile or motor
 45 vehicle liability insurance or bond carried by any operator or owner of any
 46 motor vehicle.

1 3. Section 9 of the act of which this act is amendatory is amended to read
 2 as follows:

3 9. When any qualified person recovers a valid judgment [for an amount
 4 in excess of \$200.00, exclusive of interest and costs,] in any court of com-
 5 petent jurisdiction in this State, against any other person, who was the
 6 operator or owner of a motor vehicle, for injury to, or death of, any person
 7 or persons, or *a similar valid judgment in such court against such a defend-*
 8 *ant for an amount in excess of \$100.00, exclusive of interest and costs, for*
 9 damages to property, except property of others in charge of such operator
 10 or owner or such operator's or owner's employees, arising out of the owner-
 11 ship, maintenance or use of the motor vehicle in this State on or after April
 12 1, 1955, and any amount [in excess of \$200.00] remains unpaid thereon *in the*
 13 *case of a judgment for bodily injury or death, or any amount in excess of*
 14 *\$100.00 remains unpaid thereon in case of a judgment for damage to prop-*
 15 *erty, such judgment creditor may, upon the termination of all proceedings,*
 16 including reviews and appeals in connection with such judgment, file a veri-
 17 fied claim in the court in which the judgment was entered and, upon 10 days'
 18 written notice to the board may apply to the court for an order directing
 19 payment out of the fund, of the amount unpaid upon such judgment *for*
 20 *bodily injury or death, which [exceeds the sum of \$200.00 and] does not ex-*

21 ceed, or upon such judgment for damage to property which exceeds the sum
22 of \$100.00 and does not exceed—

23 (a) The maximum amount or limit of ~~[\$5,000.00]~~ \$10,000.00, exclusive
24 of interest and costs, on account of injury to, or death of, 1 person, in any 1
25 accident, and

26 (b) The maximum amount or limit, subject to such limit for any 1 per-
27 son so injured or killed, of ~~[\$10,000.00]~~ \$20,000.00, exclusive of interest and
28 costs, on account of injury to, or death of, more than 1 person, in any 1 ac-
29 cident, and

30 (c) The maximum amount or limit of ~~[\$1,000.00]~~ \$5,000.00, exclusive of
31 interest and costs, for damage to property in any 1 accident.

1 4. Section 12 of the act of which this act is amendatory is amended to
2 read as follows:

3 12. (a) In any action against an operator or owner of a motor vehicle
4 for injury to or death of any person or for damage to property arising out of
5 the ownership, maintenance or use of said vehicle in this State on or after
6 April 1, 1955, pending in any court of competent jurisdiction in this State,
7 the plaintiff may upon notice to the board file a verified petition with the court
8 alleging

9 (1) the matters set forth in subparagraphs (a), (b), (c), (d), (e) and
10 (f) of section 10;

11 (2) that the petition is not presented on behalf of an insurer under cir-
12 cumstances set forth in subparagraph (1) of section 10;

13 (3) that he has entered into an agreement with the defendant to settle all
14 claims set forth in the complaint in said action and the amount proposed
15 to be paid to him pursuant thereto;

16 (4) that said proposed settlement has been consented to by the board;

17 (5) that the defendant has executed and delivered to the board a verified
18 statement of his financial condition;

19 (6) that a judgment against the defendant would be uncollectible;

20 (7) that the defendant has undertaken in writing to repay to the treas-
21 urer the sum that he would be required to pay under such settlement, if ap-

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22 proved by the court, and has executed a confession of judgment in connection
23 therewith.

24 If the court be satisfied of the truth of the allegations in said petition and
25 of the fairness of such proposed settlement, it may enter an order approv-
26 ing the same and directing the treasurer, upon receipt of the undertaking
27 and confession of judgment mentioned in subparagraph (7) of this section, to
28 make payment to the plaintiff of the amount agreed to be accepted.

29 (b) An insurer to whom a claim has been assigned may settle any claim
30 involving the payment of less than [~~\$1,000.00~~] \$2,500.00 with the approval of
31 the director and any other 1 member of the board, or any claim involving a
32 payment between \$2,500.00 and \$5,000.00 with the approval of the board, with-
33 out court approval, if satisfied

34 (1) that the claimant is not a person of the character described in sub-
35 paragraphs (a), (b), (c), (d), (e) and (f) of section 10;

36 (2) that the settlement is not made on the behalf of an insurer under
37 circumstances set forth in subparagraph (1) of section 10; and

38 (3) that a judgment against the owner or operator of the motor vehicle
39 involved in the accident would be uncollectible, and [if] that such owner or
40 operator has consented to such settlement, executed and delivered to the
41 board a verified statement of his financial condition and undertaken in writ-
42 ing to repay to the treasurer the sum to be paid under the settlement, and
43 executed a confession of judgment in connection therewith. Any settlement
44 so made shall be certified by the board to the treasurer, who shall, upon re-
45 ceipt of said undertaking to repay and confession of judgment, make the re-
46 quired payment to claimant out of the fund.

1 5. Section 13 of the act of which this act is amendatory is amended to
2 read as follows:

3 13. No order shall be made for the payment, and the treasurer shall make
4 no payment, out of the fund, of

5 (a) Any claim for damage to property for less than [~~\$200.00~~] \$100.00.

6 (b) The first [~~\$200.00~~] \$100.00 of any judgment for damage to property

7 or of the unsatisfied portion thereof, or

8 (c) The unsatisfied portion of any judgment which, after deducting
9 [\$200.00] \$100.00 therefrom if the judgment is for damage to property, exceeds

10 (1) the maximum or limit of [\$5,000.00] \$10,000.00, exclusive of interest
11 and costs, on account of injury to, or death of, 1 person in any 1 accident,
12 and

13 (2) the maximum amount or limit, subject to such limit for any 1 person
14 so injured or killed, of [\$10,000.00] \$20,000.00, exclusive of interest and
15 costs, on account of injury to, or death of, more than 1 person, in any 1
16 accident, and

17 (3) the maximum amount or limit of [\$1,000.00] \$5,000.00, exclusive
18 of interest and costs, for damages to property in any 1 accident,
19 Provided, that such maximum amounts shall be reduced by any amount
20 received or recovered as specified in subparagraph (m) of section 10.

21 (d) Any claim for damage to property which includes any sum greater
22 than the difference between said maximum amounts and the sum of [\$200.00]
23 \$100.00, and any amount paid out of the fund in excess of the amount so
24 authorized may be recovered by the treasurer in an action brought by him
25 against the person receiving the same.

1 6. Section 18 of the act of which this act is amendatory is amended to
2 read as follows:

3 18. When the death of, or personal injury to, any person arises out of
4 the ownership, maintenance or use of a motor vehicle in this State on or after
5 April 1, 1955, but the identity of the motor vehicle and of the operator and
6 owner thereof cannot be ascertained or it is established that the motor vehicle
7 was at the time said accident occurred, in the possession of some person
8 other than the owner without the owner's consent and that the identity of
9 such person cannot be ascertained, any qualified person who would have a
10 cause of action against the operator or owner or both in respect to such death
11 or personal injury [for a sum in excess of \$200.00 exclusive of interest and
12 costs,] may bring an action therefor against the director in any court of
13 competent jurisdiction, but no judgment against the director shall be entered

14 in such an
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14 in such an action unless the court is satisfied, upon the hearing of the action,
15 that—

16 (a) The claimant has complied with the requirements of section 5,

17 (b) The claimant is not a person covered with respect to such injury or
18 death by any workmen's compensation law, or the personal representative of
19 such a person,

20 (c) The claimant was not at the time of the accident operating or riding
21 in an uninsured motor vehicle owned by him or his spouse, parent or child,
22 and was not operating a motor vehicle in violation of an order of suspension
23 or revocation,

24 (d) The claimant has a cause of action against the operator or owner of
25 such motor vehicle or against the operator who was operating the motor
26 vehicle without the consent of the owner of the motor vehicle,

27 (e) All reasonable efforts have been made to ascertain the identity of
28 the motor vehicle and of the owner and operator thereof and either that the
29 identity of the motor vehicle and the owner and operator thereof cannot be
30 established, or that the identity of the operator, who was operating the motor
31 vehicle without the owner's consent, cannot be established,

32 (f) The action is not brought by or on behalf of an insurer under
33 circumstances set forth in paragraph [(b)] (l) of section 10.

1 7. Section 19 of the act of which this act is amendatory is amended to
2 read as follows:

3 19. When in an action [for a sum in excess of \$200.00] in respect to the
4 death of, or personal injury to, any person, arising out of the ownership,
5 maintenance or use of a motor vehicle in this State on or after April 1, 1955,
6 judgment is rendered for the defendant on the sole ground that such death
7 or personal injury was occasioned by a motor vehicle—

8 (a) The identity of which, and of the owner and operator of which, has
9 not been established, or

10 (b) Which was in the possession of some person other than the owner
11 or his agent without the consent of the owner and the identity of the operator
12 has not been established, such cause shall be stated in the judgment and the

13 plaintiff in such action may within 3 months from the date of the entry of such
14 judgment make application for authority to bring an action upon said cause
15 of action against the director in the manner provided in section 18.

1 8. Section 24 of the act of which this act is amendatory is amended to
2 read as follows:

3 24. When a judgment is obtained against the director, in an action brought
4 under this act, upon the determination of all proceedings including appeals
5 and reviews, the court shall make an order directed to the treasurer directing
6 him to pay out of the fund to the plaintiff in the action the amount thereof
7 which [exceeds \$200.00 and] does not exceed [\$5,000.00] \$10,000.00, exclusive
8 of interest and costs, on account of injury to, or death of, 1 person and,
9 subject to such limits for the death of, or injury to, any 1 person, does not
10 exceed [\$10,000.00] \$20,000.00, exclusive of interest and costs, on account of
11 the injury to, or death of, more than 1 person, in any 1 accident, provided
12 that such maximum amount shall be reduced by any amount received or
13 recovered by the plaintiff as specified in subparagraph (m) of section 10.

1 9. The provisions of sections 9, 13 and 24 of the act of which this act is
2 amendatory and supplementary which increase the maximum amounts pay-
3 able from the fund shall be applicable only to claims made by qualified per-
4 sons, or the personal representatives of such persons, who suffer damages
5 resulting from bodily injury or death or damage to property arising out of
6 the ownership, maintenance or use of a motor vehicle in this State on or after
7 January 1, 1969, and whose damages may be satisfied in whole or in part
8 from the fund.

1 10. The provisions of sections 9, 13, 18, 19 and 24 of the act of which this
2 act is amendatory and supplementary, excepting those provisions increasing
3 the maximum amounts payable from the fund, shall be applicable only to
4 claims made by qualified persons, or the personal representatives of such
5 persons, who suffer damages resulting from bodily injury or death or damage
6 to property arising out of the ownership, maintenance or use of a motor
7 vehicle in this State on or after the effective date of this act, and whose dam-
8 ages may be satisfied in whole or in part from the fund.

1 [9.] 11. This act shall take effect immediately.

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