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<b>HEARINGS:</b>	No
<b>NEWSPAPER ARTICLES:</b>	No

RH/CL

P.L. 2018, CHAPTER 105, *approved August 24, 2018*  
Senate, No. 2145

1 AN ACT concerning workers' compensation and amending  
2 R.S.34:15-64.

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

6  
7 1. R.S.34:15-64 is amended to read as follows:

8 34:15-64. a. The commissioner, director and the judges of  
9 compensation may make such rules and regulations for the conduct  
10 of the hearing not inconsistent with the provisions of this chapter as  
11 may, in the commissioner's judgment, be necessary. The official  
12 conducting any hearing under this chapter may allow to the party in  
13 whose favor judgment is entered, costs of witness fees and a  
14 reasonable attorney fee, not exceeding 20% of the judgment; and a  
15 reasonable fee not exceeding \$400 for any one witness, except that  
16 the following fees may be allowed for a medical witness:

17 (1) (a) A fee of not more than \$600 paid to an evaluating  
18 physician for an opinion regarding the need for medical treatment  
19 or for an estimation of permanent disability, if the physician  
20 provides the opinion or estimation in a written report; and

21 (b) An additional fee of not more than \$400 paid to the  
22 evaluating physician who makes a court appearance to give  
23 testimony; or

24 (2) (a) A fee of not more than \$450 paid to a treating physician  
25 for the preparation and submission of a report including the entire  
26 record of treatment, medical history, opinions regarding diagnosis,  
27 prognosis, causal relationships between the treated condition and  
28 the claim, the claimant's ability to return to work with or without  
29 restrictions, what, if any, restrictions are appropriate, and the  
30 anticipated date of return to work, and any recommendations for  
31 further treatment; and

32 (b) (i) An additional fee of not more than \$300 per hour, with  
33 the total amount not to exceed \$2,500, paid to the treating physician  
34 who gives testimony concerning causal relationship, ability to work  
35 or the need for treatment; or

36 (ii) An additional fee of not more than \$300 per hour, with the  
37 total amount not to exceed \$1,500, paid to the treating physician  
38 who gives a deposition concerning causal relationship, ability to  
39 work or the need for treatment.

40 b. (1) No fee for an evaluating physician pursuant to this  
41 section shall be contingent on whether a judgment or award is or is  
42 not made in favor of the petitioner.

**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 (2) No evaluating or treating physician shall charge any fee for a  
2 report, testimony or deposition in excess of the amount permitted  
3 pursuant to the provisions of this section.

4 c. A fee shall be allowed at the discretion of the judge of  
5 compensation when, in the official's judgment, the services of an  
6 attorney and medical witnesses are necessary for the proper  
7 presentation of the case. In determining a reasonable fee for  
8 medical witnesses, the official shall consider (1) the time,  
9 personnel, and other cost factors required to conduct the  
10 examination; (2) the extent, adequacy and completeness of the  
11 medical evaluation; (3) the objective measurement of bodily  
12 function and the avoidance of the use of subjective complaints; and  
13 (4) the necessity of a court appearance of the medical witness.  
14 When, however, at a reasonable time, prior to any hearing  
15 compensation has been offered and the amount then due has been  
16 tendered in good faith or paid within 26 weeks from the date of the  
17 notification to the employer of an accident or an occupational  
18 disease or the employee's final active medical treatment or within  
19 26 weeks after the employee's return to work whichever is later or  
20 within 26 weeks after employer's notification of the employee's  
21 death, the reasonable allowance for attorney fee shall be based upon  
22 **【only that part of the judgment or award in excess of】** the amount  
23 of compensation, theretofore offered, tendered in good faith or paid  
24 after the establishment of an attorney client relationship pursuant to  
25 a written agreement, and the amount of the judgment or award in  
26 excess of the amount of compensation, theretofore offered. When  
27 the amount of the judgment**【**, or when that part of the judgment or  
28 award in excess of compensation, offered, tendered in good faith or  
29 paid as aforesaid,**】** is less than \$200, an attorney fee may be  
30 allowed not in excess of \$50.

31 d. All counsel fees of claimants' attorneys for services  
32 performed in matters before the Division of Workers'  
33 Compensation, whether or not allowed as part of a judgment, shall  
34 be first approved by the judge of compensation before payment.  
35 Whenever a judgment or award is made in favor of a petitioner, the  
36 judges of compensation or referees of formal hearings shall direct  
37 amounts to be deducted for the petitioner's expenses and to be paid  
38 directly to the persons entitled to the same, the remainder to be paid  
39 directly to the petitioner.

40 (cf: P.L.2015, c.216, s.1)

41

42 2. This act shall take effect immediately.

43

44

45

#### STATEMENT

46

47 This bill requires that in cases in which a workers' compensation  
48 petitioner has received compensation from an insurance company

1 prior to any judgment or award, the reasonable allowance for  
2 attorney fees will be based upon the sum of the amount of  
3 compensation received by the petitioner prior to any judgment, but  
4 after the establishment of an attorney-client relationship pursuant to  
5 a written agreement, and the amount of the judgment or award in  
6 excess of the amount of compensation already received by the  
7 petitioner. Currently, in cases in which a petitioner has received  
8 compensation prior to a judgment or award, a reasonable attorney  
9 fee is based upon only that part of the judgment or award that is in  
10 excess of the amount of compensation already received by the  
11 petitioner.

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16

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Concerns attorney fees for workers' compensation awards.

# SENATE, No. 2145

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MARCH 5, 2018

**Sponsored by:**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Assemblyman WAYNE P. DEANGELO**

**District 14 (Mercer and Middlesex)**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Co-Sponsored by:**

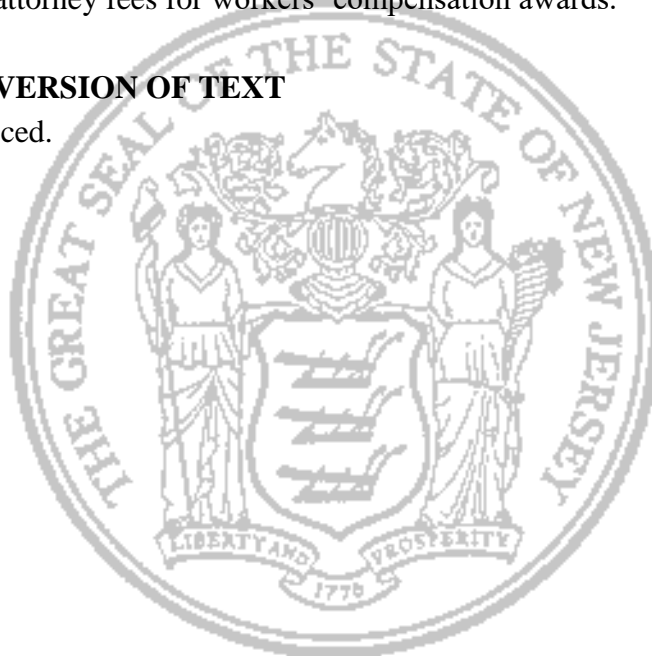
**Assemblywoman Chaparro**

**SYNOPSIS**

Concerns attorney fees for workers' compensation awards.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/22/2018)**

1 AN ACT concerning workers' compensation and amending  
2 R.S.34:15-64.

3

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

6

7 1. R.S.34:15-64 is amended to read as follows:

8 34:15-64. a. The commissioner, director and the judges of  
9 compensation may make such rules and regulations for the conduct  
10 of the hearing not inconsistent with the provisions of this chapter as  
11 may, in the commissioner's judgment, be necessary. The official  
12 conducting any hearing under this chapter may allow to the party in  
13 whose favor judgment is entered, costs of witness fees and a  
14 reasonable attorney fee, not exceeding 20% of the judgment; and a  
15 reasonable fee not exceeding \$400 for any one witness, except that  
16 the following fees may be allowed for a medical witness:

17 (1) (a) A fee of not more than \$600 paid to an evaluating  
18 physician for an opinion regarding the need for medical treatment  
19 or for an estimation of permanent disability, if the physician  
20 provides the opinion or estimation in a written report; and

21 (b) An additional fee of not more than \$400 paid to the  
22 evaluating physician who makes a court appearance to give  
23 testimony; or

24 (2) (a) A fee of not more than \$450 paid to a treating physician  
25 for the preparation and submission of a report including the entire  
26 record of treatment, medical history, opinions regarding diagnosis,  
27 prognosis, causal relationships between the treated condition and  
28 the claim, the claimant's ability to return to work with or without  
29 restrictions, what, if any, restrictions are appropriate, and the  
30 anticipated date of return to work, and any recommendations for  
31 further treatment; and

32 (b) (i) An additional fee of not more than \$300 per hour, with  
33 the total amount not to exceed \$2,500, paid to the treating physician  
34 who gives testimony concerning causal relationship, ability to work  
35 or the need for treatment; or

36 (ii) An additional fee of not more than \$300 per hour, with the  
37 total amount not to exceed \$1,500, paid to the treating physician  
38 who gives a deposition concerning causal relationship, ability to  
39 work or the need for treatment.

40 b. (1) No fee for an evaluating physician pursuant to this  
41 section shall be contingent on whether a judgment or award is or is  
42 not made in favor of the petitioner.

43 (2) No evaluating or treating physician shall charge any fee for a  
44 report, testimony or deposition in excess of the amount permitted  
45 pursuant to the provisions of this section.

**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 c. A fee shall be allowed at the discretion of the judge of  
2 compensation when, in the official's judgment, the services of an  
3 attorney and medical witnesses are necessary for the proper  
4 presentation of the case. In determining a reasonable fee for  
5 medical witnesses, the official shall consider (1) the time,  
6 personnel, and other cost factors required to conduct the  
7 examination; (2) the extent, adequacy and completeness of the  
8 medical evaluation; (3) the objective measurement of bodily  
9 function and the avoidance of the use of subjective complaints; and  
10 (4) the necessity of a court appearance of the medical witness.  
11 When, however, at a reasonable time, prior to any hearing  
12 compensation has been offered and the amount then due has been  
13 tendered in good faith or paid within 26 weeks from the date of the  
14 notification to the employer of an accident or an occupational  
15 disease or the employee's final active medical treatment or within  
16 26 weeks after the employee's return to work whichever is later or  
17 within 26 weeks after employer's notification of the employee's  
18 death, the reasonable allowance for attorney fee shall be based upon  
19 **【only that part of the judgment or award in excess of】** the amount  
20 of compensation, theretofore offered, tendered in good faith or paid  
21 after the establishment of an attorney client relationship pursuant to  
22 a written agreement, and the amount of the judgment or award in  
23 excess of the amount of compensation, theretofore offered. When  
24 the amount of the judgment**【**, or when that part of the judgment or  
25 award in excess of compensation, offered, tendered in good faith or  
26 paid as aforesaid,**】** is less than \$200, an attorney fee may be  
27 allowed not in excess of \$50.

28 d. All counsel fees of claimants' attorneys for services  
29 performed in matters before the Division of Workers'  
30 Compensation, whether or not allowed as part of a judgment, shall  
31 be first approved by the judge of compensation before payment.  
32 Whenever a judgment or award is made in favor of a petitioner, the  
33 judges of compensation or referees of formal hearings shall direct  
34 amounts to be deducted for the petitioner's expenses and to be paid  
35 directly to the persons entitled to the same, the remainder to be paid  
36 directly to the petitioner.

37 (cf: P.L.2015, c.216, s.1)

38

39 2. This act shall take effect immediately.

40

41

42

#### STATEMENT

43

44 This bill requires that in cases in which a workers' compensation  
45 petitioner has received compensation from an insurance company  
46 prior to any judgment or award, the reasonable allowance for  
47 attorney fees will be based upon the sum of the amount of  
48 compensation received by the petitioner prior to any judgment, but



1 after the establishment of an attorney-client relationship pursuant to  
2 a written agreement, and the amount of the judgment or award in  
3 excess of the amount of compensation already received by the  
4 petitioner. Currently, in cases in which a petitioner has received  
5 compensation prior to a judgment or award, a reasonable attorney  
6 fee is based upon only that part of the judgment or award that is in  
7 excess of the amount of compensation already received by the  
8 petitioner.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

SENATE, No. 2145

**STATE OF NEW JERSEY**

DATED: JUNE 18, 2018

The Assembly Budget Committee reports favorably Senate Bill No. 2145.

Senate Bill No. 2145 requires that in cases in which a workers' compensation petitioner has received compensation from an insurance company prior to any judgment or award, the reasonable allowance for attorney fees will be based upon the sum of the amount of compensation received by the petitioner prior to any judgment, but after the establishment of an attorney-client relationship pursuant to a written agreement, and the amount of the judgment or award in excess of the amount of compensation already received by the petitioner. Currently, in cases in which a petitioner has received compensation prior to a judgment or award, a reasonable attorney fee is based upon only that part of the judgment or award that is in excess of the amount of compensation already received by the petitioner.

FISCAL IMPACT:

This bill has not been certified as requiring a fiscal note.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

**SENATE, No. 2145**

**STATE OF NEW JERSEY**

DATED: MARCH 26, 2018

The Senate Judiciary Committee reports favorably Senate Bill No. 2145.

This bill would require, in cases in which a workers' compensation petitioner has received compensation from an insurance company or self-insured employer prior to any judgment or award, that the reasonable attorney fee be based upon the amount of the compensation received after the establishment of an attorney-client relationship (as memorialized in a written agreement), plus any amount of the judgment or award which is in excess of the previously received compensation. Under current law, in such cases involving insurance or self-insurance compensation, the attorney fee is based solely on any amount of a judgment or award that is in excess of the amount of previously received compensation.

# ASSEMBLY, No. 2510

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

**Sponsored by:**

**Assemblyman WAYNE P. DEANGELO**

**District 14 (Mercer and Middlesex)**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Co-Sponsored by:**

**Assemblywoman Chaparro**

**SYNOPSIS**

Concerns attorney fees for workers' compensation awards.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/8/2018)**

1 AN ACT concerning workers' compensation and amending  
2 R.S.34:15-64.

3

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

6

7 1. R.S.34:15-64 is amended to read as follows:

8 34:15-64. a. The commissioner, director and the judges of  
9 compensation may make such rules and regulations for the conduct  
10 of the hearing not inconsistent with the provisions of this chapter as  
11 may, in the commissioner's judgment, be necessary. The official  
12 conducting any hearing under this chapter may allow to the party in  
13 whose favor judgment is entered, costs of witness fees and a  
14 reasonable attorney fee, not exceeding 20% of the judgment; and a  
15 reasonable fee not exceeding \$400 for any one witness, except that  
16 the following fees may be allowed for a medical witness:

17 (1) (a) A fee of not more than \$600 paid to an evaluating  
18 physician for an opinion regarding the need for medical treatment  
19 or for an estimation of permanent disability, if the physician  
20 provides the opinion or estimation in a written report; and

21 (b) An additional fee of not more than \$400 paid to the  
22 evaluating physician who makes a court appearance to give  
23 testimony; or

24 (2) (a) A fee of not more than \$450 paid to a treating physician  
25 for the preparation and submission of a report including the entire  
26 record of treatment, medical history, opinions regarding diagnosis,  
27 prognosis, causal relationships between the treated condition and  
28 the claim, the claimant's ability to return to work with or without  
29 restrictions, what, if any, restrictions are appropriate, and the  
30 anticipated date of return to work, and any recommendations for  
31 further treatment; and

32 (b) (i) An additional fee of not more than \$300 per hour, with  
33 the total amount not to exceed \$2,500, paid to the treating physician  
34 who gives testimony concerning causal relationship, ability to work  
35 or the need for treatment; or

36 (ii) An additional fee of not more than \$300 per hour, with the  
37 total amount not to exceed \$1,500, paid to the treating physician  
38 who gives a deposition concerning causal relationship, ability to  
39 work or the need for treatment.

40 b. (1) No fee for an evaluating physician pursuant to this  
41 section shall be contingent on whether a judgment or award is or is  
42 not made in favor of the petitioner.

43 (2) No evaluating or treating physician shall charge any fee for a  
44 report, testimony or deposition in excess of the amount permitted  
45 pursuant to the provisions of this section.

**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 c. A fee shall be allowed at the discretion of the judge of  
2 compensation when, in the official's judgment, the services of an  
3 attorney and medical witnesses are necessary for the proper  
4 presentation of the case. In determining a reasonable fee for  
5 medical witnesses, the official shall consider (1) the time,  
6 personnel, and other cost factors required to conduct the  
7 examination; (2) the extent, adequacy and completeness of the  
8 medical evaluation; (3) the objective measurement of bodily  
9 function and the avoidance of the use of subjective complaints; and  
10 (4) the necessity of a court appearance of the medical witness.  
11 When, however, at a reasonable time, prior to any hearing  
12 compensation has been offered and the amount then due has been  
13 tendered in good faith or paid within 26 weeks from the date of the  
14 notification to the employer of an accident or an occupational  
15 disease or the employee's final active medical treatment or within  
16 26 weeks after the employee's return to work whichever is later or  
17 within 26 weeks after employer's notification of the employee's  
18 death, the reasonable allowance for attorney fee shall be based upon  
19 **【only that part of the judgment or award in excess of】** the amount  
20 of compensation, theretofore offered, tendered in good faith or paid  
21 after the establishment of an attorney client relationship pursuant to  
22 a written agreement, and the amount of the judgment or award in  
23 excess of the amount of compensation, theretofore offered. When  
24 the amount of the judgment**【**, or when that part of the judgment or  
25 award in excess of compensation, offered, tendered in good faith or  
26 paid as aforesaid,**】** is less than \$200, an attorney fee may be  
27 allowed not in excess of \$50.

28 d. All counsel fees of claimants' attorneys for services  
29 performed in matters before the Division of Workers'  
30 Compensation, whether or not allowed as part of a judgment, shall  
31 be first approved by the judge of compensation before payment.  
32 Whenever a judgment or award is made in favor of a petitioner, the  
33 judges of compensation or referees of formal hearings shall direct  
34 amounts to be deducted for the petitioner's expenses and to be paid  
35 directly to the persons entitled to the same, the remainder to be paid  
36 directly to the petitioner.  
37 (cf: P.L.2015, c.216, s.1)

38

39 2. This act shall take effect immediately.

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41

42

#### STATEMENT

43

44 This bill requires that in cases in which a workers' compensation  
45 petitioner has received compensation from an insurance company  
46 prior to any judgment or award, the reasonable allowance for  
47 attorney fees will be based upon the sum of the amount of  
48 compensation received by the petitioner prior to any judgment, but

1 after the establishment of an attorney-client relationship pursuant to  
2 a written agreement, and the amount of the judgment or award in  
3 excess of the amount of compensation already received by the  
4 petitioner. Currently, in cases in which a petitioner has received  
5 compensation prior to a judgment or award, a reasonable attorney  
6 fee is based upon only that part of the judgment or award that is in  
7 excess of the amount of compensation already received by the  
8 petitioner.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2510

**STATE OF NEW JERSEY**

DATED: JUNE 18, 2018

The Assembly Budget Committee reports favorably Assembly Bill No. 2510.

Assembly Bill No. 2510 requires that in cases in which a workers' compensation petitioner has received compensation from an insurance company prior to any judgment or award, the reasonable allowance for attorney fees will be based upon the sum of the amount of compensation received by the petitioner prior to any judgment, but after the establishment of an attorney-client relationship pursuant to a written agreement, and the amount of the judgment or award in excess of the amount of compensation already received by the petitioner. Currently, in cases in which a petitioner has received compensation prior to a judgment or award, a reasonable attorney fee is based upon only that part of the judgment or award that is in excess of the amount of compensation already received by the petitioner.

FISCAL IMPACT:

This bill has not been certified as requiring a fiscal note.



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# Newark, N.J.

## Governor Murphy Takes Action on Legislation

08/24/2018

**TRENTON** - Today, Governor Phil Murphy signed the following bills into law:

**A542 (Mazzeo, Lagana, Andrzejczak, Zwicker, Land, Benson, Downey/Ruiz, Bateman)** - Requires certain schools to maintain supply of opioid antidotes and permits emergency administration of opioid antidote by school nurse or trained employee.

**A1675 (Dancer, Conaway, Caride, Space/Beach, Smith)** - Authorizes prescribed burning in certain circumstances.

**A2035 (McKeon, Schaer/Pou, Cruz-Perez)** - Revises "New Jersey Residential Mortgage Lending Act."

**A2401 (Wimberly, Mukherji, Reynolds-Jackson/Cunningham, Gill, Turner)** - Authorizes issuance of Delta Sigma Theta license plates.

**A3463 (Murphy, Downey, Houghtaling/Gopal, Cruz-Perez)** - Requires district boards of election to report every two hours number of voters who have voted at each precinct; authorizes challengers to request reported count.

**A3628 (Greenwald, Moriarty, Murphy/Weinberg, Diegnan)** - Establishes New Jersey Civic Information Consortium.

[Copy of Statement on A3628](#)

**A3871 (Chiaravalloti, Egan/Diegnan, Cruz-Perez)** - Concerns disqualification from unemployment benefits for misconduct.

**A3904 (McKeon, Jasey, Schepisi/Cardinale, Stack)** - "Tommy's Law"; requires NJT to take certain action and adopt policies concerning person injured or killed in incidents involving NJT motorbuses and rail or light rail vehicles.

**A4120 (Pintor Marin, Tucker, DeAngelo/Rice, Ruiz)** - Authorizes special assessments and bond issuance to replace lead-contaminated water service lines.

**A4208 (Jasey, Lopez, Sumter/Rice)** - Establishes "New Jersey Complete Count Commission."

**A4249 (Wimberly, Pintor Marin/Ruiz, Vitale)** - Expands per adjusted admission charge on hospitals to create supplemental funding pool for State's graduate medical education subsidy; appropriates \$24,285,714.

**A4259 (Pintor Marin, Calabrese/Sarlo, Ruiz)** - Restructures tickets sales law.

[Copy of Statement on A4259](#)

**AJR137 (Pinkin/Greenstein)** - Designates month of July of each year as "Smart Irrigation Month."

**S2145 (Scutari, Sweeney/DeAngelo, Downey, Mukherji)** - Concerns attorney fees for workers' compensation

awards.

**SJR14 (Pou, Ruiz/Chaparro, Lopez, Jimenez)** - Designates September 20th of each year as Hispanic Journalist Pride Day.

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## Governor Phil Murphy

## Statewide

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