



**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

**SENATE, No. 884**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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INTRODUCED FEBRUARY 7, 2000

**Sponsored by:**

**Senator ROBERT W. SINGER**

**District 30 (Burlington, Monmouth and Ocean)**

**SYNOPSIS**

Concerns recovery of TDI payments from workers' compensation awards.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning workers' compensation and temporary disability  
2 benefits and amending P.L.1948, c.110.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 6 of P.L.1948, c.110 (C.43:21-30) is amended to read  
8 as follows:

9 6. No benefits shall be required or paid under this act for any  
10 period with respect to which benefits are paid or payable under any  
11 unemployment compensation or similar law, or under any disability or  
12 cash sickness benefit or similar law, of this State or of any other state  
13 or of the federal government. Nor shall any benefits be required or  
14 paid under this act for any period with respect to which benefits, other  
15 than benefits for permanent partial or permanent total disability  
16 previously incurred, are paid or payable on account of the disability  
17 of the covered individual under any [workmen's] workers'  
18 compensation law, occupational disease law, or similar legislation, or  
19 this State or of any other state or the federal government. Where a  
20 claimant's claim for compensation for temporary disability, under the  
21 provisions of [subparagraph] subsection a. of [section] R.S. 34:15-12  
22 [of the Revised Statutes], is contested, and thereby delayed, and such  
23 claimant is otherwise eligible for benefits under this chapter, said  
24 claimant shall be paid the benefits provided by this chapter until and  
25 unless said claimant receives compensation under the provisions of  
26 [subparagraph] subsection a. of [section] R.S. 34:15-12 [of the  
27 Revised Statutes]. In the event that [workmen's] workers'  
28 compensation benefits, other than benefits for permanent partial or  
29 permanent total disability previously incurred, are subsequently  
30 awarded for weeks with respect to which the claimant has received  
31 disability benefits pursuant to this act, the State fund, or the private  
32 plan, as the case may be, shall be entitled to be subrogated to such  
33 claimant's rights in such award to the extent of the amount of disability  
34 payments made hereunder, but only for that portion of the temporary  
35 disability benefit payments which is for the same illness or injury and  
36 for the same period of time as the workers' compensation benefits.  
37 The State fund or a private plan seeking to recover any amount of  
38 disability benefit payments from a workers' compensation award shall  
39 be required to demonstrate that the recovery is in compliance with the  
40 provisions of this section. Disability benefits otherwise required  
41 hereunder shall be reduced by the amount paid concurrently under any  
42 governmental or private retirement, pension or permanent disability  
43 benefit or allowance program to which his most recent employer

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

**Matter underlined thus is new matter.**

1 contributed on his behalf.  
2 (cf: P.L.1967, c.306, s.1)

3

4 2. This act shall take effect immediately.

5

6

7

STATEMENT

8

9 This bill amends the Temporary Disability Benefits Law to provide  
10 that, in any case in which recovery is made against a workers'  
11 compensation award by the State Temporary Disability Benefits (TDB)  
12 plan or a private TDB plan for benefits paid by the plan, the recovery  
13 shall only be for the portion of the TDB payments which is for the  
14 same illness or injury and for the same period of time as the workers'  
15 compensation benefits. The bill also requires that the State fund or a  
16 private plan seeking to recover any amount of TDB payments from a  
17 workers' compensation award shall be required to demonstrate that the  
18 recovery is in compliance with the provisions of the TDB law.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 884**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 8, 2001

The Senate Commerce Committee reports favorably Senate Committee Substitute for Senate Bill No. 884.

This bill, a Senate Committee Substitute for Senate, No. 884, provides that the State fund or a private plan seeking to recover any amount of temporary disability benefit payments from a workers' compensation award must demonstrate that the recovery is in compliance with the provisions of section 6 of P.L. 1948, c. 110 (C. 43:21-30). P.L. 2000, c. 105, that amended that same section, allowed injured workers who have received workers' compensation settlements pursuant to R.S. 34:15-20 to also receive benefits under the "Temporary Disability Benefits Law" for the same illness or injury, except that those disability payments are to be reduced by the amount of the workers' compensation settlement.

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 884**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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ADOPTED FEBRUARY 8, 2001

**Sponsored by:**

**Senator ROBERT W. SINGER**

**District 30 (Burlington, Monmouth and Ocean)**

**Co-Sponsored by:**

**Assemblyman Cohen**

**SYNOPSIS**

Concerns recovery of TDI payments from workers' compensation awards.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Senate Commerce Committee.



**(Sponsorship Updated As Of: 1/4/2002)**

1 **AN ACT** concerning workers' compensation and temporary disability  
2 benefits and amending P.L.1948, c.110.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. Section 6 of P.L.1948, c.110 (C.43:21-30) is amended to read  
8 as follows:

9 6. Nonduplication of benefits. No benefits shall be required or  
10 paid under this act for any period with respect to which benefits are  
11 paid or payable under any unemployment compensation or similar law,  
12 or under any disability or cash sickness benefit or similar law, of this  
13 State or of any other state or of the federal government. Nor shall any  
14 benefits be required or paid under this act for any period with respect  
15 to which benefits, other than benefits for permanent partial or  
16 permanent total disability previously incurred, are paid or payable on  
17 account of the disability of the covered individual under any workers'  
18 compensation law, occupational disease law, or similar legislation, of  
19 this State or of any other state or the federal government. Where a  
20 claimant's claim for compensation for temporary disability, under the  
21 provisions of subsection a. of R.S.34:15-12, is contested, and thereby  
22 delayed, and such claimant is otherwise eligible for benefits under this  
23 chapter, said claimant shall be paid the benefits provided by this  
24 chapter until and unless said claimant receives compensation under the  
25 provisions of subsection a. of R.S.34:15-12. In the event that workers'  
26 compensation benefits, other than benefits for permanent partial or  
27 permanent total disability previously incurred, are subsequently  
28 awarded for weeks with respect to which the claimant has received  
29 disability benefits pursuant to this act, the State fund, or the private  
30 plan, as the case may be, shall be entitled to be subrogated to such  
31 claimant's rights in such award to the extent of the amount of disability  
32 payments made hereunder. Disability benefits otherwise required  
33 hereunder shall be reduced by the amount paid concurrently under any  
34 governmental or private retirement, pension or permanent disability  
35 benefit or allowance program to which his most recent employer  
36 contributed on his behalf. If there has been a settlement of a workers'  
37 compensation claim pursuant to R.S.34:15-20 in an amount less than  
38 that to which the claimant would otherwise be entitled as disability  
39 benefits under the "Temporary Disability Benefits Law," P.L.1948,  
40 c.110 (C.43:21-25 et seq.), for the same illness or injury, the claimant  
41 shall be entitled to disability benefits for the period of disability,  
42 reduced by the amount from the settlement received by the claimant  
43 under R.S.34:15-20. The State fund or a private plan seeking to

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

Matter underlined thus is new matter.



1 recover any amount of disability benefit payments from a workers'  
2 compensation award shall be required to demonstrate that the recovery  
3 is in compliance with the provisions of this section.

4 (cf: P.L.2000, c.105, s.1)

5

6 2. This act shall take effect immediately.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 884**

**STATE OF NEW JERSEY**

DATED: DECEMBER 13, 2001

The Assembly Labor Committee reports favorably Senate Bill, No. 884 (SCS).

This bill provides that the State fund or a private plan seeking to recover any amount of temporary disability benefit payments from a workers' compensation award must demonstrate that the recovery is in compliance with the provisions of section 6 of P.L.1948, c.110 (C.43:21-30). P.L.2000, c.105, which amended that same section, allowed injured workers who have received workers' compensation settlements pursuant to R.S.34:15-20 to also receive benefits under the "Temporary Disability Benefits Law" for the same illness or injury, except that those disability payments are to be reduced by the amount of the workers' compensation settlement.

**ASSEMBLY, No. 1123**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

**Sponsored by:**

**Assemblyman NEIL M. COHEN**

**District 20 (Union)**

**SYNOPSIS**

Concerns recovery of TDB payments from workers' compensation awards.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning workers' compensation and temporary disability  
2 benefits and amending P.L.1948, c.110.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 6 of P.L.1948, c.110 (C.43:21-30) is amended to read  
8 as follows:

9 6. No benefits shall be required or paid under this act for any  
10 period with respect to which benefits are paid or payable under any  
11 unemployment compensation or similar law, or under any disability or  
12 cash sickness benefit or similar law, of this State or of any other State  
13 or of the Federal Government. Nor shall any benefits be required or  
14 paid under this act for any period with respect to which benefits, other  
15 than benefits for permanent partial or permanent total disability  
16 previously incurred, are paid or payable on account of the disability  
17 of the covered individual under any **[workmen's]** workers'  
18 compensation law, occupational disease law, or similar legislation, or  
19 this State or of any other State or the Federal Government. Where a  
20 claimant's claim for compensation for temporary disability, under the  
21 provisions of subparagraph a. of section 34:15-12 of the Revised  
22 Statutes, is contested, and thereby delayed, and such claimant is  
23 otherwise eligible for benefits under this chapter, said claimant shall be  
24 paid the benefits provided by this chapter until and unless said claimant  
25 receives compensation under the provisions of subparagraph a. of  
26 section 34:15-12 of the Revised Statutes. In the event that  
27 **[workmen's]** workers' compensation benefits, other than benefits for  
28 permanent partial or permanent total disability previously incurred, are  
29 subsequently awarded for weeks with respect to which the claimant  
30 has received disability benefits pursuant to this act, the State fund, or  
31 the private plan, as the case may be, shall be entitled to be subrogated  
32 to such claimant's rights in such award to the extent of the amount of  
33 disability payments made hereunder, but only for that portion of the  
34 temporary disability benefit payments which is for the same illness or  
35 injury and for the same period of time as the workers' compensation  
36 benefits. The State fund or a private plan seeking to recover any  
37 amount of disability benefit payments from a workers' compensation  
38 award shall be required to demonstrate that the recovery is in  
39 compliance with the provisions of this section. Disability benefits  
40 otherwise required hereunder shall be reduced by the amount paid  
41 concurrently under any governmental or private retirement, pension or

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

**Matter underlined thus is new matter.**

1 permanent disability benefit or allowance program to which his most  
2 recent employer contributed on his behalf.  
3 (cf. P.L.1967, c.306, s.1)

4

5 2. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill amends the Temporary Disability Benefits Law to provide  
11 that, in any case where recovery is made against a workers'  
12 compensation award by the State Temporary Disability Benefits (TDB)  
13 plan or a private TDB plan for benefits paid by the plan, the recovery  
14 only be for the portion of the TDB payments which is for the same  
15 illness or injury and for the same period of time as the workers'  
16 compensation benefits. The bill also requires that the State fund or a  
17 private plan seeking to recover any amount of TDB payments from a  
18 workers' compensation award shall be required to demonstrate that the  
19 recovery is in compliance with the provisions of the TDB law.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1123**

**STATE OF NEW JERSEY**

DATED: DECEMBER 13, 2001

The Assembly Labor Committee reports favorably Assembly Bill No. 1123, with committee amendments which make the bill identical to the Senate Committee Substitute for Senate Bill No.884.

As amended by the Assembly Labor Committee, this bill provides that the State fund or a private plan seeking to recover any amount of temporary disability benefit payments from a workers' compensation award must demonstrate that the recovery is in compliance with the provisions of section 6 of P.L.1948, c.110 (C. 43:21-30). P.L.2000, c.105, which amended that same section, allowed injured workers who have received workers' compensation settlements pursuant to R.S.34:15-20 to also receive benefits under the "Temporary Disability Benefits Law" for the same illness or injury, except that those disability payments are to be reduced by the amount of the workers' compensation settlement.

This bill was prefiled for introduction in the 2000 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

[First Reprint]

**ASSEMBLY, No. 1123**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

**Sponsored by:**

**Assemblyman NEIL M. COHEN**

**District 20 (Union)**

**SYNOPSIS**

Concerns recovery of TDB payments from workers' compensation awards.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Labor Committee on December 13, 2001, with amendments.



1 AN ACT concerning workers' compensation and temporary disability  
2 benefits and amending P.L.1948, c.110.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 6 of P.L.1948, c.110 (C.43:21-30) is amended to read  
8 as follows:

9 6. Nonduplication of benefits. No benefits shall be required or  
10 paid under this act for any period with respect to which benefits are  
11 paid or payable under any unemployment compensation or similar law,  
12 or under any disability or cash sickness benefit or similar law, of this  
13 State or of any other state or of the federal government. Nor shall any  
14 benefits be required or paid under this act for any period with respect  
15 to which benefits, other than benefits for permanent partial or  
16 permanent total disability previously incurred, are paid or payable on  
17 account of the disability of the covered individual under any workers'  
18 compensation law, occupational disease law, or similar legislation, of  
19 this State or of any other state or the federal government. Where a  
20 claimant's claim for compensation for temporary disability, under the  
21 provisions of subsection a. of R.S.34:15-12, is contested, and thereby  
22 delayed, and such claimant is otherwise eligible for benefits under this  
23 chapter, said claimant shall be paid the benefits provided by this  
24 chapter until and unless said claimant receives compensation under the  
25 provisions of subsection a. of R.S.34:15-12. In the event that workers'  
26 compensation benefits, other than benefits for permanent partial or  
27 permanent total disability previously incurred, are subsequently  
28 awarded for weeks with respect to which the claimant has received  
29 disability benefits pursuant to this act, the State fund, or the private  
30 plan, as the case may be, shall be entitled to be subrogated to such  
31 claimant's rights in such award to the extent of the amount of disability  
32 payments made hereunder <sup>1</sup>[, but only for that portion of the  
33 temporary disability benefit payments which is for the same illness or  
34 injury and for the same period of time as the workers' compensation  
35 benefits. The State fund or a private plan seeking to recover any  
36 amount of disability benefit payments from a workers' compensation  
37 award shall be required to demonstrate that the recovery is in  
38 compliance with the provisions of this section]<sup>1</sup>. Disability benefits  
39 otherwise required hereunder shall be reduced by the amount paid  
40 concurrently under any governmental or private retirement, pension or  
41 permanent disability benefit or allowance program to which his most

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly ALA committee amendments adopted December 13, 2001.



1 recent employer contributed on his behalf. If there has been a  
2 settlement of a workers' compensation claim pursuant to R.S.34:15-20  
3 in an amount less than that to which the claimant would otherwise be  
4 entitled as disability benefits under the "Temporary Disability Benefits  
5 Law," P.L.1948, c.110 (C.43:21-25 et seq.), for the same illness or  
6 injury, the claimant shall be entitled to disability benefits for the period  
7 of disability, reduced by the amount from the settlement received by  
8 the claimant under R.S.34:15-20.<sup>1</sup>The State fund or a private plan  
9 seeking to recover any amount of disability benefit payments from a  
10 workers' compensation award shall be required to demonstrate that the  
11 recovery is in compliance with the provisions of this section.<sup>1</sup>  
12 (cf: P.L.2000, c.105, s.1)

13

14 2. This act shall take effect immediately.

P.L. 2001, CHAPTER 329, *approved January 5, 2002*  
Senate Committee Substitute for  
Senate, No. 884

1 AN ACT concerning workers' compensation and temporary disability  
2 benefits and amending P.L.1948, c.110.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 6 of P.L.1948, c.110 (C.43:21-30) is amended to read  
8 as follows:

9 6. Nonduplication of benefits. No benefits shall be required or  
10 paid under this act for any period with respect to which benefits are  
11 paid or payable under any unemployment compensation or similar law,  
12 or under any disability or cash sickness benefit or similar law, of this  
13 State or of any other state or of the federal government. Nor shall any  
14 benefits be required or paid under this act for any period with respect  
15 to which benefits, other than benefits for permanent partial or  
16 permanent total disability previously incurred, are paid or payable on  
17 account of the disability of the covered individual under any workers'  
18 compensation law, occupational disease law, or similar legislation, of  
19 this State or of any other state or the federal government. Where a  
20 claimant's claim for compensation for temporary disability, under the  
21 provisions of subsection a. of R.S.34:15-12, is contested, and thereby  
22 delayed, and such claimant is otherwise eligible for benefits under this  
23 chapter, said claimant shall be paid the benefits provided by this  
24 chapter until and unless said claimant receives compensation under the  
25 provisions of subsection a. of R.S.34:15-12. In the event that workers'  
26 compensation benefits, other than benefits for permanent partial or  
27 permanent total disability previously incurred, are subsequently  
28 awarded for weeks with respect to which the claimant has received  
29 disability benefits pursuant to this act, the State fund, or the private  
30 plan, as the case may be, shall be entitled to be subrogated to such  
31 claimant's rights in such award to the extent of the amount of disability  
32 payments made hereunder. Disability benefits otherwise required  
33 hereunder shall be reduced by the amount paid concurrently under any  
34 governmental or private retirement, pension or permanent disability  
35 benefit or allowance program to which his most recent employer  
36 contributed on his behalf. If there has been a settlement of a workers'  
37 compensation claim pursuant to R.S.34:15-20 in an amount less than  
38 that to which the claimant would otherwise be entitled as disability  
39 benefits under the "Temporary Disability Benefits Law," P.L.1948,  
40 c.110 (C.43:21-25 et seq.), for the same illness or injury, the claimant

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

**Matter underlined thus is new matter.**

1 shall be entitled to disability benefits for the period of disability,  
2 reduced by the amount from the settlement received by the claimant  
3 under R.S.34:15-20. The State fund or a private plan seeking to  
4 recover any amount of disability benefit payments from a workers'  
5 compensation award shall be required to demonstrate that the recovery  
6 is in compliance with the provisions of this section.

7 (cf: P.L.2000, c.105, s.1)

8

9 2. This act shall take effect immediately.

10

11

12

13

14 Concerns recovery of TDI payments from workers' compensation  
15 awards.

## CHAPTER 329

AN ACT concerning workers' compensation and temporary disability benefits and amending P.L.1948, c.110.

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

1. Section 6 of P.L.1948, c.110 (C.43:21-30) is amended to read as follows:

C.43:21-30 Nonduplication of benefits.

6. Nonduplication of benefits. No benefits shall be required or paid under this act for any period with respect to which benefits are paid or payable under any unemployment compensation or similar law, or under any disability or cash sickness benefit or similar law, of this State or of any other state or of the federal government. Nor shall any benefits be required or paid under this act for any period with respect to which benefits, other than benefits for permanent partial or permanent total disability previously incurred, are paid or payable on account of the disability of the covered individual under any workers' compensation law, occupational disease law, or similar legislation, of this State or of any other state or the federal government. Where a claimant's claim for compensation for temporary disability, under the provisions of subsection a. of R.S.34:15-12, is contested, and thereby delayed, and such claimant is otherwise eligible for benefits under this chapter, said claimant shall be paid the benefits provided by this chapter until and unless said claimant receives compensation under the provisions of subsection a. of R.S.34:15-12. In the event that workers' compensation benefits, other than benefits for permanent partial or permanent total disability previously incurred, are subsequently awarded for weeks with respect to which the claimant has received disability benefits pursuant to this act, the State fund, or the private plan, as the case may be, shall be entitled to be subrogated to such claimant's rights in such award to the extent of the amount of disability payments made hereunder. Disability benefits otherwise required hereunder shall be reduced by the amount paid concurrently under any governmental or private retirement, pension or permanent disability benefit or allowance program to which his most recent employer contributed on his behalf. If there has been a settlement of a workers' compensation claim pursuant to R.S.34:15-20 in an amount less than that to which the claimant would otherwise be entitled as disability benefits under the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et seq.), for the same illness or injury, the claimant shall be entitled to disability benefits for the period of disability, reduced by the amount from the settlement received by the claimant under R.S.34:15-20. The State fund or a private plan seeking to recover any amount of disability benefit payments from a workers' compensation award shall be required to demonstrate that the recovery is in compliance with the provisions of this section.

2. This act shall take effect immediately.

Approved January 5, 2002.