

LEGISLATIVE HISTORY OF R.S. 34:15-13 (k)

(Death; Compensation for)

COPY NO. 2

1956 amendment

Law 1956, Chapter 141, sec. 3 - A-585 - Introduced June 28, 1956 by Mills, Lazio, MacDonald and Mintz

This bill had statement (photostat enclosed).

Bill was amended during passage. As originally introduced, the bill changed the compensation from \$30 to \$35 per week.

We found no hearings or reports on the bill.

For an account of the crafting and passage of this bill, see packet of newspaper clippings enclosed.

- June 28 - Passed Assembly
- July 3 - Passed Senate
- July 16 - Senate Amendment passed Assembly
- July 26 - Approved, Chapter 141

For a discussion of the adequacy of payments, see:

33-2.0 Berkowitz, Monroe
75 Workmen's compensation; the N. J. experience. p. 37-67

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To Repeal Compensation Law	Newark News	3/22/56
Legislators Promise Labor Hike In Compensation Limit	Trenton Times	3/22/56
Senate Gets Management View On Workmen's Compensation	Newark News	4/5/56
Management, Employee Group To Study Compensation Issue	Trenton Times	4/5/56
Compensation Code Rapped	Newark Sunday News	4/8/56
Question In Boosting Workmen's Compensation Is Just How Far To Go	Trenton Times	6/15/56
Should Boost Disabled Pay	Newark News	6/26/56
Legislature to Get Benefits Hike Bill	Newark News	6/27/56
Senate Stalls Benefits Bill	Newark News	6/29/56
Bill Increasing Workmen's Com- pensation Drafted By GOP	Trenton Times	6/27/56
Compensation Law Changes Are Deferred	Trenton Times	6/29/56
Revision Bill Backed	Newark Sunday News	7/1/56
House on Bill Delay May Be Beneficial to Workmen	Newark Sunday News	7/8/56
Senate Lites Benefits In Com- pensation Bill	Newark News	7/10/56
Senate Amendments Send Work- men's Compensation Bill Back to House For Action	Trenton Times	7/10/56
Compensation Legislation	Newark News	7/16/56
Compensation Bill Advanced To Senate	Trenton Times	7/17/56
Senate Stalls Worker Bill	Newark News	7/18/56
House's Job Benefit Bill Signed	Trenton Times	7/26/56

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1 11. Whenever a physician, surgeon or hospital shall, at the instance of
2 an employer or his insurance carrier, render or furnish medical or hospital
3 service to an employee, it shall be the duty of the employer and the insurance
4 carrier, if any, to obtain from the physician, surgeon or hospital a detailed re-
5 port in writing of the medical history of the employee and of the examination
6 and treatment of the employee, including the findings, diagnoses, estimates,
7 prognoses and treatments advised and given, if any, and to furnish the em-
8 ployee with such report or reports or a true copy of the same, within 10 days
9 after the rendering or furnishing of any such medical or hospital service.

1 12. The Division of Workmen's Compensation shall enforce the pro-
2 visions of section 11 of this act and the director or any deputy director of the
3 division shall, upon application made for the purpose, order compliance in
4 any particular case or instance.

1 13. Any employer or insurance carrier failing to comply with the pro-
2 visions of section 11 of this act shall be precluded from offering any defense or
3 opposition to the employee's claim for compensation, unless it is shown to
4 the satisfaction of the said director or deputy director that the employer or
5 insurance carrier is without fault and shall comply with the provisions of
6 this act.

1 14. Any employer or insurance carrier shall also be subject to a penalty
2 for each noncompliance of the provisions of section 11 of this act, of not less
3 than \$100.00 or more than \$500.00, to be fixed by the Commissioner of Labor
4 and Industry, which shall be recoverable by a suit at law by the said com-
5 missioner in the name of the State of New Jersey.

6 15. This act shall take effect January 1, 1957.

STATEMENT

Recognizing the fact that the compensation benefit rates now payable are
out of proportion to meet the present cost of living both temporary and perma-
nent benefits are increased accordingly by this bill.

The increase of temporary compensation benefits to \$40.00 per week is to provide the injured worker with a sum while he is away from his employment and not receiving any wages, sufficient to meet to some extent his overhead expenditures.

Permanent disability benefits, payable after the petitioner has concluded his temporary benefits, are increased to \$35.00 per week, as the prevailing rate is out of proportion under present economic conditions.

To simplify the disbursement of compensation a schedule was compiled wherein the amounts payable will be in even dollars.

The increase in the schedule covering the loss of vision of an eye from 150 weeks to 200 weeks is intended to bring this benefit into line with the scheduled amounts payable for loss of other major members.

The provision relative to the employer or his insurance carrier being allowed credit for any payments made in connection with a previous compensable accident to the same part of body, head, member or organ is equitable.

In the case of a widow who remarries prior to the expiration of the period of dependency, the present law prescribes that she shall forfeit the entire balance of benefits, whereas under this bill she will be entitled to receive the balance of benefits or \$1,000.00, whichever is the lesser.

The increase in funeral allowance to \$400.00 is to meet the present cost of that service.

The increase in the schedule of weeks from 300 to 350 payable under section 34:15-13 gives further aid to dependents as named therein.

The 26-week period applying from the date of accident and made a part of section 34:15-16 under certain circumstances is for the purpose of delaying estimation of disability until a more accurate estimation of permanent disability can be made.

The time for filing answers as provided in section 34:15-53 is increased since the 10-day time is inadequate as is the 15 days after the filing for time and place for the hearing of the petition.

Change to 45 days in section 34:15-66 is to accord with Court Rules.

The inclusion in the bill of payment of compensation to an innocent employee who is injured due to skylarking in which he does not participate during his employment prevents a hardship to the innocent. Employees meeting with an accident arising out of their employment, whose artificial appliances used in connection with their upper or lower extremities, false teeth or bridges, artificial eyes, et cetera, are broken or destroyed in the accident will be reimbursed by the employer under this bill.

Furnishing of medical and hospitalization reports by employers or insurance companies as added in the bill is beneficial to all concerned.

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