

# 34:15-51

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2001                    **CHAPTER:** 94  
**NJSA:** 34:15-51            (Workers compensation—electronic filing)  
**BILL NO:** A2870            (Substituted for S1665)

**SPONSOR(S):** Thompson and Gregg

**DATE INTRODUCED:** October 12, 2000

**COMMITTEE:**            **ASSEMBLY:** Labor

**SENATE:**            -----

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**            **ASSEMBLY:** March 26, 2001

**SENATE:** March 29, 2001

**DATE OF APPROVAL:** May 10, 2001

### FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** (Original version of bill enacted)

#### A2870

**SPONSORS STATEMENT:** (Begins on page 3 of original bill) Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes

**SENATE:** No

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

#### S1655

**SPONSORS STATEMENT:** (Begins on page 3 of original bill) Yes

Bill and Sponsors Statement identical to A2870

**COMMITTEE STATEMENT:**

**ASSEMBLY:** No

**SENATE:** Yes

Identical to Assembly Statement for A2870

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

# ASSEMBLY, No. 2870

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED OCTOBER 12, 2000

**Sponsored by:**

**Assemblyman SAMUEL D. THOMPSON**

**District 13 (Middlesex and Monmouth)**

**Assemblyman GUY R. GREGG**

**District 24 (Sussex, Hunterdon and Morris)**

**Co-Sponsored by:**

**Senators Cardinale and Furnari**

**SYNOPSIS**

Permits electronic filing and response in regard to certain workers' compensation petitions.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/30/2001)**

1 AN ACT concerning workers' compensation petitions and amending  
2 R.S.34:15-51 and R.S.34:15-52.

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

6  
7 1. R.S.34:15-51 is amended to read as follows:

8 34:15-51. Every claimant for compensation under Article 2 of this  
9 chapter ([s.] R.S. 34:15-7 et seq.) shall, unless a settlement is effected  
10 or a petition filed under the provisions of R.S. 34:15-50 [of this  
11 Title], [file] submit to the Division of Workers' Compensation a  
12 petition [in duplicate with the division in Trenton] filed and verified  
13 in a manner prescribed by regulation, within [2] two years after the  
14 date on which the accident occurred, or in case an agreement for  
15 compensation has been made between the employer and the claimant,  
16 then within [2] two years after the failure of the employer to make  
17 payment pursuant to the terms of such agreement; or in case a part of  
18 the compensation has been paid by the employer, then within [2] two  
19 years after the last payment of compensation except that repair or  
20 replacement of prosthetic devices shall not be construed to extend the  
21 time for filing of a claim petition. A payment, or agreement to pay by  
22 the insurance carrier, shall for the purpose of this section be deemed  
23 payment or agreement by the employer. The petition shall state the  
24 respective addresses of the petitioner and of the defendant, the facts  
25 relating to employment at the time of injury, the injury in its extent and  
26 character, the amount of wages received at the time of injury, the  
27 knowledge of the employer or notice of the occurrence of the accident,  
28 and such other facts as may be necessary and proper for the  
29 information of the division and shall state the matter or matters in  
30 dispute and the contention of the petitioner with reference thereto.

31 [The] A paper copy of the petition shall be verified by the oath or  
32 affirmation of the petitioner. Proceedings on behalf of an infant shall  
33 be instituted and prosecuted by a guardian, guardian ad litem, or next  
34 friend, and payment, if any, shall be made to the guardian, guardian ad  
35 litem, or next friend. The division shall prepare and print forms of  
36 petitions and shall furnish assistance to claimants in the preparation of  
37 such petitions, when requested so to do.

38 (cf: P.L.1979, c.283, s.14)

39  
40 2. R.S.34:15-52 is amended to read as follows:

41 34:15-52. Within 5 days after the filing of the petition or as soon  
42 thereafter as is practicable, the [secretary] Division of Workers'

**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 Compensation shall cause a copy of the petition to be [served upon]  
2 forwarded to the employer [by a process server of the bureau in the  
3 manner provided by law for the service of summons]. [Annexed to  
4 the] The copy [so served] shall [be] include a notice directing the  
5 employer to file an answer thereto with the [secretary of the bureau]  
6 division within 30 days after [the service of] the notice is forwarded,  
7 unless the division for good cause shall grant further time, which  
8 answer shall give the address of the respondent, and admit or deny the  
9 substantial averments of the petition, and shall state the contention of  
10 the defendant with reference to the matters in dispute as disclosed by  
11 the petition. The answer shall be verified by the oath or affirmation of  
12 the respondent, and shall be filed in [duplicate] a manner prescribed  
13 by regulation.

14 (cf: P.L.1979, c.283, s.15)

15

16 3. This act shall take effect immediately.

17

18

19

#### STATEMENT

20

21 This bill allows the Department of Labor to establish by regulation  
22 the manner in which a petition by a claimant for workers'  
23 compensation is required to be filed and verified; to forward a copy of  
24 the petition to the employer in a manner determined by the department  
25 (currently it is delivered by a process server); and to prescribe by  
26 regulation the manner in which an answer by the employer to the  
27 petition shall be filed. This bill allows the department to establish an  
28 electronic filing system for these petitions.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2870**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 15, 2001

The Assembly Labor Committee reports favorably Assembly Bill No. 2870.

This bill allows the Department of Labor to establish by regulation the manner in which a petition by a claimant for workers' compensation is required to be filed and verified; to forward a copy of the petition to the employer in a manner determined by the department (currently it is delivered by a process server); and to prescribe by regulation the manner in which an answer by the employer to the petition shall be filed. This bill allows the department to establish an electronic filing system for these petitions.

**SENATE, No. 1665**

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

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INTRODUCED SEPTEMBER 25, 2000

**Sponsored by:**

**Senator GERALD CARDINALE**

**District 39 (Bergen)**

**Senator GARRY J. FURNARI**

**District 36 (Bergen, Essex and Passaic)**

**SYNOPSIS**

Permits electronic filing and response in regard to certain workers' compensation petitions.

**CURRENT VERSION OF TEXT**

As introduced.



S1665 CARDINALE, FURNARI

2

1 AN ACT concerning workers' compensation petitions and amending  
2 R.S.34:15-51 and R.S.34:15-52.

3

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

6

7 1. R.S.34:15-51 is amended to read as follows:

8 34:15-51. Every claimant for compensation under Article 2 of this  
9 chapter (~~[s.] R.S.34:15-7 et seq.~~) shall, unless a settlement is effected  
10 or a petition filed under the provisions of R.S.34:15-50 ~~[of this Title]~~,  
11 ~~[file]~~ submit to the Division of Workers' Compensation a petition ~~[in~~  
12 ~~duplicate with the division in Trenton]~~ filed and verified in a manner  
13 prescribed by regulation, within ~~[2]~~ two years after the date on which  
14 the accident occurred, or in case an agreement for compensation has  
15 been made between the employer and the claimant, then within ~~[2]~~  
16 two years after the failure of the employer to make payment pursuant  
17 to the terms of such agreement; or in case a part of the compensation  
18 has been paid by the employer, then within ~~[2]~~ two years after the last  
19 payment of compensation except that repair or replacement of  
20 prosthetic devices shall not be construed to extend the time for filing  
21 of a claim petition. A payment, or agreement to pay by the insurance  
22 carrier, shall for the purpose of this section be deemed payment or  
23 agreement by the employer. The petition shall state the respective  
24 addresses of the petitioner and of the defendant, the facts relating to  
25 employment at the time of injury, the injury in its extent and character,  
26 the amount of wages received at the time of injury, the knowledge of  
27 the employer or notice of the occurrence of the accident, and such  
28 other facts as may be necessary and proper for the information of the  
29 division and shall state the matter or matters in dispute and the  
30 contention of the petitioner with reference thereto. ~~[The]~~ A paper  
31 copy of the petition shall be verified by the oath or affirmation of the  
32 petitioner. Proceedings on behalf of an infant shall be instituted and  
33 prosecuted by a guardian, guardian ad litem, or next friend, and  
34 payment, if any, shall be made to the guardian, guardian ad litem, or  
35 next friend. The division shall prepare and print forms of petitions and  
36 shall furnish assistance to claimants in the preparation of such  
37 petitions, when requested so to do.

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42 thereafter as is practicable, the ~~[secretary]~~ Division of Workers'

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5 employer to file an answer thereto with the [secretary of the bureau]  
6 division within 30 days after [the service of] the notice is forwarded,  
7 unless the division for good cause shall grant further time, which  
8 answer shall give the address of the respondent, and admit or deny the  
9 substantial averments of the petition, and shall state the contention of  
10 the defendant with reference to the matters in dispute as disclosed by  
11 the petition. The answer shall be verified by the oath or affirmation of  
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25 (currently it is delivered by a process server); and to prescribe by  
26 regulation the manner in which an answer by the employer to the  
27 petition shall be filed. This bill allows the department to establish an  
28 electronic filing system for these petitions.

SENATE COMMERCE COMMITTEE

STATEMENT TO

**SENATE, No. 1665**

**STATE OF NEW JERSEY**

DATED: OCTOBER 19, 2000

The Senate Commerce Committee reports favorably Senate Bill No. 1665.

This bill allows the Department of Labor to establish by regulation the manner in which a petition by a claimant for workers' compensation is required to be filed and verified; to forward a copy of the petition to the employer in a manner determined by the department (currently it is delivered by a process server); and to prescribe by regulation the manner in which an answer by the employer to the petition shall be filed. This bill allows the department to establish an electronic filing system for these petitions.

P.L. 2001, CHAPTER 94, *approved May 10, 2001*  
Assembly, No. 2870

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2 R.S.34:15-51 and R.S.34:15-52.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State  
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10 or a petition filed under the provisions of R.S. 34:15-50 [of this  
11 Title], [file] submit to the Division of Workers' Compensation a  
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14 date on which the accident occurred, or in case an agreement for  
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17 payment pursuant to the terms of such agreement; or in case a part of  
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24 respective addresses of the petitioner and of the defendant, the facts  
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26 character, the amount of wages received at the time of injury, the  
27 knowledge of the employer or notice of the occurrence of the accident,  
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40 2. R.S.34:15-52 is amended to read as follows:

41 34:15-52. Within 5 days after the filing of the petition or as soon

**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 thereafter as is practicable, the [secretary] Division of Workers'  
2 Compensation shall cause a copy of the petition to be [served upon]  
3 forwarded to the employer [by a process server of the bureau in the  
4 manner provided by law for the service of summons]. [Annexed to  
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29 electronic filing system for these petitions.

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34 \_\_\_\_\_  
35 Permits electronic filing and response in regard to certain workers'  
compensation petitions.

## CHAPTER 94

AN ACT concerning workers' compensation petitions and amending R.S.34:15-51 and R.S.34:15-52.

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

1. R.S.34:15-51 is amended to read as follows:

Filing of petition; two year limit.

34:15-51. Every claimant for compensation under Article 2 of this chapter (R.S. 34:15-7 et seq.) shall, unless a settlement is effected or a petition filed under the provisions of R.S. 34:15-50, submit to the Division of Workers' Compensation a petition filed and verified in a manner prescribed by regulation, within two years after the date on which the accident occurred, or in case an agreement for compensation has been made between the employer and the claimant, then within two years after the failure of the employer to make payment pursuant to the terms of such agreement; or in case a part of the compensation has been paid by the employer, then within two years after the last payment of compensation except that repair or replacement of prosthetic devices shall not be construed to extend the time for filing of a claim petition. A payment, or agreement to pay by the insurance carrier, shall for the purpose of this section be deemed payment or agreement by the employer. The petition shall state the respective addresses of the petitioner and of the defendant, the facts relating to employment at the time of injury, the injury in its extent and character, the amount of wages received at the time of injury, the knowledge of the employer or notice of the occurrence of the accident, and such other facts as may be necessary and proper for the information of the division and shall state the matter or matters in dispute and the contention of the petitioner with reference thereto. A paper copy of the petition shall be verified by the oath or affirmation of the petitioner. Proceedings on behalf of an infant shall be instituted and prosecuted by a guardian, guardian ad litem, or next friend, and payment, if any, shall be made to the guardian, guardian ad litem, or next friend. The division shall prepare and print forms of petitions and shall furnish assistance to claimants in the preparation of such petitions, when requested so to do.

2. R.S.34:15-52 is amended to read as follows:

Copy of petition forwarded to employer.

34:15-52. Within five days after the filing of the petition or as soon thereafter as is practicable, the Division of Workers' Compensation shall cause a copy of the petition to be forwarded to the employer. The copy shall include a notice directing the employer to file an answer thereto with the division within 30 days after the notice is forwarded, unless the division for good cause shall grant further time, which answer shall give the address of the respondent, and admit or deny the substantial averments of the petition, and shall state the contention of the defendant with reference to the matters in dispute as disclosed by the petition. The answer shall be verified by the oath or affirmation of the respondent, and shall be filed in a manner prescribed by regulation.

3. This act shall take effect immediately.

Approved May 10, 2001.