

STATE OF NEW JERSEY

INTRODUCED APRIL 11, 1960

By Assemblymen BEADLESTON and SALSBURG

Referred to Committee on Judiciary

AN ACT concerning death by wrongful act and amending section 2A:31-4 of the
New Jersey Statutes.

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

1 1. Section 2A:31-4 of the New Jersey Statutes is amended to read as
2 follows:

3 2A:31-4. The amount recovered in proceedings under this chapter shall
4 be for the exclusive benefit of the persons dependent on the decedent at his
5 death entitled to take any intestate personal property of the decedent, [and
6 in the proportions in which they are entitled to take the same. If any of the
7 persons so entitled were not dependent on the decedent at his death, the re-
8 mainder of the persons so entitled shall take the same as though they were
9 sole persons so entitled. If all or none of the persons so entitled were then
10 dependent on him, they shall all take as aforesaid.] *provided, however, that*
11 *if none of the persons entitled to take any intestate personal property of the*
12 *decedent were dependent upon the decedent at his death all such persons shall*
13 *share in the amount recovered in proceedings under this chapter in the pro-*
14 *portions in which they are entitled to take any intestate personal property*
15 *of the decedent. If the amount recovered in proceedings under this chapter*
16 *is divided among the persons dependent on the decedent at his death it shall be*
17 *divided in such proportions as shall be equal to the proportion that each such*

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

18 *person would have derived from the total support which would have been de-*
19 *rived from the decedent by each of such dependents during the remainder of*
20 *his life had he not suffered the injury on account of which the recovery had*
21 *been had. This determination shall be made on the basis of need and shall take*
22 *into account but shall not be limited necessarily to the age of the dependents,*
23 *their physical and mental condition, present and future education, availability*
24 *of other support and any other relevant factors that will lead to a fair and*
25 *equitable apportionment of the amount recovered.*

1 2. This act shall take effect immediately, provided, however, that this act
2 shall not govern the distribution of amounts recovered under N. J. S. 2A:31-1
3 et seq. for injuries received prior to the effective date of this act.

ASSEMBLY COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 17

STATE OF NEW JERSEY

ADOPTED MAY 2, 1960

Amend page 1, section 1, lines 4 and 5, omit "dependent on the decedent at his death".

Amend page 1, section 1, line 10, omit "provided, however, that".

Amend pages 1 and 2, section 1, lines 11 to 25, omit entirely and insert: "and in the proportions in which they are entitled to take the same. If any of the persons so entitled were dependent on the decedent at his death, they shall take the same as though they were sole persons so entitled, in such proportions, as shall be determined by the court without a jury, and as will result in a fair and equitable apportionment of the amount recovered, among them, taking into account in such determination, but not limited necessarily thereby, the age of the dependents, their physical and mental condition, the necessity or desirability of providing them with educational facilities, their financial condition and the availability to them of other means of support, present and future, and any other relevant factors which will contribute to a fair and equitable apportionment of the amount recovered."

[OFFICIAL COPY REPRINT]

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10 dependent on him, they shall all take as aforesaid.] [provided, however, that
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