

17:30B-4

LEGISLATIVE HISTORY CHECKLIST

WUSA 17:30B-4 (Special joint underwriting associations --non-liability)

LANS OF 1979 CHAPTER 449

Bill No. A1116

Sponsor(s) Stewart and Herman

Date Introduced April 20, 1978

Committee: Assembly Banking and Insurance

Senate Labor, Industry and Professions

Amended during passage Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly June 21, 1979

Senate Jan. 5, 1980

Date of approval Feb. 22, 1980

Following statements are attached if available:

Sponsor statement Yes (Below)

Committee Statement: Assembly Yes

Senate Yes

Fiscal Note Yes

Veto message Yes

Message on signing Yes

Following were printed:

Reports Yes

Hearings Yes

Sponsor's statement:

This legislation amends the Joint Underwriting Association Act to provide that there shall be no liability on the part of and no cause of action against any member insurer, the association, the board of the directors or agents of the association or the Commissioner of Insurance or his representatives for any action taken by them in the course of performing their powers or duties under this act.

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ASSEMBLY, No. 1116

STATE OF NEW JERSEY

INTRODUCED APRIL 20, 1978

By Assemblymen STEWART and HERMAN

Referred to Committee on Banking and Insurance

AN ACT to amend "An act authorizing the Commissioner of Insurance to establish Special Joint Underwriting Associations, prescribing the powers, duties, and functions thereof and supplementing Title 17 of the Revised Statutes," approved September 19, 1974 (P. L. 1974, c. 106).

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

1 1. Section 4 of P. L. 1974, c. 106 (C. 17:30B-4) is amended to
2 read as follows:

3 4. The commissioner shall have authority to establish, as he
4 shall deem necessary, one or more associations to assume the
5 unexpired policy obligations of insolvent insurance companies
6 from the date of assumption established by regulation of the com-
7 missioner. The membership of each association shall consist of
8 all insurers authorized to write, within this State, on a direct
9 basis, the same kind of direct insurance in which the commissioner
10 has authorized participation by the association. Every such insurer
11 shall be a member of the association and shall remain a member
12 so long as the association is in existence as a condition of its
13 authority to continue to transact such kinds of insurance in this
14 State. *The provision of any other law of this State notwithstanding,*
15 *there shall be no liability on the part of and no cause of action*
16 *of any nature shall arise against any member insurer, the associa-*
17 *tion or its agents or its employees, the board of directors or the*
18 *commissioner or his representatives for any action taken by them*
19 *in the performance of their powers and duties under this act*;* pro-
20 *vided, however, that such immunity from liability shall not extend*
21 *to such individuals with respect to fraudulent or criminal acts*.*

1 2. This act shall take effect immediately.

ASSEMBLY BANKING AND INSURANCE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1116

STATE OF NEW JERSEY

DATED: MAY 21, 1979

This legislation, amending the act establishing a special joint underwriting association, provides that members of the joint underwriting associations established to assume the obligations of insolvent insurers and the association itself are not liable for nor can there be any cause of action against them for any action taken by them in the performance of their powers and duties as established by the act.

The Assembly Banking and Insurance Committee has amended this legislation to specifically exclude immunity from fraudulent or criminal acts.