

APPROVED 6-19-59

ASSEMBLY, No. 104

STATE OF NEW JERSEY

INTRODUCED JANUARY 19, 1959

By Assemblymen CONNERY, BIBER and Assemblywoman KORDJA

Referred to Committee on Labor and Industrial Relations

AN ACT concerning workmen's compensation and amending section 34:15-16 of the Revised Statutes.

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

1 1. Section 34:15-16 of the Revised Statutes is amended to read as follows:

2 34:15-16. Compensation for all classes of injuries shall run consec-
3 utively, and not concurrently, except as provided in this section and in
4 section 34:15-15 of this Title, as follows: First, medical and hospital services
5 and medicines as provided in said section 34:15-15. After the waiting period,
6 compensation during temporary disability. If total period of disability ex-
7 tends beyond 4 weeks, compensation to cover waiting period. Following both,
8 either or none of the above, compensation consecutively for each permanent
9 injury, except that permanent disability, total or partial, shall not be deter-
10 mined or awarded until after 26 weeks from the date of the employee's final
11 active medical treatment, or until after 26 weeks from the date of the em-
12 ployee's return to work, whichever is earlier, or, if no time is lost or no treat-
13 ment is rendered, then permanent disability, total or partial, shall not be
14 determined or awarded until after 26 weeks from the date of the accident,
15 except in cases of amputation or enucleation or death from other cause within
16 that time and except when earlier determination of permanent disability is
waived by the employer or his insurance carrier. Nothing herein contained

17 shall prevent an employer or his insurance carrier from paying permanent
18 disability compensation voluntarily prior to the expiration of the 26-week
19 period. Following any or all or none of the above, if death results from the
20 accident, expenses of last sickness and burial. Following which compensation
21 to dependents, if any.

22 Where an employer or his insurance carrier desires to pay for or furnish
23 *compensation*, medical, surgical, or hospital treatment, drugs, orthopedic or
24 prosthetic appliances, after the date when payments under sections 34:15-12
25 and 34:15-13 of this Title have terminated, the employer or his insurance
26 carrier may, in writing, reserve the defense of the jurisdictional limitations
27 provided by sections 34:15-27, 34:15-34, 34:15-41 and 34:15-51 of this Title;
28 provided, that the reservation is approved by a deputy director after advis-
29 ing the petitioner personally of his rights and of the effect of such reservation.

1 2. This act shall take effect immediately.

STATEMENT

This bill would amend R. S. 34:15-16 to allow voluntary payment of compensation by an employer or his insurance carrier upon approval by a Deputy Director in the same manner as now permitted by this section with regard to payment for medical, surgical, hospital treatment, drugs, orthopedic or prosthetic appliances where a claim is barred by the statute of limitations. In such instances, payment of these benefits does not reactivate a claim in accordance with section 51 but encourages employers and insurance carriers to recognize the moral merits in any claim. The proposed amendment would allow an employer to provide monetary benefits under this section in addition to the present benefits now provided correcting this existing deficiency.